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GENERAL PROVISIONS

Title 1

GENERAL PROVISIONS

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CODE ADOPTION

Chapter 1.01

CODE ADOPTION*

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1.01.010 **GENERALLY.** Pursuant to Title 31, Article 16, of the Colorado Revised Statutes, as amended, there is readopted by reference that certain municipal code entitled City of Lakewood Municipal Code 1972, as supplemented, containing certain ordinances and resolutions of the City of Lakewood as compiled, consolidated, codified, and indexed therein. Said code, consisting of the general and permanent ordinances of the City of Lakewood enacted on and prior to December 27, 1976, together with certain general and

*For statutory provisions regarding the codification of city ordinances and the adoption of codes by reference, see C.R.S. 1975 Supp. § 31-16-201 et seq.

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permanent resolutions of the City of Lakewood enacted prior to December 27, 1976, has been compiled and printed for the City of Lakewood, Colorado, 445 South Allison Parkway, Lakewood, Colorado 80226, by Book Publishing Company, 201 Westlake Avenue North, Seattle, Washington 98109. (Ord. 0-93-24 § 1, 1993: Ord. 0-77-107 § 1 (part), 1977).

1.01.020 COPIES FILED. One copy of the said code is on file in the office of the City Clerk of the City of Lakewood at the Lakewood City Hall, 445 South Allison Parkway, Lakewood, Colorado 80226, where the same may be inspected during regular business hours. (Ord. 0-93-24 § 2, 1993: Ord. 0-77-107 § 1 (part), 1977).

1.01.030 PURPOSE OF PRIMARY CODE. The purpose of the primary code, as supplemented, herein adopted, is to set forth in a generally available and updated codification all of the general and permanent ordinances of the city adopted on and prior to December 27, 1976, together with resolutions of a general and permanent nature adopted on and prior to December 27, 1976, together with the adopting Ordinance No. 0-77-107, and penalty provisions contained therein. (Ord. 0-77-107 § 1 (part), 1977).

1.01.040 SUBJECT MATTER OF PRIMARY CODE. The subject matter of the primary code, as supplemented, herein adopted, is the ordinances of a general and permanent nature of the City of Lakewood adopted by council action taken on or prior to December 27, 1976, and the general and permanent resolutions of the City of Lakewood adopted by council action taken on or prior to December 27, 1976, together with the adopting ordinance, and penalty provisions contained therein. (Ord. 0-93-24 § 3, 1993: Ord. 0-77-107 § 1 (part), 1977).

1.01.050 CONFORMANCE OF ORDINANCES — CONFLICTING PROVISIONS. All ordinances of a general and permanent nature adopted by the City of Lakewood on and prior to December 27, 1976, are amended to conform to the provisions of

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the ordinance codified in this chapter and the primary code, as supplemented, herein adopted; provided, however, that nothing herein contained shall be taken or construed to repeal any ordinance or resolution of the City of Lakewood heretofore or hereafter adopted. In the event of conflict or inconsistency between any provision of this ordinance or of said code herein adopted and any provisions of any ordinance or resolution adopted after December 27, 1976, the provision of the ordinance or resolution adopted after December 27, 1976, shall prevail. (Ord. 0-93-24 § 4, 1993; Ord. 0-77-107 § 1 (part), 1977).

1.01.060 CODE ADOPTION NOT TO REENACT REPEALED ORDINANCES. The adoption of the ordinance codified in this chapter and of the primary code, as supplemented, adopted in Section 1.01.010, shall not reenact or adopt any ordinance or resolution or part of any ordinance or resolution repealed after December 27, 1976, notwithstanding the fact that such repealed ordinance or resolution or part thereof may appear in said code. (Ord. 0-77-107 § 1 (part), 1977).

1.01.070 EFFECT OF CODE ON PAST ACTIONS AND OBLIGATIONS. Neither the adoption of this code nor the repeal or amendment of any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to September 27, 1977, nor be construed as a waiver of any license, fee, or penalty on September 27, 1977, due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations under the ordinances of the city shall continue in full force and effect. (Ord. 0-77-107 § 1 (part), 1977).

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1.01.080 REFERENCE TO SPECIFIC ORDINANCES. The provisions of this code shall not in any manner affect matters of record which refer to or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be constructed to apply to the corresponding provisions contained within this code. (Ord. 0-77-107 § 1 (part), 1977).

1.01.090 TITLE, CHAPTER AND SECTION HEADINGS. Title, chapter, and section headings contained in this code shall not be deemed to govern, limit, or modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 0-77-107 § 1 (part), 1977).

1.01.100 REFERENCE TO CODE OR MUNICIPAL CODE. The primary code adopted in Section 1.01.010, together with the ordinance codified in this chapter, and together with all supplements thereto and amendments, additions, deletions and exceptions hereafter provided for, shall be and constitute the municipal code of the City of Lakewood, Colorado. All references in this or any other ordinance of the city or in the municipal code itself to the "code" or the "municipal code" or the "Lakewood Municipal Code" shall be deemed to be references to such code as so constituted. (Ord. 0-93-24 § 5, 1993; Ord. 0-77-107 § 1 (part), 1977).

1.01.110 CITATION. The primary code adopted in Section 1.01.010, including all subsequent amendments, may be cited as the "Lakewood Municipal Code" or the "City of Lakewood Municipal Code" or the "Municipal Code of the City of Lakewood" in any summons, complaint, warrant, process, or any other instrument, document or amendment thereto. (Ord. 0-77-107 § 1 (part), 1977).

1.01.120 PENALTY PROVISIONS. The penalty provisions contained in Chapter 1.16, Sections 1.16.010 through 1.16.070 inclusive of this code, are adopted in compliance with the provisions

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(Ord. 0-93-24 § 6, 1993; Ord. 0-83-83 § 1, 1983; Ord. 0-77-107 § 1 (part), 1977).

1.01.130 ADOPTION OF SECONDARY CODES — TRAFFIC-CONTROL DEVICES. Pursuant to Title 31, Article 16, of the Colorado Revised Statutes, there are adopted by reference in this chapter the following, as secondary codes together with such amendments and modifications as may be adopted by the publishing agencies:

(1) The Manual on Uniform Traffic Control Devices for Streets and Highways, as amended by official changes, developed with the cooperation of the American Association of State Highway Officials and the National Joint Committee on Uniform Traffic Control Devices and published by the U.S. Department of Transportation, Federal Highway Administration, 1988 Edition and available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; and

(2) The Colorado Supplement to Manual on Uniform Traffic Control Devices for Streets and Highways, adopted in subsection (1) of this section, issued by the Colorado State Department of Highways, Division of Highways, 1989 Edition.

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The two manuals referred to in this section are adopted by reference as secondary codes supplementing the primary code adopted in this chapter. While the primary code adopted herein contains comprehensive traffic-control regulations within the city of Lakewood, the two codes adopted by reference in this section provide for and contain standards and specifications for uniform traffic-control devices. At least one copy of each said secondary code is now on file in the office of the clerk of the city of Lakewood, Colorado, and may be inspected during regular business hours, the same being adopted as if set out at length. (Ord. 0-90-21 § 1, 1990; Ord. 0-86-115 § 1, 1986; Ord. 0-77-107 § 1 (part), 1977).

Chapter 1.04

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Sections:

- 1.04.010 Definitions.
- 1.04.020 Grammatical interpretation.
- 1.04.030 Prohibited acts include causing, permitting and related acts.
- 1.04.040 Construction.
- 1.04.050 Repeal not to revive any ordinances.
- 1.04.060 Permit or licenses.

1.04.010 DEFINITIONS. The following words and phrases whenever used in this code or any other ordinances of the city

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of Lakewood, Colorado, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

(1) "City" means the city of Lakewood, Colorado, or the area within the territorial limits of the city of Lakewood, Colorado, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision;

(1.1) "City Clerk" means that duly appointed official or his deputy;

(2) "Council" means the City Council of the city of Lakewood, Colorado. "All its members" or "all Councilmen" means the total number of Councilmen provided by the general laws of the state of Colorado;

(3) "County" means the county of Jefferson;

(4) "Law" denotes applicable federal law, the constitution and statutes of the state of Colorado, the ordinances of the city of Lakewood, Colorado, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

(4.1) "Department of Administration" or "Department of Administrative Services." The Department of Administration as established by Ordinance 0-70-76 of 1970 has been abolished, and the functions of said department have been assigned to other departments of the city, including the office of the City Manager and the Department of Employee Relations and Department of Finance. All references in this code to the Department of Administration or Department of Administrative Services shall be taken to be and read as references to the office of the City Manager or Department of Employee Relations or Department of Finance, or such other office or department of the City as may have the responsibility and authority for the performance of the function, service or duty referred to in the context of such reference;

(4.2) "Director of Administrative Services" and "Director of Administration." The office of Director of Administrative Services or Director of Administration established by Ordinance 0-70-76 of 1970 has been abolished. All references in this code to the Director

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of Administration or the Director of Administrative Services shall be read and taken to be references to the City Manager or in the case of functions, services or duties assigned to the Director of Employee Relations or to the Director of Finance, then the same shall be taken to be references to the Director of Employee Relations or Director of Finance, as the case may be:

- (5) "May" is permissive;
- (6) "Must" and "shall": Each is mandatory;
- (7) "Oath" includes affirmation;
- (8) "Office." The use of the title of any officer, employee, or any office, means such officer, employee, or office of Lakewood, unless otherwise specifically designated;
- (9) "Ordinance" means a law of the city; provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution;
- (10) "Peace Officer." For the purpose of interpreting or construing any ordinance, rule, regulation, bylaw or charter provision of the City of Lakewood and every applicable statute and court rule of procedure, the term "peace officer" means and includes every public official of the City of Lakewood, whether appointed or elected, and every employee of the City of Lakewood who, as a part of, in the course of, or in connection with his duties as such public official or employee, has or shall have any responsibility for or in connection with the execution, administration or enforcement of all or any part of any city ordinance, resolution or bylaw, rule or regulation. "Peace officer" includes but is not limited to police agents of the City of Lakewood and public officials and employees who are not police agents. Public officials and employees of the city who are peace officers within the meaning this code, shall have the power and authority to issue and serve summonses and complaints in the Municipal Court, without oath, affidavit or verification, but nothing contained in this subsection shall vest or be taken to vest in persons who are not police agents other powers, duties, rights and emoluments of sworn police agents of the City of Lakewood not otherwise vested in such public officials or employees. Peace officers who are not sworn police agents of the city shall not be entitled to any of the

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retirement, pension, disability or other benefits to which sworn police agents are entitled, and shall not have the power to arrest, but shall have those powers of inspection, investigation, search and seizure conferred by the rule, regulation, bylaw or ordinance, or part thereof, which it is their duty to execute, administer or enforce. Municipal Court marshals shall have the power to arrest as set forth in Chapter 2.20 of the Municipal Code;

(12) "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them;

(13) "State" means the state of Colorado;

(14) "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in this city, and the rights-of-way thereof, which are in fact open to public use or used by the public, whether the same have been open to public use or used by the public, whether the same have been properly dedicated and accepted or not, unless the context of a particular bylaw, ordinance, resolution or regulation, otherwise indicates, together with any other public property so designated in any law of this state;

(15) "Written" includes printed, typewritten, mimeographed, multigraphed or otherwise reproduced. (Ord. 0-93-24 §§ 7—10, 1993; Ord. 0-91-59 § 3, (part), 1991; Ord. 0-88-70 § 1, 1989; Ord. 0-86-25 § 1, 1986; Ord. 0-76-17 § 2, 1976; Ord. 0-73-130 § 1, 1973; Ord. 0-72-19 § 1, 1972).

1.04.020 GRAMMATICAL INTERPRETATION. The following grammatical rules shall apply in this code:

(1) Gender. Any gender includes all other genders;

(2) Singular and Plural. The singular number includes the plural and the plural includes the singular;

(3) Tenses. Words used in the present tense include the past and the future tenses and vice versa;

(4) Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. (Ord. 0-72-19 § 2, 1972).

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1.04.030 PROHIBITED ACTS INCLUDE CAUSING, PERMITTING AND RELATED ACTS. Whenever in this code any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 0-72-19 § 3, 1972).

1.04.050 REPEAL NOT TO REVIVE ANY ORDINANCES. The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby. (Ord. 0-72-19 § 5, 1972).

1.04.060 PERMIT OR LICENSES. Wherever a permit or license is required by the provisions of this or any other ordinance of this city and there are no other specific provisions of any ordinance relating to the application for and issuance of any such license (excepting liquor licenses); application for any such license or permit shall be made to the City Clerk by the person, partnership, corporation, association, group or organization applying for the same, in which application shall be set forth all pertinent data relating to the applicant, its principal officers, directors, managers and stockholders (as may be determined by the City Clerk), a description of the place or places where the licensed or permitted activity is to be carried on; and such other relevant or pertinent data, either together with or as a supplement to such application as may be required by the City Clerk. A nonreturnable application fee of twenty-five dollars shall accompany any such application, save and except that a civic and charitable organization or corporation is not required to pay such application fee for licenses sought in connection with civic, patriotic, public or charitable activities sought to be licensed or permitted.

The City Clerk shall refer such application to the appropriate department or officer of the city for investigation, and shall issue or deny such license or permit as recommended by such appropriate department, and/or the City Manager. The investigating department, and/or the City Manager, shall make written recommendations to the City Clerk with respect to the issuance or denial of such permit, in

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which reasons for recommendation of issuance or denial shall be set forth.

The license or permit fee of five dollars shall be charged by and paid to the City Clerk at the time of issuance of any such license or permit. (Ord. 0-93-24 § 11, 1993; Ord. 0-91-59 § 3 (part), 1991; Ord. 0-70-47 § 8.1, 1970).

Chapter 1.08

CITY SEAL—INSIGNIA*

Sections:

- 1.08.010 Seal adopted—Description.
- 1.08.020 Obtaining seal—Uses.

1.08.010 SEAL ADOPTED — DESCRIPTION. The seal of this city, which is adopted as the official seal of the municipal corporation, shall be circular; shall bear the word “Seal” in the center; the name “City of Lakewood, Colorado” shall appear printed about the periphery of such device and seal. A true copy of the aforesaid device and seal, as adopted in this section, is as set out below:

*For statutory provisions authorizing cities and towns to have a common seal which they may change and alter at their pleasure, see C.R.S. 139-31-1; for provisions regarding the description and use of the corporate seal, see C.R.S. 139-14-7; for provisions regarding unauthorized use of the official insignia on vehicles, see C.R.S. 13-5-77.

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(Ord. 0-93-24 § 12, 1993: Ord. 0-70-55 § 1, 1970).

1.08.020 OBTAINING SEAL — USES. The City Clerk is authorized and directed to obtain a stamp of said seal, in the form adopted in this chapter, which seal shall be affixed to all transcripts, orders or certificates or official documents to be authenticated, or upon which a seal is required. (Ord. 0-93-24 § 13, 1993: Ord. 0-70-55 § 2, 1970).

RIGHT OF ENTRY FOR INSPECTION

Chapter 1.12

RIGHT OF ENTRY FOR INSPECTION

Sections:

- 1.12.010 Generally.
- 1.12.020 Emergencies.
- 1.12.030 Unlawful to resist official entry when.
- 1.12.040 Search warrant—Jurisdiction of municipal court.
- 1.12.050 Seizure of property.
- 1.12.060 Return of warrant—Inventory required.

1.12.010 **GENERALLY.** Whenever necessary to make an inspection for the purpose of enforcing any ordinance or resolution or regulation of the city, or whenever there is reasonable cause to believe that there exists in any building or upon any premises within the jurisdiction of the city any violation of a city ordinance, resolution or regulation, any police agent or other authorized official of the city may enter such building or premises at all reasonable times to inspect the same, or to perform any duty imposed upon the police agent or official by law; provided, that if such building or premises are occupied, he shall first present proper credentials and demand entry; and if such building or premises are unoccupied, he shall first make a reasonable effort to locate the owner and/or occupant or other person or persons having charge or control of the building or premises, and upon locating the owner, occupant or other person or persons to present proper credentials and demand entry. If such entry is refused, such police agent or official shall give the owner and/or occupant or person in charge or control of the building or premises, or if the owner and/or occupant or person in charge or control cannot be

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located after a reasonable effort, he shall leave at the building or premises, a twenty-four hours' written notice of his intention to inspect. The notice given to the owner and/or occupant or person in charge or control or left on the premises as aforesaid shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a Municipal Judge of the city. After the expiration of the twenty-four hour period from the giving or leaving of such notice, the police agent or official may appear before any Municipal Judge of the municipal court of the city and upon a showing of probable cause, which shall be made in writing and under oath, shall obtain a search warrant entitling him to enter into the building or upon the premises. Upon presentation of the search warrant and proper credentials, or possession of the search warrant and proper credentials in the case of an unoccupied building or premises, the police agent or official may enter into the building or upon the premises using such reasonable force as may be necessary to gain entry therein.

For the purposes of this section, a determination of "probable cause" will be based upon reasonableness as the ultimate standard, and if a valid public interest justifies the intrusion contemplated, then there is probable cause to issue a search warrant. The standard necessary to determine the probable cause will vary with the municipal program being enforced, but may be based upon the passage of time, the nature of the building or premises, the condition of the building, premises, or structure, or of the entire area, or the need to inspect in order to enforce the provisions of municipal ordinance, resolution or regulation. The police agent or official will not be required to demonstrate specific knowledge of the condition of the particular building, premises, or structure in issue in order to obtain a search warrant under this chapter. (Ord. 0-72-24 § 1, 1972).

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1.12.020 EMERGENCIES. Whenever an emergency situation exists in relation to the enforcement of any of the provisions of municipal ordinance, resolution or regulation, a police agent or an official of the city may enter into any building or upon any premises within the jurisdiction of the city upon a presentation of proper credentials in the case of an occupied building or premises, or possession of the proper credentials in the case of unoccupied buildings or premises. In an emergency situation, the agent or official may use such reasonable force as may be necessary to gain entry into any building or upon any premises.

For the purposes of this section, an emergency situation includes but is not limited to any situation where there is imminent danger of loss of life, limb and/or property caused by explosive materials, disease, fire, structural weakness, or any other condition which could cause such imminent danger, whether similar or dissimilar. (Ord. 0-72-24 § 2, 1972).

1.12.030 UNLAWFUL TO RESIST OFFICIAL ENTRY WHEN. It is unlawful for any owner and/or occupant of any building or premises to resist reasonable force used by a police agent or any other authorized official acting pursuant to Sections 1.12.010 or 1.12.020. (Ord. 0-72-24 § 3, 1972).

1.12.040 SEARCH WARRANT – JURISDICTION OF MUNICIPAL COURT. Any Municipal Judge of the municipal court of the city shall have power to issue a search warrant upon a showing of probable cause for the implementation of inspection as provided for in Section 1.12.010. (Ord. 0-72-24 § 4, 1972).

1.12.050 SEIZURE OF PROPERTY. If any property is seized incident to or as a result of an entry or search made under this chapter (and nothing contained in this chapter shall

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be taken to authorize an unlawful seizure), the person taking the property shall give to the person from whom or from whose premises the property was taken a copy of any search warrant issued and a receipt for the property taken, specifically describing the property; or shall leave such copy and receipt at the place from which the property was taken, posted or left in a conspicuous place within or upon the premises searched or inspected, if the premises are unoccupied at time of search or inspection.

If the person from whose possession or premises property is taken is present at the time of the seizure, the receipt shall be filled out in the presence of such person; provided, however, that if for any reason the receipt cannot be filled out in the presence of such person, or if the premises are unoccupied, then the receipt shall be filled out in the presence of at least one credible person other than the applicant for the warrant. (Ord. 0-72-24 § 5, 1972).

1.12.060 RETURN OF WARRANT -- INVENTORY REQUIRED. After a search or inspection under authority of any search warrant issued from the municipal court, the return of such warrant shall be made promptly and within ten days after the date of the warrant. It shall be accompanied by a verified written inventory of any property taken under the warrant, which may consist of a true copy of the receipt referred to in Section 1.12.050. If a copy of the receipt is returned to the court as such inventory, it shall be verified by the person who made the search or inspection and seizure. (Ord. 0-72-24 § 6, 1972).

PENALTY FOR VIOLATIONS

Chapter 1.16

PENALTY FOR VIOLATIONS*

Sections:

- 1.16.010 Definitions.
- 1.16.020 Penalties designated.
- 1.16.030 Aiding and abetting.
- 1.16.035 Liability of corporations.
- 1.16.036 Liability of an individual for corporate conduct.
- 1.16.037 Administrative processing fee.
- 1.16.040 Failure to pay fines and costs.
- 1.16.050 Juveniles.
- 1.16.060 Deferred prosecution.
- 1.16.070 Deferred judgment and sentencing.

1.16.010 DEFINITIONS. Unless the context otherwise requires, the following words when used in this chapter shall have the meanings and constructions given in this section:

(1) "Accomplice" means any person who knowingly and voluntarily unites with the principal offender in the commission of any violation, either as a principal or as an accessory, before, during or after the fact.

(2) "Person" means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust, or their manager, lessee, agent, servant, officer or employee of any of them.

(3) "Violation" means failing to comply with any of the

* For statutory provisions authorizing cities and towns to enact ordinances and to enforce such ordinances by prescribing a penalty, provided, that no such fine or penalty shall exceed three hundred dollars, and no imprisonment shall exceed ninety days or by both such fine and imprisonment, see C.R.S. 139-33-1 and 37-22-11.

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mandatory requirements of this code or of any other ordinance of the city, including failure to take affirmative action, or the doing of any act prohibited by this code or by any other ordinance of the city.

(4) "Child" means any person under eighteen years of age. (Ord. 0-73-90 § 1, 1973; Ord. 0-72-107 § 12 (part), 1972; Ord. 0-72-25 § 1, 1972).

1.16.020 PENALTIES DESIGNATED. (a) Whenever in any section of this code, or of any other ordinance, rule or regulation of the City, with the exception of Title 10 of the Code entitled "Vehicles and Traffic," the doing of any act is required, prohibited or declared to be unlawful, any person who pleads guilty or nolo contendere, or who is convicted of a violation of any such section shall, for each offense, be fined in a sum of not more than nine hundred ninety-nine dollars or shall be imprisoned for a term of not more than one hundred eighty days, or shall be both so fined and imprisoned. As part of such sentence, the court may order restitution to any aggrieved party for actual damage or loss caused by the offense to which a defendant plead guilty, nolo contendere, or was convicted. The municipal judge may suspend all or part of a sentence or fine of any defendant, and/or place him on probation for a period not to exceed one year.

(b) Any person who is convicted of any act prohibited or declared to be unlawful by any section of Title 10 of this code shall be subject to the following penalties, which are based upon the classification of each offense as set forth in Title 10.

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Class	Minimum Sentence	Maximum Sentence
1	There are no Class 1 traffic offenses contained in Title 10 of this code	
2	10 days' imprisonment or \$10 fine, or both	180 days imprisonment or \$999 fine, or both
3	\$5	\$200 fine, no imprisonment
4	\$5	\$100 fine, no imprisonment

(c) Any child who is convicted of any act prohibited by any ordinance, rule or regulation of the City, with the exception of Title 10 of the code entitled "Vehicles and Traffic," shall be, for each offense, fined in a sum of not more than nine hundred ninety-nine dollars, may be ordered to make restitution to any aggrieved party for actual damage or loss caused by the offense to which the child plead guilty, nolo contendere, or was convicted, or may be placed on probation for a period not to exceed one year with the conditions as set forth in Section 1.16.050, or shall be both so fined and supervised. This chapter shall not apply to any child under ten years of age. Any child who fails to comply with a lawful order of the Municipal Court, including an order to pay a fine or restitution, may be confined to a juvenile detention facility operated or contracted by the Department of Institutions. Any confinement of a child for contempt of Municipal Court shall not exceed forty eight hours.

(d) A defendant who has been granted probation may be required to make restitution to any aggrieved party for actual damage or loss caused by the offense to which the defendant plead guilty, nolo contendere, or was convicted.

(e) (1) If facts are presented to the court upon application of the city attorney or the probation division from which it reasonably appears that the conditions of probation have been

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violated by any person on probation, the court shall issue a warrant for the arrest of the person and require that person to be brought before the court to show cause why the probation should not be revoked.

(2) At or prior to the commencement of the probation revocation hearing, the court shall advise the probationer of his rights pursuant to the Colorado Municipal Court Rules of Procedure as applicable to the probationer, the charges against him, the possible penalties therefor, and shall require the probationer to plead guilty or not guilty. There shall be no right to a trial by jury in proceedings for revocation of probation. If the probationer is in custody, the court may admit such probationer to bail conditioned upon his appearance before the court on a day certain. Such bail may be continued from time to time until final order of the court. If the probationer remains in custody and unable to post bond, the hearing shall be held within fifteen days after the filing of the complaint, unless a continuance is granted by the court at the instance or request of the probationer, or for other good cause found by the court justifying the continuance.

(f) (1) At the probation revocation hearing, the prosecution has the burden of establishing by a preponderance of the evidence the violation of a condition of probation; except that the commission of a criminal offense must be established beyond a reasonable doubt unless the probationer has been convicted thereof in a criminal proceeding. When, in a revocation hearing, the alleged violation of a condition is the probationer's failure to pay probation fees, court costs, or restitution, evidence of the failure to pay shall constitute prima facie evidence of a violation. The court may, when it appears that the alleged violation of conditions of probation consists of an offense with which the probationer is charged in a criminal proceeding then pending, continue the probation revocation hearing until the

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termination of the criminal proceeding. Any evidence having probative value shall be received regardless of its admissibility under the exclusionary rules of evidence if the defendant is accorded a fair opportunity to rebut hearsay evidence.

(2) If at the probation revocation hearing the judge determines that such probationer is not guilty of a violation of the conditions of probation, the judge shall enter an order in accordance therewith and forthwith order the probationer's release, if in custody. If the judge determines that the violation of the conditions of such probation has been committed, the judge shall either revoke or continue the probation within five days after the hearing. If probation is revoked and no sentence has been previously imposed, the court may impose any sentence which might originally have been imposed. If probation is revoked and sentence has been previously imposed, the court may vacate the suspension of sentence and reinstate the sentence originally imposed. Any person who has been admitted to probation and against whom proceedings for the revocation of probation have not been commenced within the term of probation shall be conclusively presumed to have satisfied the sentence or fine imposed. (Ord. 0-89-86 §§ 1 – 5, 1989; Ord. 0-84-87 § 1, 1984; Ord. 0-83-83 § 2, 1983; Ord. 0-82-54 § 1, 1982; Ord. 0-75-96 § 138, 1975; Ord. 0-74-72 § 1, 1974; Ord. 0-73-90 § 2, 1973; Ord. 0-72-107 § 12 (part), 1972; Ord. 0-72-25 § 2, 1972).

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1.16.030 AIDING AND ABETTING. Every person who commits, attempts to commit, conspires to commit, or aids or abets a commission of any act declared to be in violation of this code or of any other ordinance of this municipality, whether individually, or in connection with one or more persons, as a principal or accomplice, is guilty of such offense and subject to penalty or penalties therefor; and every person who fraudulently or wilfully induces, causes, coerces, requires or directs another to violate any provision of this code or any other ordinance of this municipality is likewise guilty of such offense and subject to the penalties therefor. Such penalties shall be applicable to any child only as set forth in Section 1.16.020(c). (Ord. 0-82-54 § 2, 1982; Ord. 0-74-72 § 2, 1974; Ord. 0-73-90 § 3, 1973; Ord. 0-72-107 § 12 (part), 1972; Ord. 0-72-25 § 3, 1972).

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1.16.035 **LIABILITY OF CORPORATIONS.** A corporation is guilty of an offense if the conduct constituting the offense is engaged in, authorized, solicited, requested, commanded or knowingly tolerated by the board of directors or by a managerial agent acting within the scope of his employment or in behalf of the corporation. As used in this section, "agent" means any director, officer or employee of a corporation, or any other person who is authorized to act in behalf of the corporation, and "high managerial agent" means an officer of a corporation or any other agent in a position of authority with respect to the formulation of corporate policy or the supervision in a managerial capacity of subordinate employees. (Ord. 0-93-24 § 15, 1993; Ord. 0-77-107 § 2, 1977; Ord. 0-74-1 § 1 (part), 1974).

1.16.036 **LIABILITY OF AN INDIVIDUAL FOR CORPORATE CONDUCT.** A person is criminally liable for conduct constituting an offense which he performs or causes to occur in the name of or on behalf of a corporation to the same extent as if such conduct were performed or caused by him in his own name or behalf. (Ord. 0-74-1 § 1 (part), 1974).

1.16.037 **ADMINISTRATIVE PROCESSING FEE.** An administrative processing fee, in an amount set by the presiding municipal judge, shall be imposed against every person charged with a violation of this code or any other ordinance of this city who is eligible to pay his fine via U.S. mail or other process and elects to do so or chooses to pay his fine to the clerk of the court without first appearing before a municipal judge. This administrative processing fee shall be paid by the defendant in addition to the fine imposed for the ordinance violation. Only one such administrative processing fee shall be assessed per each summons and complaint, except a processing fee shall be assessed for each parking violation charged on a summons and complaint. (Ord. 0-93-68 § 1, 1993; Ord. 0-91-21 § 1, 1991; Ord. 0-87-66 § 1, 1987).

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1.16.040 FAILURE TO PAY FINES AND COSTS. Upon the rendition of judgment against any defendant for violation of any provision of this code or of any other ordinance of this city, the Municipal Judge shall make an order and enter the same upon his docket.

(1) When the court imposes a fine upon an individual, the Court may direct as follows:

(a) That the defendant pay the entire amount of the fine at the time sentence is pronounced;

(b) That the defendant pay the entire amount of the fine at some designated later date;

(c) That the defendant pay a specified portion of the fine at designated periodic intervals, in the manner specified by subsection (6) of this section; or

(d) That payment of the fine ordered be a condition of probation, if the defendant is sentenced to a period of probation as well as ordered to pay a fine.

(2) In addition to ordering the defendant to pay a fine, the Municipal Judge shall assess court costs against any defendant who is found guilty or who pleads guilty or nolo contendere to an ordinance violation. Such costs shall be fifteen dollars upon a plea of guilty or nolo contendere or a trial to the court, and forty-five dollars for trial by jury; provided, however, that upon application and a showing of indigency by the defendant, a Municipal Judge may, in his discretion, adjust the amount of costs or suspend costs entirely, as authorized by subsection (5) below. The Municipal Judge may order:

(a) That the defendant pay the entire sum imposed as court costs at the time costs are imposed;

(b) That the defendant pay the entire amount at some designated later date;

(c) The defendant pay a specified portion of the court costs at designated periodic intervals in the manner specified in subsection (6) of this section; or

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(d) That court costs be imposed in addition to any conditions of probation, if the defendant is sentenced to a period of probation.

(3) (a) When the court imposes a fine, the sentence shall provide that if the defendant fails to pay the fine in accordance with the direction of the court, the defendant shall be imprisoned until the fine is satisfied or the defendant is released pursuant to subsections (4) and (5) of this section. This provision shall be included at the time sentence is pronounced. If defendant fails to pay a fine or costs of suit or both as directed, the court may issue a warrant for his arrest.

(b) Subsection (a) of this section shall not apply to penalties, costs, and other court fees imposed for traffic infractions. Any failure to pay such amounts for traffic infractions shall be governed by Chapter 10.76 of this Code.

(4) (a) When the defendant neglects or refuses to satisfy any fine or costs of suit or both ordered by the Court, the defendant shall be confined to the Jefferson County Jail or other place of confinement provided for that purpose, one day for each twenty-five dollars of the fine or costs or both owed, subject to the limitations of subsection (5) of this section, and during such confinement the defendant may be required to labor upon the streets or to do other work of the city under the supervision and direction of the Municipal Court.

(b) When the fine or costs of suit or both were imposed for a traffic violation or penal offense, the period of confinement shall not exceed forty days.

(c) There shall be no imprisonment for failure to pay a fine, a penalty, or costs of suit imposed for traffic infractions or in those cases in which the possible sentence does not provide for imprisonment.

(d) When a sentence of imprisonment was imposed, the aggregate of the period of confinement for failure to pay the fine or costs or both and the term of the sentence shall not exceed the maximum term of imprisonment authorized for the offense.

(5) (a) If a Judge of the Municipal Court, upon application and a showing of indigency by the defendant, finds a defendant

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to be indigent (i.e., without means to pay the fine or costs or both), the Municipal Judges shall do one or more of the following:

1. Adjust the terms of payment;
2. Lower the amount of the fine or costs or both;
3. Revoke the order imposing costs of suit;
4. Revoke the portion of the sentence imposing the fine if the sentence consists of probation or imprisonment and a fine;
or
5. Revoke the entire sentence imposed and resentence the defendant. Upon a resentence, the Court may impose any sentence it could have imposed originally, except that the amount of any fine imposed shall not exceed the amount the defendant is able to pay.

(b) If it satisfactorily appears to the Court that an indigent defendant is confined in jail or in a correctional facility or other place of confinement, for failure to pay any fine or costs or both for any criminal offense, and has no estate whatever with which to pay the amount owed, it is the duty of the Court to discharge such person from further imprisonment for the failure to pay. Nothing in this subsection (5) shall authorize any person to be discharged from imprisonment before the expiration of the time for which he may be sentenced to be imprisoned as part of his punishment. The Court shall hear without delay any application made under this subsection (5).

(6) (a) If the Municipal Judge orders that the defendant pay the fine or costs or both imposed in installments, the Judge may order that the amount owed is payable to the Municipal Court in equal monthly installments of twenty-five dollars, or multiples thereof, as may be determined by the Court, commencing on the date of the imposition of the fine or of the order to pay costs or such date thereafter as the Court shall determine, and continuing thereafter until the amount owed is satisfied in full.

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(b) If the defendant fails to pay any such monthly installments, the entire balance of the fine or costs shall immediately be due and payable by the defendant.

(c) (i) The municipal judge upon receipt of a report of any failure to pay a fine under this section, may issue a warrant for the defendant's arrest and the defendant shall be imprisoned until the amount owed, either fine or costs or both, is satisfied in full. The municipal judge shall sentence the defendant to imprisonment in the Jefferson County Jail or other place of legal confinement for a term not to exceed the limitations set forth in subsection (4) of this section.

(ii) Subsection (6)(c)(i) of this section shall not apply to penalties, costs, and other court fees assessed for traffic infractions. Failure to pay such amounts for a traffic infraction shall be governed by Chapter 10.76 of this Code.

(7) In the case of a child, the penalties imposed by this section shall be applicable only to a child who is convicted of any act prohibited or declared to be unlawful by any section of Title 10 of the Lakewood Municipal Code. Any other violation of any provision of this code or of any other ordinance of the city by a child shall be subject to the provisions of Section 1.16.020(c) of the Lakewood Municipal Code. (Ord. 0-93-68 §§ 2—4, 1993; Ord. 0-91-21 § 2, 1991; Ord. 0-87-66 § 2, 1987; Ord. 0-86-9 § 1, 1986; Ord. 0-84-69 § 1, 1984; Ord. 0-82-54 § 3, 1982; Ord. 0-74-72 § 3, 1974; Ord. 0-73-90 § 4, 1973; Ord. 0-72-107 § 12 (part), 1972; Ord. 0-72-25 § 4, 1972).

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1.16.050 JUVENILES. (a) The Municipal Judge, upon the conviction of a child for any violation of any provision of the code or any other ordinance, other than a violation of any of the provisions of Title 10, "Vehicles and Traffic," of the Lakewood Municipal Code may, if the evidence warrants, place the child on probation and as one condition of said probation order the child to attend a counseling program, to be administered by the court. The Municipal Judge shall have the authority to establish such programs to be administered under his authority for the purpose of assisting and counseling children convicted of violating any provision of this code or any other municipal ordinance.

(b) Court records of proceedings concerning a juvenile charged with violation of the Lakewood Municipal Code or any other ordinance, other than Title 10, "Vehicles and Traffic," shall be identified as juvenile records and shall be open to inspection without a court order by the juvenile named in the record, the juvenile's parent, guardian, or legal custodian, and attorney of record representing the juvenile, the juvenile's guardian ad litem, a juvenile probation officer, or any agency to which legal custody of the juvenile has been transferred. With the consent of the court, court records of a juvenile may be inspected by any other person having a legitimate interest in the proceedings and by persons conducting pertinent research studies. A juvenile probation officer's records and all other reports of social and clinical studies, whether or not part of the court file, shall not be opened to inspection except by consent of the court.

(c) The Municipal Judge may order the general public to be excluded from any hearing, trial or other proceeding involving a child charged with any violation of the Lakewood Municipal Code, or any other ordinance, other than Title 10, "Vehicles and Traffic," on its own motion or the motion of any party,

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and if the interest of the child so requires, and in such case only such persons shall be admitted, including persons whom the parents or guardian wish to be present, as to have a direct interest in the case or in the proceeding before the Court.

(d) Upon the request of the Municipal Court, the City Attorney's office, or the defendant, the Clerk of the Municipal Court shall issue a subpoena for the appearance, at any and all stages of the Court's proceedings, of the parent, guardian, or lawful custodian of any child under eighteen years of age who is charged with a municipal offense.

(e) The Municipal Court shall relinquish jurisdiction over any juvenile upon an order for such relinquishment duly entered by a District or Juvenile Court of the State of Colorado having jurisdiction over such child; as evidenced by a certified copy of such order filed with the Municipal Court. (Ord. 0-89-86 § 6, 1989; Ord. 0-82-54 § 4, 1982).

1.16.060 DEFERRED PROSECUTION. (a) In any case, the court may, prior to trial or entry of a plea of guilty or nolo contendere and with the consent of the defendant and the city attorney, order the prosecution of the offense to be deferred for a period not to exceed one year. During that time the court may place the defendant under the supervision of the probation division and conditions may be imposed pursuant to a written stipulation signed by the defendant, his attorney of record, and the city attorney, under which the defendant obligates himself to adhere to such stipulation. Restitution to the victim of the defendant may be imposed as a condition of the deferred prosecution.

(b) Upon the defendant's satisfactory completion of the deferred prosecution, the charge against the defendant shall be dismissed with prejudice. If conditions of the deferred prosecution are violated, the defendant shall be tried for the offense for

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which he is charged. The violation of conditions of supervision shall be determined by a hearing before the court which granted the deferred prosecution. The burden of proof in such hearing shall be upon the city attorney to show by a preponderance of the evidence that a violation has in fact occurred; except that the commission of a criminal offense must be established beyond a reasonable doubt unless the defendant has been convicted thereof in a criminal proceeding. However, if the alleged violation is the failure to pay supervision fees, court costs, or restitution, evidence of the failure to pay shall constitute prima facie evidence of a violation. The presiding judge at the hearing may temper the rules of evidence in the exercise of sound judicial discretion.

(c) Upon consenting to a deferred prosecution as provided in this section, the defendant shall execute a written waiver of his right to a speedy trial. Consent to a deferred prosecution under this section shall not be construed as an admission of guilt, nor shall such consent be admitted in evidence in a trial for the offense for which he is charged. (Ord. 0-89-86 § 7, 1989).

1.16.070 DEFERRED JUDGMENT AND SENTENCING. (a) Whenever any person enters a plea of guilty or nolo contendere to the violation of any ordinance of the city, or of any rule or regulation promulgated thereunder, the court accepting the plea has the power, upon the written request of the city attorney, together with the written consent of the defendant and his attorney of record, to continue the case for a period not to exceed one year from the date of entry of such plea for the purpose of entering judgment and sentence upon such plea of nolo contendere or guilty. During such time, the court may place the defendant under the supervision of the probation division.

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(b) Prior to entry of a plea of nolo contendere or guilty to be followed by deferred judgment and sentencing, the city attorney is authorized to enter into a written stipulation, to be signed by the defendant, his attorney of record, and the city attorney, under which the defendant obligates himself to adhere to such stipulation. The stipulation may require the defendant to pay restitution to the victim of the defendant and/or perform community or charitable work service projects or make donations thereto as conditions of the deferred judgment and sentence. Upon full compliance with such conditions by the defendant, the plea of nolo contendere or guilty previously entered shall be withdrawn and the action against the defendant dismissed with prejudice. Such stipulation shall specifically provide that, upon a breach by the defendant of any such condition regulating the conduct of the defendant, the court shall enter judgment and impose sentence upon such plea of nolo contendere or guilty. Whether a breach of any condition has occurred shall be determined by the court without a jury upon application of the city attorney or the probation division at any time within the term of the deferred judgment or within thirty days thereafter. Reasonable notice of hearing shall be given to the defendant or his attorney of record. Such a hearing may be held after the last day of the deferred judgment if application for the hearing is made by the city attorney or the probation division within the term of the deferred judgment or within thirty days thereafter. The burden of proof in such hearing shall be upon the city attorney to show by a preponderance of the evidence that breach of a condition has in fact occurred; except that the commission of a criminal offense must be established beyond a reasonable doubt unless the defendant has been convicted thereof in a criminal proceeding. If the alleged breach of a condition is failure to pay supervision fees, court costs, or restitution, evidence of the failure to pay shall constitute prima

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facie evidence of a violation. The procedural safeguards required in a probation revocation hearing shall apply.

(c) When a defendant signs a stipulation by which it is provided that judgment and sentence shall be deferred for a time certain, he thereby waives all right to a speedy trial or sentencing as provided by ordinance or rule. (Ord. 0-93-24 § 16, 1993; Ord. 0-89-86 § 8, 1989).

Chapter 1.17

LAKESWOOD VICTIM ASSISTANCE AND LAW ENFORCEMENT PROGRAM

Sections:

- 1.17.010 Definitions.
- 1.17.020 Surcharge levied on criminal actions and traffic offenses.
- 1.17.030 Fund created.
- 1.17.040 Purpose.
- 1.17.050 Disbursement of funds.
- 1.17.060 Creation of victim assistance compensation board.
- 1.17.070 Application for compensation.
- 1.17.080 Hearings.
- 1.17.090 Awarding compensation.
- 1.17.100 Losses compensable.
- 1.17.110 Emergency awards.
- 1.17.120 Fees.
- 1.17.130 Chief of police custodian of fund—
Disbursements.

1.17.010 DEFINITIONS. The following definitions shall apply to this chapter:

1. "Child" means an unmarried person who is under eighteen years of age. The term includes a stepchild or an adopted child.

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2. "Compensable crime" means an intentional, knowing, reckless, or criminally negligent act of a person that results in residential property damage or damage to a motor vehicle which is not the

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result of a traffic accident or bodily injury or results in loss of or damage to eyeglasses, dentures, hearing aids, or other prosthetic or medically necessary devices or results in the need for mental health counseling and which is punishable as a crime in this state or as a violation of the Lakewood Municipal Code. This term includes federal offenses committed in the City.

3. "Economic loss" means economic detriment consisting only of allowable expense, net income, or replacement services loss. The term does not include noneconomic detriment.

4. "Injury" means actual bodily harm.

5. "Victim" means a person who suffers residential property damage or damage to a motor vehicle as a result of a compensable crime which was perpetrated or attempted against him within the City of Lakewood; is injured in this City as a result of a compensable crime perpetrated or attempted against him; is injured while not in the City as a result of a compensable crime that began in this City; or is injured in this City while attempting to assist a person against whom a compensable crime is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable man under the circumstances.

6. "Victim and Witness Assistance Program" means programs which provide to victims and witnesses of crimes which occurred within the City, assistance, service, and information, prior to, during, and after the prosecution of such crimes. (Ord. 0-92-33 § 1 (part), 1992).

1.17.020 SURCHARGE LEVIED ON CRIMINAL ACTIONS AND TRAFFIC OFFENSES. (a) A ten percent surcharge is hereby levied on every fine and supervision fee imposed for a violation of the Lakewood Municipal Code resulting in a conviction, a judgment of liability by default, a deferred judgment and sentence, or a plea of guilty or nolo contendere, provided that the total of said fine and surcharge shall not exceed the maximum fine established for such violation under this Code. This surcharge shall be paid to the clerk of the court, who shall deposit same in the Lakewood Victim Assistance and Law Enforcement Fund as established by this chapter.

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(b) This surcharge shall be mandatory and be in addition to any other surcharge, fine, or cost imposed by the Lakewood Municipal Code or the Court. The surcharge levied by this section may not be suspended or waived by the Court unless the Court determines that the defendant is indigent. All calculated surcharge amounts resulting in dollars and cents shall be rounded down to the nearest whole dollar. (Ord. 0-93-68 § 5, 1993; Ord. 0-92-33 § 1 (part), 1992).

1.17.030 **FUND CREATED.** There is hereby established a special fund of the City of Lakewood to be known as the Victim Assistance and Law Enforcement Fund. (Ord. 0-92-33 § 1 (part), 1992).

1.17.040 **PURPOSE.** The Victim Assistance and Law Enforcement Fund shall be a special fund consisting of no revenue other than from the surcharge levied in criminal actions and traffic offenses as provided for by this chapter. The Fund shall be used to assist victims of and witnesses to crimes occurring within the City, to help compensate such victims, and to fund the victim assistance law enforcement program. The City Council specifically finds and determines the creation of the Victim Assistance and Law Enforcement Fund is consistent with the City's powers as a home rule municipal corporation, and that exercise of said powers in the manner set forth herein is in furtherance of the public health, safety, and welfare. (Ord. 0-92-33 § 1 (part), 1992).

1.17.050 **DISBURSEMENT OF FUNDS.** (a) Not more than seventy-five percent (75%) nor less than seventy percent of the moneys collected by means of the surcharge imposed by this chapter shall be used to fund the Victim and Witness Assistance Program.

(b) Not more than twenty-five percent (25%) nor less than twenty percent of the moneys collected by means of the surcharge imposed by this chapter shall be used for compensation awards granted directly to victims of and witnesses to compensable crimes.

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(c) Not more than five percent (5%) nor less than three percent of the moneys collected by means of the surcharge imposed by this chapter shall be used by the Lakewood Police Department for the training of employees and volunteers concerning victim assistance matters. (Ord. 0-92-33 § 1 (part), 1992).

1.17.060 CREATION OF VICTIM ASSISTANCE COMPENSATION BOARD. (a) There is established a Victim Assistance Compensation Board. The Victim Assistance Compensation Board shall consist of five members appointed by City Council. The Board shall consist of an employee of the Lakewood Police Department, an employee of the Lakewood Municipal Court, one representative from a victim assistance program, and two residents of the City.

(b) Members of the Board shall serve for a term of three years, provided, however, that the initial appointments to the Board shall consist of one appointment for a term of one year, two appointments of a term of two years, and two appointments of a term of three years. In the event a vacancy occurs in the Board, the City Council shall make an appointment for the unexpired term. Any member of the Board may be removed by the City Council for nonattendance or other cause.

(c) The members of the Board shall annually elect a chairman from their number who shall preside over all hearings and proceedings of the Board. The chairman may designate a member of the authority to assume his duties in his absence. A quorum shall consist of three of the five members, and a decision of a majority of the members of the Board shall control. A motion shall be adopted by not less than three affirmative votes. Any hearing may be continued to permit an absent member (or members) to participate in a decision. Any absent member may join in a decision of the Board after he has considered the evidence adduced in any hearings or portions of hearings conducted during his absence. (Ord. 0-92-33 § 1 (part), 1992).

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1.17.070 APPLICATION FOR COMPENSATION. (a) A person who may be eligible for compensation under this chapter may apply to the Board. In a case in which the person entitled to apply is a minor, the application may be made on his behalf by his parent or guardian. In a case the person entitled to apply is mentally incompetent, the application may be made on his behalf by his parent, conservator, or guardian or by any other individual authorized to administer his estate.

(b) In order to be eligible for compensation, the applicant shall submit reports, from any physician who has treated or examined the victim at the time of or subsequent to the victim's injury and shall submit a report or case number, if readily available, from the Lakewood Police Department or any other law enforcement agency which shall set forth the nature of the victim's injury which is the result of a compensable crime. If, in the opinion of the board, reports on the previous medical history of the victim or a report on the examination of the injured victim would be of material aid to its determination, the board may require the applicant to provide such reports.

(c) In order to be eligible for compensation for property damage, the applicant shall submit a report or case number, if reasonably available from the Lakewood Police Department or any other law enforcement agency which shall set forth the nature of the property damage which is the result of a compensable crime.

(d) If the applicant makes any false statement as to a material fact, he shall be ineligible for an award. (Ord. 0-92-33 § 1 (part), 1992).

1.17.080 HEARINGS. (a) The board, in its discretion, may conduct a hearing upon any application submitted to it.

(b) The burden of proof is upon the applicant to show that the claim is reasonable and is compensable under the terms of this chapter. The standard of proof is by a preponderance of the evidence.

(c) If a person has been convicted of an offense with respect to an act on which a claim is based, proof of that conviction shall be taken as conclusive evidence that the offense has been committed,

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unless an appeal or a proceeding with regard to it is pending. The fact that the identity of the assailant is unknown or that the assailant has not been prosecuted or convicted shall not raise a presumption that the claim is invalid.

(d) Orders and decisions of the board are final.

(e) In the performance of its functions, the board is authorized to make, rescind, and amend regulations prescribing the procedures to be followed in the filing of applications and in proceedings under this chapter. (Ord. 0-92-33 § 1 (part), 1992).

1.17.090 AWARDING COMPENSATION. (a) A person is eligible for an award of compensation under this chapter if:

(1) The person is a victim of a compensable crime which was perpetrated on or after June 1, 1993, and which resulted in a loss;

(2) The appropriate law enforcement officials were notified of the perpetration of the crime allegedly causing the injury to the victim within seventy-two hours after its perpetration, unless the board finds good cause exists for the failure of notification;

(3) The applicant has cooperated fully with law enforcement officials in the apprehension and prosecution of the assailant or the board has found good cause exists for the failure to cooperate;

(4) The injury to the victim or the property damage was not substantially attributable to his wrongful act or substantial provocation of his assailant;

(5) The application for an award of compensation under this chapter is filed with the board within one year of the date of injury to the victim, within six months of the date of property damage, or within such further extension of time as the board, for good cause shown, allows; and

(6) The applicant is ineligible for compensation under the Colorado Crime Victim Compensation Act.

(b) The board may waive any of the requirements set forth in this section, or the limitations set forth in section 1.17.100, or order a denial or reduction of an award, if in the interest of justice, it is so required.

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(c) Upon a finding by the board that compensation should be awarded, the board shall submit a statement of award to the Chief of Police or his designee who shall remit payment in accordance with the statement of award. (Ord. 0-92-33 § 1 (part), 1992).

1.17.100 LOSSES COMPENSABLE. (a) Losses compensable under this chapter resulting from injury to a victim include:

(1) Reasonable medical and hospital expenses and expenses incurred for dentures, eyeglasses, hearing aids, or other prosthetic or medically necessary devices;

(2) Loss of earnings;

(3) Outpatient care;

(4) Homemaker and home health services;

(5) Mental health counseling.

(b) Losses compensable under this chapter resulting from property damage include:

(1) Repair or replacement of property damaged as a result of a compensable crime; or

(2) Payment of the deductible amount on a residential insurance policy.

(c) The victim's recovery shall not exceed one hundred dollars for each compensable property crime and shall not exceed two hundred dollars for each compensable crime which resulted in injury; but in no case shall a loss be compensable if the aggregate loss is less than twenty-five dollars.

(d) Compensable losses do not include pain and suffering. (Ord. 0-92-33 § 1 (part), 1992).

1.17.110 EMERGENCY AWARDS. The board may order an emergency award to the applicant pending a final decision on the claim if it appears to the board, prior to taking action upon the claim, that undue hardship will result to the applicant if immediate payment is not made. The amount of such award shall not exceed fifty dollars and shall be deducted from any final award made as a result of the claim. (Ord. 0-92-33 § 1 (part), 1992).

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1.17.120 FEES. No fee may be charged to the applicant by the board in any proceeding under this article. (Ord. 0-92-33 § 1 (part), 1992).

1.17.130 CHIEF OF POLICE CUSTODIAN OF FUND—DISBURSEMENTS. The Chief of Police or his designee shall be the custodian of the fund, and all disbursements from the fund shall be paid by him upon written authorization of the board. (Ord. 0-92-33 § 1 (part), 1992).

ZONING AND REZONING ORDINANCE PROCEDURES

Chapter 1.20

ZONING AND REZONING ORDINANCE PROCEDURES

Sections:

- 1.20.010 Procedures generally.
- 1.20.020 Legal protest, filing.
- 1.20.030 Ordinances where no legal protest is filed.
- 1.20.040 Ordinances where a legal protest is filed.
- 1.20.050 Protest filed—Tabling to determine sufficiency.
- 1.20.060 Subsequent votes.

1.20.010 PROCEDURES GENERALLY. The following procedures are adopted to apply with respect to the public hearing and consideration of ordinances amending, supplementing, changing, modifying or repealing zone districts or zoning or rezoning land within any zone district of the city (sometimes referred to hereinafter as “such ordinance” or “such ordinances”). (Ord. 0-82-107 § 2, 1982).

1.20.020 LEGAL PROTEST, FILING. A protest against changes in regulations, or restriction or change in a zone district applicable to particular land, which protest is filed with the City Clerk at least twenty-four hours prior to the governing body’s vote on a change and is signed by the owners of twenty percent or more of the area of land which is subject to the proposed change or twenty percent or more of the area of land extending a radius of one hundred feet from the land which is subject to the proposed change, disregarding intervening public streets and alleys, shall not become effective except by favorable vote of two-thirds of all the members of the City Council.

The protest must be signed by the owners of twenty percent or more of the area of land which is subject to the proposed

ZONING AND REZONING ORDINANCE PROCEDURES

change or owners of twenty percent or more of the area of land extending a radius of one hundred feet from the land which is subject to the proposed change, disregarding intervening public streets and alleys. As proof of such ownership, the respective protestants shall attach to the petition sufficient evidence of ownership in the form of a legal description of their property or other recognized proof of location and ownership. (Ord. 0-82-107 § 3, 1982).

1.20.030 ORDINANCES WHERE NO LEGAL PROTEST IS FILED. A quorum of the City Council consisting of six or more members shall hold public hearing upon and consider the adoption of any such ordinances at the meeting for which such public hearing and consideration is duly scheduled, if no sufficient protest has been filed pursuant to Section 1.20.020 of the Lakewood Municipal Code; provided, however, that if four members of the City Council are absent at any meeting at which any such ordinance is considered and not passed (and abstention by the member of Council shall be considered an absence for the purposes hereof), and if upon a vote upon such ordinance at such meeting not fewer than four members of the City Council have voted in favor of passage of the ordinance (or against a motion to deny the same), then, upon the motion of any member of the City Council made before the adjournment of such meeting, such vote shall be rescinded without further vote upon the motion to rescind and consideration of such ordinance shall be tabled until the next regular meeting of the City Council at which not fewer than nine members of the Council are present (excluding any member or members abstaining), at which meeting a vote shall be taken upon a motion to adopt the ordinance.

At such subsequent meeting any member of the City Council who attended the public hearing upon such ordinance or who has thereafter listened to the tape recording of the public

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hearing upon the ordinance and who has read the record of the proceedings; (which for the purposes of this chapter shall include but not be limited to staff comments of the planning staff, the proposed ordinance, the resolution of the Planning Commission, any exhibits presented at the hearing, and the aerial photograph and zoning map presented at such hearing) shall be entitled to vote upon the adoption or denial of passage of such ordinance.

If any such ordinance is so tabled, and a vote is thereafter taken at a subsequent meeting as herein provided, such vote shall not be subject to further reconsideration, notwithstanding that one or more members of the City Council who were not in attendance at the public hearing have not voted upon the ordinance at such subsequent meeting. (Ord. 0-82-107 § 4, 1982).

1.20.040 ORDINANCES WHERE A LEGAL PROTEST IS FILED. A quorum of the City Council consisting of six or more members may hold a public hearing upon any such ordinance at the meeting for which such public hearing and consideration is duly scheduled. If a sufficient protest is filed pursuant to Section 1.20.020 of the Lakewood Municipal Code, and if not fewer than nine members of the City Council are present at the meeting and stand ready to vote upon such ordinance at the conclusion of the public hearing and consideration of the ordinance thereafter, there shall be no reconsideration of the vote thereon if the ordinance is defeated either by the failure of eight members of Council to vote in favor of the adoption thereof or upon the affirmative vote of six members of Council to deny passage thereof.

If fewer than nine members of Council are present and stand ready to vote upon such ordinance at the conclusion of the public hearing and consideration thereof, the ordinance shall be tabled to the next regularly scheduled meeting of the City Council at which nine members shall be in attendance, and a

ZONING AND REZONING ORDINANCE PROCEDURES

vote shall be taken at such meeting upon a motion to adopt such ordinance.

At such subsequent meeting any member of the City Council who attended the public hearing upon such ordinance or who has thereafter listened to the tape recording of the public hearing upon the ordinance and who has read the record of the proceedings shall be entitled to vote upon the adoption or denial of passage of such ordinance.

The vote taken at such subsequent meeting shall not be subject to reconsideration, notwithstanding that one or more members of the City Council who were not in attendance at the public hearing have not voted upon the ordinance at such subsequent meeting. (Ord. 0-82-107 § 5, 1982).

1.20.050 PROTEST FILED – TABLING TO DETERMINE SUFFICIENCY. If a protest is filed pursuant to Section 1.20.020 of the Lakewood Municipal Code, and the sufficiency of such protest cannot be determined at or before the duly scheduled public hearing thereon, the hearing may nevertheless be held if six or more members of Council are present, but no vote shall be taken thereon following such hearing, and the same shall be tabled for a vote thereon at the next regularly scheduled meeting of the City Council, at which time the sufficiency of the protest shall be determined, and the proceedings of Council with respect thereto shall be as set forth in Section 1.20.030 or Section 1.20.040 of the Lakewood Municipal Code, whichever is determined to be applicable. If an ordinance is tabled to a subsequent meeting pursuant to the provisions of this section, any member of Council who attended the public hearing and any member of Council who has thereafter listened to the tape recording of the public hearing and who has read the adoption of the proceedings shall be entitled to vote upon the adoption or denial of passage of such ordinance, and shall be deemed to have been in attendance at the time of

OFFICE OF ENVIRONMENTAL MANAGEMENT

consideration of the ordinance for the purpose of determining the number of members of Council in attendance under Section 1.20.030 or Section 1.20.040 of the Lakewood Municipal Code, whichever is applicable. (Ord. 0-82-107 § 6, 1982).

1.20.060 SUBSEQUENT VOTES. It is declared to be the policy of the City Council that there shall not be a subsequent vote of the City Council upon reconsideration of any such ordinance after a vote of the Council upon adoption or denial or passage of the same, except as provided in Section 1.20.030 or as provided in Chapter 2.25 of this Code relating to referendum. (Ord. 0-82-107 § 7, 1982).

Chapter 1.25

OFFICE OF ENVIRONMENTAL MANAGEMENT

Sections:

- 1.25.010 Establishment—Office of Environmental Management.
- 1.25.020 Appointment of officers and employees.
- 1.25.030 Duties of Environmental Manager.
- 1.25.040 Declaration of local disaster emergency.

1.25.010 ESTABLISHMENT — OFFICE OF ENVIRONMENTAL MANAGEMENT. There is created and established an Office of Environmental Management, to be directed by the Environmental Manager of the Police Department. (Ord. 0-93-52 § 1 (part), 1993; Ord. 0-93-24 § 18, 1993; Ord. 0-80-41 § 1 (part), 1980).

OFFICE OF ENVIRONMENTAL MANAGEMENT

1.25.020 APPOINTMENT OF OFFICERS AND EMPLOYEES. The Environmental Manager shall be appointed by the Chief of Police. The Environmental Manager may appoint staff members, salaried and volunteer, as he deems necessary. The final appointing authority for all employees within the Office of Environmental Management shall be the City Manager. (Ord. 0-93-52 § 1 (part), 1993; Ord. 0-93-24 § 19, 1993; Ord. 0-80-41 § 1 (part), 1980).

1.25.030 DUTIES OF ENVIRONMENTAL MANAGER. (a) The Environmental Manager shall establish the Office of Environmental Management as the coordinating agency for all disaster activities including hazardous material incidents under Article 22 of Title 29 of the Colorado Revised Statutes, and as the vehicle through which the Mayor, City Manager, and department heads may exercise the authority and control in the event of an emergency or disaster. The Environmental Manager shall have the following duties regarding hazardous materials:

- (1) Develop and maintain plans and procedure for response and clean up of hazardous material spills within the city;
- (2) Act as the on-scene commander over all hazardous materials incidents within the city;
- (3) Coordinate the city's investigation of hazardous material violations;
- (4) Administer the city's hazardous material identification, transport, and disposal activities;
- (5) Assist the Police Department in enforcement of federal, state, and local environmental laws; and
- (6) Conduct environmental audits and environmental assessments of city-owned property.

(b) The Environmental Manager shall coordinate all emergency preparedness activities within the city and shall have the following duties regarding emergency preparedness:

- (1) Coordinate the activities of municipal and private agencies cooperating in the emergency preparedness program;

OFFICE OF ENVIRONMENTAL MANAGEMENT

(2) Develop and maintain emergency operations plans for the use of the city's manpower, facilities, and resources in case of an emergency or disaster;

(3) Initiate and coordinate recruitment and training activities of the city and other private support groups for the city's emergency plan;

(4) Negotiate with other governmental subdivisions and private agencies for mutual aid agreements for reciprocal assistance that may be deemed necessary. The mutual aid agreements shall be signed by the Mayor of the City of Lakewood and may pledge the resources of the city to meet major emergencies of other jurisdictions in return for a like pledge;

(5) Carry out other duties as may be required by and in conjunction with the county, state, and federal emergency preparedness programs;

(c) Nothing in this chapter shall be construed to limit the power and authority of the Environmental Manager to enforce other ordinances of the city for which the Environmental Manager has been given enforcement power.

(Ord. 0-93-52 § 1 (part), 1993; Ord. 0-93-24 § 20, 1993; Ord. 0-80-41 § 1 (part), 1980).

1.25.040 DECLARATION OF LOCAL DISASTER EMERGENCY. The Mayor or City Manager, in his or her sole discretion, and upon advice of the Environmental Manager, may declare a local disaster emergency for the purpose of requesting timely aid in response to disaster emergencies from appropriate county, state, and federal agencies. For purposes of this section, a local "disaster emergency" is defined as a large-scale emergency, caused by natural or manmade disaster, which is beyond the capabilities of the City of Lakewood to adequately respond to using only city resources. (Ord. 0-93-52 § 1 (part), 1993; Ord. 0-93-24 § 21, 1993; Ord. 0-81-29 § 1, 1981).

FEES FOR CITY SERVICES

Chapter 1.26

FEES FOR CITY SERVICES

Sections:

- 1.26.010 Review fee—Annexation petition.
- 1.26.020 Review fee—Easement vacation application.

1.26.010 REVIEW FEE — ANNEXATION PETITION. Any person who presents a petition for annexation of land by the city shall pay a petition review fee in an amount to be established by City Council Resolution. (Ord. 0-85-126 § 2, 1985).

1.26.020 REVIEW FEE — EASEMENT VACATION APPLICATION. Any person who presents an application for City Council vacation of a right-of-way or an easement shall pay an application review fee in an amount to be established by City Council Resolution. (Ord. 0-85-126 § 3, 1985).

RARE BKS

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SUPPLEMENT

INSERTION GUIDE

LAKWOOD MUNICIPAL CODE

September 30, 1994

(Covering Ordinances through 0-94-66)

This supplement consists of reprinted pages replacing existing pages in the Lakewood Municipal Code.

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the code.

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**CITY OF
LAKEWOOD
MUNICIPAL CODE**

1972

**A codification of the General Ordinances
of the city of Lakewood, Colorado**

**Codified, Indexed and Published by
BOOK PUBLISHING COMPANY**

**2518 Western Avenue
Seattle, Washington**



**PROCEDURE FOR PASSING ORDINANCES
AFTER THE CODE IS ADOPTED**

This code has been designed to permit logical expansion without requiring recodification or renumbering. To preserve the code's continuity and usefulness, we recommend that the procedure set forth below be followed before a new ordinance is adopted.

FIRST, before drafting the ordinance, determine whether the same or similar provisions are presently in the code. The index should be useful in making this determination.

SECOND, compare any similar code provision with those considered for the new ordinance and determine whether the present code provision is sufficient, needs to be amended or is to be repealed.

THIRD, if the existing code section need only be amended, the ordinance should simply expressly amend the code sections as follows:

"Section 5.10.032 is hereby amended to read as follows:"

or

"Sections 5.10.032 and 7.08.040 are hereby amended to read as follows:"

"Section 5.10.032 . . ."

"Section 7.08.040 . . ."

Chapters and Titles may be amended in a similar manner.

Important: Do not use the words "Chapter X is hereby repealed and re-enacted as follows," unless the intent is to simply repeal the material and use the chapter number again for entirely new material. When such words are used our editors will rewrite the history note, eliminating any reference to the old ordinance.

FOURTH, if the prior code provision is to be totally replaced by the new ordinance, the new ordinance should specifically repeal the prior code section by simply stating, "Section 5.10.032 is hereby repealed."

FIFTH, if new sections are to be added to the code, determine whether such sections would best fit within an existing chapter and title or whether they should be codified as a new title or chapter. In each case, the expandable decimal numbering system used in this volume reserves title, chapter and section numbers for expansion. If there is any question as to the proper placement of a new provision, no reference to code section number should be made. Our editors will place the ordinance when the next supplement is prepared. The following language is sufficient to locate the new ordinance in the code:

"There is hereby added to the Municipal Code of, Section 5.32.033 which is to read as follows:"

SIXTH, two copies of all ordinances passed should be forwarded to Book Publishing Company, 2518 Western Avenue, Seattle, Washington 98121, for inclusion in the supplement.

Our editorial staff is always willing to provide assistance, should there be any difficulty amending the code.

PREFACE

The City of Lakewood Municipal Code, originally published by Book Publishing Company in 1972, has been kept current by regular supplementation.

During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of Raymond C. Johnson, City Attorney.

The code arrangement is by subject matter. The ordinances are divided into titles, chapters and sections. In parentheses following each section is a legislative history. Footnotes referring to applicable state law are provided throughout the code. A subject matter index, keyed to the section numbers of the code is supplemented by internal cross-references.

This supplement brings the code up to date through Ordinance 0-94-66, passed September 12, 1994.

Book Publishing Company
201 Westlake Avenue North
Seattle, Washington 98109
(206) 343-5700
1-800-537-7881

The City of Lakewood Municipal Code is a complete codification of the general ordinances of the city, excepting the subdivision and zoning ordinances. Copies of the subdivision and zoning ordinances may be inspected at the office of the City Clerk, 445 South Allison Parkway, Lakewood, Colorado 80226, and may be purchased from the Building Official.

**CHECKLIST FOR THE
LAKEWOOD, COLORADO, MUNICIPAL CODE**

This checklist is issued to provide a positive means for ascertaining whether your code contains all current pages. After insertion of the 9-30-94 supplement, the Lakewood Code should contain the pages indicated below. Wherever there are dash pages, they have been listed separately.

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ADMINISTRATION AND PERSONNEL

Title 2

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*For regulations governing the animal control commission, see Chapter 6.08 of this code.

BOARDS, COMMISSIONS AND COMMITTEES

Chapter 2.01

BOARDS, COMMISSIONS AND COMMITTEES

Sections:

- 2.01.010 Executive session authority.
- 2.01.020 Service on more than one board or commission.
- 2.01.030 Two-term limit for service on boards and commissions.

2.01.010 EXECUTIVE SESSION AUTHORITY. Any duly authorized board, commission or committee of the city of Lakewood, by a two-thirds vote of the members present, may be recessed or may schedule an executive session, which shall be closed to the public, for any of the following purposes:

- (1) To determine a position relative to issues subject to negotiation, to receive reports on the progress and status of negotiations, to develop strategy, and to instruct negotiators;
- (2) To consider the purchase or sale of property by the city;
- (3) For matters of attorney-client privilege;
- (4) For matters required by federal or state law to be confidential;
- (5) For matters involving the protection and security of city property;
- (6) For classified or confidential police matters, subject to criteria established by ordinances; and
- (7) To consider personnel matters. (Ord. 0-85-1 § 1, 1985).

2.01.020 SERVICE ON MORE THAN ONE BOARD OR COMMISSION. (a) No person serving as a member of a city board or commission may be appointed to serve on another city board or commission at the same time, nor may any person be appointed to serve on any two city boards or commissions

BOARDS, COMMISSIONS AND COMMITTEES

simultaneously. This applies to those city boards and commissions as outlined in the Council Policy and Procedures Manual.

(b) In the event a person serving on one board or commission is appointed to serve on another board or commission, he will be required to resign from the board or commission upon which he is presently serving, unless the term which the person is presently serving expires in ninety days or less. The city's application form for boards and commissions shall reflect this requirement. (Ord. 0-93-25 § 1, 1993; Ord. 0-85-12 §§ 1 — 3, 1985).

2.01.030 TWO-TERM LIMIT FOR SERVICE ON BOARDS AND COMMISSIONS. (a) Persons appointed to boards or commissions listed in the City Council Policy and Procedures Manual may serve a maximum of two consecutive terms as an alternate member and a maximum of two consecutive terms as a regular member upon each board or commission so appointed; provided, however, any person appointed who serves or has served at least one half of a term on such board or commission shall be considered to have served a term on such board or commission.

(b) The city's application form for service on boards and commissions shall advise applicants of the existence of this two-term limitation on service.

(c) The following boards and commissions include persons appointed by virtue of positions they hold rather than because of their qualifications as determined by the City Council. These positions shall be exempt from the two-term limit established above:

Judicial Review Commission 2.21.010	Position held by the Chief Judge of the First Judicial District or his designee
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Plan Manager of City Money Purchase Pension Plan 2.36.090	Positions held by the Mayor, City Treasurer, City Clerk and City Manager
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CITY COUNCIL

Board of Appeals Position held by the Building Official
14.12.010 or his authorized representative

(Ord. 0-94-45 § 1, 1994; Ord. 0-93-25 §§ 2, 3, 1993; Ord. 0-85-111 § 1, 1985).

Chapter 2.02

CITY COUNCIL

Sections:

2.02.010 Meetings of City Council.
2.02.020 Procedural rules.

2.02.010 MEETINGS OF CITY COUNCIL. (a) (1) The regular City Council meeting shall be held on the second and fourth Mondays of each month at seven p.m. at Lakewood Municipal Center, 445 South Allison Parkway, Lakewood, Colorado.

(2) Regularly scheduled meetings which fall on holidays recognized by the city will be held on the next succeeding regular city business day at seven p.m. at the Lakewood Municipal Center.

(b) Special meetings. The Mayor and any three members of City Council may call a special meeting by notice to each of the members of City Council personally served or left at his or her usual place of residence. (Ord. 0-93-25 §§ 4, 5, 1993; Ord. 0-84-79 § 1, 1984; Ord. 0-83-174 § 1, 1983; Res. 71-122 § 1, 1971).

2.02.020 PROCEDURAL RULES. (a) The City Council adopts the Council Policy and Procedures Manual; and the City Clerk is authorized and directed to keep in the office of the City Clerk, and to provide for inspection and examination at all times when the office of the City Clerk is open for business, not less than one certified copy of the Council Policy and Procedures Manual as the same may hereafter be revised pursuant to resolution of the City Council, which copies are designated as the official copies of the Council Policy and Procedures Manual.

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(b) The City Council ratifies, adopts and confirms its previous adoption of Robert's Rules of Order, as revised and newly revised.

(c) The policies and procedures adopted in subsection (a) of this section shall at all times be subject to the provisions of the United States Constitution and laws of the United States, the Constitution of the state, the applicable statutes of the state, and to the provisions of the City of Lakewood Charter, municipal ordinances and resolutions of the city, whether heretofore or hereafter adopted. In the event of conflict between any procedural rule or policy contained in the Council Policy and Procedures Manual and the provisions of Robert's Rules of Order as revised and newly revised, the provisions of the Council Policy and Procedures Manual shall govern.

(d) In the event of conflict between any procedural rules of Robert's Rules of Order as revised and newly revised, or between any provision of the Council Policy and Procedures Manual and any constitutional provisions, law, statute, or ordinance or resolution heretofore or hereafter adopted, the provisions of the state and federal constitutions, laws, statutes and the ordinances and resolutions of the city, heretofore or hereafter adopted, shall govern. (Ord. 0-93-25 §§ 6, 7, 1993; Res. 76-15 §§ 1 — 4, 1976).

Chapter 2.03

CITY OFFICIALS — DISCLOSURE

Sections:

- 2.03.010 Application.
- 2.03.020 Definitions.
- 2.03.030 Information to be disclosed.
- 2.03.040 Procedure for making disclosure.
- 2.03.050 Duties of city clerk.
- 2.03.060 Affirmative defense.
- 2.03.070 Rules of construction.
- 2.03.080 Appointment of Special Association Municipal Judge.

CITY OFFICIALS—DISCLOSURE

2.03.010 APPLICATION. The provisions of this chapter shall apply to members of the City Council, the Mayor of the City, and to all candidates for election to the aforementioned offices. (Ord. 0-93-25 § 9, 1993; Ord. 0-76-37 § 1 (part), 1976).

2.03.020 DEFINITIONS. In this chapter, unless the context otherwise requires:

(1) “Business” means any activity which is engaged in for the purpose of earning a profit.

(2) “Description of real property” means a legal description of the property, or the address of the property if such address is sufficient to enable a reasonable person to locate and identify the property.

(3) “Legal or equitable interest” does not include any interest over which the owner of the interest exercises only ministerial control or from which the owner of the interest derives no tangible benefit. Without limitation, such interests shall not include title, rights or interests held by one as agent, executor or trustee, or in another fiduciary capacity, unless coupled with a beneficial interest in the subject matter.

CITY OFFICIALS – DISCLOSURE

(4) “Source of income” means any source from which a person obtained income, except that, in the case of income received in pursuit of a business or profession in the course of which income is received from a number of clients, patients or customers, the source of the income shall be deemed to be the business or profession and not the individuals from whom the income is received. (Ord. 0-76-37 § 1 (part), 1976).

2.03.030 INFORMATION TO BE DISCLOSED. (a) Every person described in Section 2.03.010 shall disclose the following information:

(1) Any source of income from which the person derived more than \$500 during the preceding year;

(2) The name of any business, however organized, in which the person has any legal or equitable interest;

(3) A description of any real property located in Jefferson County, Colorado, in which the person has any legal or equitable interest;

(4) A description of any interest in any real property, business, or other income-producing property or assets, which the person making disclosure has transferred to such person’s spouse or dependent minor child within five years preceding the date of disclosure, provided:

(A) That such interest is retained by the spouse or child on the date of disclosure, and

(B) That the interest would have been required to be disclosed if such transfer had not been made, and

(C) That the disclosing person retains actual or constructive control over the transferred interest.

(b) Notwithstanding the requirements of subsection (a) of this section, no person shall be required to disclose any interest which could not be affected materially by any action, failure to act or decision of the person making disclosure, acting within the scope of the official duties of the office which the person holds or seeks. (Ord. 0-76-37 § 1 (part), 1976).

CITY OFFICIALS—DISCLOSURE

2.03.040 PROCEDURE FOR MAKING DISCLOSURE. Every person required by this chapter to make disclosure shall file a completed financial disclosure statement in the office of the City Clerk at the following stated times:

(1) Every official required by this chapter to make disclosure shall file a completed financial disclosure statement on or before April 15th of any year during which the official holds office.

(2) Every candidate for election to the offices named in Section 2.03.010 shall file a completed financial disclosure statement on the date upon which such candidate files a nomination petition for election to municipal office.

(3) Any person appointed to fill any office described in Section 2.03.010 shall file a completed financial disclosure statement within seven days after being appointed to such office. (Ord. 0-93-25 §§ 10, 11, 1993; Ord. 0-76-37 § 1 (part), 1976).

2.03.050 DUTIES OF CITY CLERK. (a) The City Clerk shall prepare and have available in the office of the City Clerk a form to be entitled financial disclosure statement. Said form shall contain instructions, consistent with the provisions of this chapter, explaining the manner in which the form is to be filled out. There shall be designated spaces on the form for disclosure of each matter required by this chapter to be disclosed, and a space sufficient for an acknowledgment before a notary public. The form shall also contain a place for the signature of the person making disclosure; an affidavit that the information disclosed is true, accurate and complete to the best knowledge of the party making disclosure, and places for the date upon which the statement was completed and the date upon which the statement was received by the City Clerk.

(b) Any financial disclosure statement filed by any person required by this chapter to make disclosure shall be preserved by the City Clerk until six months after:

(1) The defeat of the person making disclosure, in the case of an unsuccessful candidate for elective municipal office; or

(2) The date upon which the person leaves office, in the case of an elected or appointed municipal official.

CITY OFFICIALS—DISCLOSURE

(c) The City Clerk shall permit any person who requests permission to inspect any financial disclosure statement on file in the office of the City Clerk to inspect or copy the same during the normal business hours of the office of the City Clerk. A reasonable charge may be assessed for any copy provided by the office of the City Clerk.

(d) If any person required to file a financial disclosure statement fails to file the same, the City Clerk shall, within three days after the deadline for filing, notify the person in writing that such person may be in violation of this chapter. (Ord. 0-93-25 §§ 12, 13, 1993; Ord. 0-76-37 § 1 (part), 1976).

2.03.060 **AFFIRMATIVE DEFENSE.** It shall be an affirmative defense to any prosecution under this chapter that, within seven days after receipt of notice pursuant to subsection (d) of Section 2.03.050, the person filed a completed financial disclosure statement, and no prosecution under this chapter shall be initiated until such seven-day period has passed. (Ord. 0-76-37 § 1 (part), 1976).

2.03.070 **RULES OF CONSTRUCTION.** This chapter shall be construed in such a way as to ensure that the electorate is

CITY OFFICIALS – DISCLOSURE

fully and effectively informed of all matters required by this chapter to be disclosed. If any portion of this chapter is adjudged invalid or unenforceable for any reason, the remainder of the chapter shall continue in force unless to give effect to the remaining provisions would defeat the policy embodied in this chapter. (Ord. 0-76-37 § 1 (part), 1976).

2.03.080 APPOINTMENT OF SPECIAL ASSOCIATE MUNICIPAL JUDGE. If any charge of violation of this chapter is filed in the Municipal Court, the Presiding Municipal Judge shall forthwith notify the Court Administrator of the state, and request the Court Administrator to furnish to the Presiding Municipal Judge the name or names of one or more municipal judges of the state who may be available to try such case; and the Presiding Municipal Judge shall determine the availability of such judge or judges to try such case and shall designate a municipal judge whose name is furnished by the Court Administrator to try such case. Such judge shall be an Associate Municipal Judge of the city during and for all of the purposes of such case and the trial and decision thereof, upon taking an oath of office as an Associate Municipal Judge of the city. Such judge shall be paid reasonable compensation for services rendered. (Ord. 0-76-37 § 1 (part), 1976).

ADMINISTRATIVE DEPARTMENTS

Chapter 2.04

ADMINISTRATIVE DEPARTMENTS

Sections:

- 2.04.010 Intent—Purpose.
- 2.04.020 Definitions.

2.04.010 INTENT — PURPOSE. It is the intent and purpose of this chapter to establish and clarify the organization and operation of certain city departments and to provide for an orderly means of conducting the operations of city government. It is the intent and sense of the Council that cooperation and coordination are required among all departments of the city, and that such coordination and cooperation can best be obtained by close liaison, communication and cooperation among all departments and coordination with and through the City Manager. All ordinances of the city shall be construed in such manner as to foster and promote such cooperation, liaison and coordination of all departments with and through the Office of the City Manager. (Ord. 0-93-25 § 14, 1993; Ord. 0-85-24 § 1 (part), 1985; Ord. 0-76-16 § 1 (part), 1976).

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

- (1) “City” is the city of Lakewood, Colorado.
- (2) “City Manager” or “Manager” is the City Manager of the city of Lakewood, occupying the position of City Manager established in Chapter 2.06.
- (3) “City Council” or “Council” is the City Council of the city of Lakewood, Colorado. (Ord. 0-85-24 § 1 (part), 1985; Ord. 0-76-16 § 1 (part), 1976).

CITY MANAGER

Chapter 2.06

CITY MANAGER

Sections:

- 2.06.010 Establishment of position.
- 2.06.020 Qualifications.
- 2.06.030 Functions and duties.
- 2.06.040 Power to appoint and remove officers and employees.
- 2.06.050 Criteria for appointment and dismissal.
- 2.06.060 Additional functions and duties.
- 2.06.070 Administrative organization.
- 2.06.072 Establishing City Clerk's Office and position of City Clerk.
- 2.06.074 City Clerk's Office and City Clerk under Manager supervision.
- 2.06.076 Duties of City Clerk's Office.
- 2.06.080 Establishing Department of Employee Relations and position of Director of Employee Relations.
- 2.06.090 Department of Employee Relations and Director under City Manager supervision.
- 2.06.100 Duties of Department of Employee Relations.
- 2.06.110 Establishing Department of Finance and position of Director of Finance.
- 2.06.120 Department of Finance and Director under City Manager supervision.
- 2.06.130 Duties of Department of Finance.
- 2.06.131 Approval of Vouchers—Delegation of Treasurer's Duties.
- 2.06.132 Establishing Department of Economic Development and position of Director of Economic Development.
- 2.06.134 Department of Economic Development and Director under City Manager supervision.
- 2.06.136 Duties of Department of Economic Development.
- 2.06.150 Organization of Office of City Manager.
- 2.06.160 Authority of City Manager over organization and personnel of city departments and offices.

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2.06.170 Relationship of City Council to City Manager and departments.

2.06.180 Lakewood Housing Authority.

2.06.010 ESTABLISHMENT OF POSITION. There is created and established the position of City Manager. (Ord. 0-85-24 § 1 (part), 1985; Ord. 0-76-16 § 2 (part), 1976).

2.06.020 QUALIFICATIONS. The City Manager shall be selected solely on the basis of his executive and administrative qualifications with special reference to training and experience. He shall be compensated for his services as the Council may from time to time determine. At the time of his appointment he need not be a resident of the city or the state, but within a reasonable time following his appointment he shall remove to the city, and shall thereafter reside in the city during his tenure. (Ord. 0-85-24 § 1 (part), 1985; Ord. 0-76-16 § 2 (part), 1976).

CITY MANAGER

2.06.030 FUNCTIONS AND DUTIES. The City Manager shall be the chief administrative officer of the city, and shall be responsible to the Mayor and City Council for the proper administration of all affairs of the city placed in his charge. (Ord. 0-85-24 § 1 (part), 1985; Ord. 0-76-16 § 2 (part), 1976).

2.06.040 POWER TO APPOINT AND REMOVE OFFICERS AND EMPLOYEES. Subject to and except as otherwise provided by law or ordinance, the City Manager shall have the power to appoint and remove, discipline or suspend all employees of the city, excepting the employees of the Presiding Municipal Judge and his subordinate employees; provided, however, that the City Manager shall have such powers over the employees of the Presiding Municipal Judge, subject to the advance approval of the Presiding Municipal Judge, or as such powers may be delegated to him in writing. (Ord. 0-86-23 § 1, 1986; Ord. 0-85-24 §§ 1, 2 (part), 1985; Ord. 0-77-28 § 2, 1977; Ord. 0-76-16 § 2 (part), 1976).

2.06.050 CRITERIA FOR APPOINTMENT AND DISMISSAL. Appointments made by the City Manager shall be on the basis of executive and administrative ability and training and experience of all employees in the work they are to perform. (Ord. 0-85-24 § 1 (part), 1985; Ord. 0-76-16 § 2 (part), 1976).

2.06.060 ADDITIONAL FUNCTIONS AND DUTIES. The City Manager shall have the following additional functions and duties:

(1) To supervise the administration of the enforcement of all laws and ordinances of the city, save and except to the extent

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that the administration of such enforcement is confided to other city officials by law or ordinance;

(2) To be responsible to the City Council for the administration of all departments of the city, save and except those departments confided to the supervision of other city officers by law or ordinance; and to cooperate with and supervise the administrative functions of such departments to the extent requested or delegated by the city officers having primary responsibility for the operation of such departments;

(3) To issue such administrative regulations and outline general administrative procedures applicable to areas and departments confided to his supervision, in the form of rules which are not in conflict with the laws of the state or other city ordinances or regulations;

(4) To prepare an annual budget and to submit the same to Council;

(5) In cooperation with the City Treasurer to keep the Council fully informed as to the financial condition of the city;

(6) To recommend to Council for adoption such measures as he may deem necessary or proper for the efficient and proper operation of the city, and to attend all City Council meetings;

(7) To prepare and submit to the Council an annual report of the city's affairs, including a summary of the reports of the operations of all city departments;

(8) Subject to the requirements of statutes and ordinances, and in accordance with rules and regulations now or hereafter promulgated by the City Council, to purchase materials and authorize expenditures of funds on behalf of the city;

(9) To perform such other duties as may be prescribed by ordinance or by direction of the City Council. (Ord. 0-85-24 § 1 (part), 1985; Ord. 0-76-16 § 2 (part), 1976).

2.06.070 ADMINISTRATIVE ORGANIZATION. Subject to the limitations and requirements of applicable budget and

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appropriations, the City Manager shall have such assistants as may be authorized from time to time by the City Council, who shall perform such functions and duties as may be assigned to them by the City Manager, and who shall be appointed by the City Manager and subject to removal by the City Manager in conformity with the provisions of the applicable ordinances of the city. (Ord. 0-85-24 § 1 (part), 1985; Ord. 0-76-16 § 2 (part), 1976).

2.06.072 ESTABLISHING CITY CLERK'S OFFICE AND POSITION OF CITY CLERK. There is established the City Clerk's Office and the position of City Clerk, who shall have charge of the City Clerk's Office. (Ord. 0-87-19, § 1 (part), 1987).

2.06.074 CITY CLERK'S OFFICE AND CITY CLERK UNDER CITY MANAGER SUPERVISION. The City Clerk's Office and the City Clerk of the City shall be subject to the direct supervision and control of the City Manager. The City Clerk shall be appointed by the City Manager and shall be subject to removal by the City Manager in conformity with the provisions of applicable ordinances of the city. (Ord. 0-87-19 § 1 (part), 1987).

2.06.076 DUTIES OF CITY CLERK'S OFFICE. The City Clerk's Office and the City Clerk shall have general supervision and control over the city's official records; shall keep the city seal and shall affix such to city documents; shall attest to the signatures of the Mayor and City Manager; shall conduct municipal elections in accordance with state statutes and local ordinances; shall keep a complete record of all proceedings of the City Council, and shall perform other such duties as may be assigned from time to time by the City Manager. (Ord. 0-87-19 § 1 (part), 1987).

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2.06.080 ESTABLISHING DEPARTMENT OF EMPLOYEE RELATIONS AND POSITION OF DIRECTOR OF EMPLOYEE RELATIONS. There is established a Department of Employee Relations and the position of Director of Employee Relations, who shall be and is designated as the Personnel Officer of the city, and who shall have charge of the Department of Employee Relations. (Ord. 0-79-46 § 1, 1979; Ord. 0-76-16 § 2 (part), 1976).

2.06.090 DEPARTMENT OF EMPLOYEE RELATIONS AND DIRECTOR UNDER CITY MANAGER SUPERVISION. The Department of Employee Relations and the Director of Employee Relations of the city shall be subject to the direct supervision and control of the City Manager. The Director of Employee Relations shall be appointed by the City Manager and shall be subject to removal by the City Manager in conformity with the provisions of applicable ordinances of the city. (Ord. 0-87-19 § 2, 1987; Ord. 0-85-24 § 1 (part), 1985; Ord. 0-76-16 § 2 (part), 1976).

2.06.100 DUTIES OF DEPARTMENT OF EMPLOYEE RELATIONS. The department of Employee Relations and the Director of Employee Relations shall be responsible for the administration of all personnel and employment services of the city and for the maintenance of all city personnel records, and shall perform such other duties as may be assigned from time to time by the City Manager. (Ord. 0-93-25 § 15, 1993; Ord. 0-85-24 § 1 (part), 1985; Ord. 0-76-16 § 2 (part), 1976).

2.06.110 ESTABLISHING DEPARTMENT OF FINANCE AND POSITION OF DIRECTOR OF FINANCE. There is created a Department of Finance and the position of Director of Finance, who shall have charge of the Department of Finance of the city. (Ord. 0-79-46 § 2, 1979; Ord. 0-76-16 § 2 (part), 1976).

2.06.120 DEPARTMENT OF FINANCE AND DIRECTOR UNDER CITY MANAGER SUPERVISION. The Department of Finance and the Director of Finance of the city shall be subject to the direct supervision and control of the City Manager. The Director of Finance shall be appointed by the City Manager and shall be subject to removal by the City Manager in conformity with the

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provisions of the applicable ordinances of the city. (Ord. 0-87-19 § 3, 1987; Ord. 0-85-24 § 1 (part), 1985; Ord. 0-76-16 § 2 (part), 1976).

2.06.130 DUTIES OF DEPARTMENT OF FINANCE. The Department of Finance and Director of Finance shall have general supervision and control over the keeping of the financial records of the city; shall cooperate with the City Treasurer in the preparation and keeping of financial records; shall keep records which show at all times the financial condition of the city, including current and anticipated revenues and expenses of all municipal funds and accounts; shall have general supervision and control over all of the city's purchasing services, and shall perform such other duties as may be assigned from time to time by the City Manager. (Ord. 0-85-24 § 1 (part), 1985; Ord. 0-76-16 § 2 (part), 1976).

2.06.131 APPROVAL OF VOUCHERS — DELEGATION OF TREASURER'S DUTIES. Before submission to the Treasurer for payment, the Department of Finance shall in advance approve all vouchers to be paid for purchases made by the City. The Treasurer is authorized to delegate to the Director of Finance and the Department of Finance such of the duties and responsibilities of the Treasurer as may be delegable, and may to the extent of such delegation rely upon the actions and records of the Department of Finance for all of the purposes of such delegation. (Ord. 0-93-25 § 16, 1993).

2.06.132 ESTABLISHING DEPARTMENT OF ECONOMIC DEVELOPMENT AND POSITION OF DIRECTOR OF ECONOMIC DEVELOPMENT. There is created a Department of Economic Development and the position of Director of Economic Development, who shall have charge of the Department of Economic Development. (Ord. 0-87-19 § 4 (part), 1987).

2.06.134 DEPARTMENT OF ECONOMIC DEVELOPMENT AND DIRECTOR UNDER CITY MANAGER SUPERVISION. The Department of Economic Development and the Director of Economic Development shall be subject to the direct supervision of the City Manager. The Director of Economic Development shall be appointed

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by the City Manager in conformity with the provisions of applicable ordinances of the city. (Ord. 0-87-19 § 4 (part), 1987).

2.06.136 DUTIES OF DEPARTMENT OF ECONOMIC DEVELOPMENT. The Department of Economic Development and the Director of Economic Development shall be responsible for design and implementation of the City's Economic Development Program; shall ensure the timely implementation of activities performed by staff assigned to the Department and shall perform such other duties as may be assigned from time to time by the City Manager. (Ord. 0-87-19 § 4 (part), 1987).

2.06.150 ORGANIZATION OF OFFICE OF CITY MANAGER. In order to provide proper staff and management services to the city and its departments, and subject to the limitations and requirements of budget and appropriations, the City Manager is authorized to establish within his office such divisions or sections as to him may seem necessary or proper for the purposes aforesaid, and from time to time to abolish, change or reorganize the same. Such actions by the City Manager may be on a temporary or permanent basis, subject to further change, reorganization or reassignment as the City Manager may determine. (Ord. 0-87-19 § 5, 1987; Ord. 0-85-24 § 1 (part), 1985; Ord. 0-76-16 § 2 (part), 1976).

2.06.160 AUTHORITY OF CITY MANAGER OVER ORGANIZATION AND PERSONNEL OF CITY DEPARTMENTS AND OFFICES. Subject to the provisions of applicable law and ordinance, budget and appropriations, the City Manager may from time to time, and as he deems necessary or proper for the most efficient operation and organization of the city, reorganize, modify, combine or change the organizational structure and the establishment of sections or divisions and assignment of personnel, functions and duties within each of the City Clerk's Office, Department of Economic Development, Department of Employee Relations, Department of Finance, Department of Planning, Permits and Public Works, Department of Community Resources and the Police Department, or he may transfer functions, duties, services, personnel or assignments from any of said departments or offices to any of said other depart-

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ments or offices. (Ord. 0-93-25 § 18, 1993; Ord. 0-91-59 § 8, 1991; Ord. 0-87-19 § 6; 1987; Ord. 0-85-24 § 1 (part), 1985; Ord. 0-76-16 § 2 (part), 1976).

2.06.170 RELATIONSHIP OF CITY COUNCIL TO CITY MANAGER AND DEPARTMENTS. The City Council shall deal with that portion of the administrative service and the departments of the city for which the City Manager is responsible through the City Manager. Directives issued by the Council concerning policies or operations of the City Council affecting the area of responsibility of the City Manager and the administration of any of such departments shall be made so as to direct the City Manager to accomplish the necessary orders. (Ord. 0-85-24 § 1 (part), 1985; Ord. 0-76-16 § 2 (part), 1976).

2.06.180 LAKEWOOD HOUSING AUTHORITY. The office of the City Manager shall provide administrative staff assistance to the Lakewood Housing Authority. (Ord. 0-91-59 § 2, 1991).

OPERATING DEPARTMENTS

Chapter 2.08

OPERATING DEPARTMENTS

Sections:

A. POLICE DEPARTMENT

- 2.08.010 Establishment—Head of department.
- 2.08.020 Powers and duties of Chief and of Police Department.
- 2.08.030 Additional powers and duties.
- 2.08.040 Sworn positions within the Police Department.
- 2.08.050 Civilian positions within the Police Department.
- 2.08.060 Oath.

B. DEPARTMENT OF PUBLIC WORKS

- 2.08.070 Established.
- 2.08.090 City Engineer/Traffic Engineer—A part of department.
- 2.08.100 City Engineer to be registered professional engineer.
- 2.08.110 Supervision of planning, permits and public works.
- 2.08.120 Responsibility for all engineering work.

C. DEPARTMENT OF COMMUNITY DEVELOPMENT

- 2.08.150 Staff assistance.
- 2.08.160 Planning, zoning, and building inspection duties.
- 2.08.170 Building Official.
- 2.08.180 Enforcement of building code.

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- 2.08.190 Administration of zoning ordinance, subdivision regulations and land use.
- 2.08.200 Administrative assistance to boards and Housing Authority.

D. PARKS AND RECREATION

- 2.08.210 Established—Position of director.
- 2.08.220 Duties.

E. GENERAL PROVISIONS

- 2.08.230 Appointment and removal of directors and responsibility to City Manager.
- 2.08.240 Additional duties of directors.
- 2.08.250 Additional administrative duties of department heads.

A. POLICE DEPARTMENT

2.08.010 ESTABLISHMENT — HEAD OF DEPARTMENT. There is established the Police Department and the position of Chief of Police. (Ord. 0-93-25 § 19, 1993; Ord. 0-87-48 § 1, 1987; Ord. 0-76-16 § 3 (part), 1976).

2.08.020 POWERS AND DUTIES OF CHIEF AND OF POLICE DEPARTMENT. The Chief of Police, by himself or any member of the police force, which includes all sworn police agents within the Police Department, shall execute and return all writs and processes to him directed by the Municipal Judge in any case arising under a city ordinance. In criminal cases, quasi-criminal cases, or cases in violation of city ordinances, he may serve the same in any part of the county in which the city is situated. He or any police agent of the Police Department shall suppress all riots, disturbances and breaches of the peace, apprehend all disorderly persons in the city, and shall pursue and arrest any person fleeing from justice in any part of the state, and shall apprehend any person in the act of committing any offense against the laws of the state or ordinances of the city. The Chief of Police of the city, acting himself and by and through the police agents of the Police Department, shall, in the discharge of his (and their) proper duties, have like powers, and be subject to like responsibilities as sheriffs in similar cases. (Ord. 0-93-

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25 § 20, 1993: Ord. 0-87-48 § 2, 1987: Ord. 0-76-16 § 3 (part), 1976).

2.08.030 **ADDITIONAL POWERS AND DUTIES.** The Police Department, acting by and through its chief and its police agents shall:

(1) Preserve the public peace, prevent crime, detect and arrest offenders, protect the rights of persons and property, and regulate and control traffic in accordance with the laws of this state and the ordinances of this city;

(2) Hold all powers and authority necessary to perform all duties and functions consistent with public safety;

(3) Provide training for department personnel;

(4) Provide central records, investigation and communications for public safety protection. (Ord. 0-93-25 § 21, 1993: Ord. 0-87-48 § 3, 1987: Ord. 0-76-16 § 3 (part), 1976).

2.08.040 **SWORN POSITIONS WITHIN THE POLICE DEPARTMENT.** (a) The positions of sworn police agents of the city shall be as set forth in the city pay plan, established from time to time by ordinance or ordinances enacted by the City Council.

(b) All sworn police agents of the city shall be subject to the direction and control of the Police Department and shall be municipal policemen and peace officers under state statute and ordinances of this city, responsible for the prevention of crime, accidents and other incidents prohibited by statute or ordinance, and the protection of life and property, all pursuant to and as provided by statute and ordinance. (Ord. 0-93-25 § 22, 1993: Ord. 0-87-48 § 4, 1987: Ord. 0-76-16 § 3 (part), 1976).

2.08.050 **CIVILIAN POSITIONS WITHIN THE POLICE DEPARTMENT.** The positions of civilian personnel of the Police Department of the city shall be as set forth in the city pay plan, established from time to time by ordinance or ordinances enacted by the City Council. (Ord. 0-87-48 § 5, 1987: Ord. 0-76-16 § 3 (part), 1976).

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2.08.060 OATH. All sworn police agents shall take and subscribe an oath to support the Constitution and laws of the state, the Constitution of the United States, and the ordinances of the city, and to faithfully perform the duties of the office upon which each of such persons has entered or is about to enter. (Ord. 0-93-25 § 23, 1993; Ord. 0-87-48 § 6, 1987; Ord. 0-76-16 § 3 (part), 1976).

B. DEPARTMENT OF PUBLIC WORKS

2.08.070 ESTABLISHED. The Department Planning, Permits and Public Works and the position of the Director of the Department of Planning, Permits and Public Works are established. (Ord. 0-91-59 § 9 (part), 1991; Ord. 0-79-46 § 3, 1979; Ord. 0-76-16 § 3 (part), 1976).

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2.08.090 CITY ENGINEER/TRAFFIC ENGINEER — A PART OF DEPARTMENT. The City Engineer and the Traffic Engineer shall be a part of the Department of Planning, Permits and Public Works and subject to the direction of the Director of Planning, Permits and Public Works. The Transportation Administrator of the city shall also be and is designated as the Traffic Engineer, unless and until the Director of the Department of Planning, Permits and Public Works, with the approval of the City Manager, shall assign the duties and responsibilities of the Traffic Engineer to another officer of the city. (Ord. 0-91-59 § 9 (part), 1991; Ord. 0-76-16 § 3 (part), 1976).

2.08.100 CITY ENGINEER TO BE REGISTERED PROFESSIONAL ENGINEER. The City Engineer shall be a registered professional engineer. (Ord. 0-76-16 § 3 (part), 1976).

2.08.110 SUPERVISION OF PLANNING, PERMITS AND PUBLIC WORKS. (a) The Director of the Department of Planning, Permits and Public Works shall have charge of the be responsible for the supervision of the Divisions of Planning, Engineering, Traffic Engineering, Fleet Maintenance, Maintenance Operations, and Water and Sewer.

(b) Subject to limitations and requirements of applicable budgetary provision, appropriations, statutes and ordinances, the Director of the Department of Planning, Permits and Public Works shall assign and reassign such duties and functions of the Divisions set forth in subsection (a) of this section as may in his discretion seem necessary and proper for the performance of his respective responsibilities. (Ord. 0-91-59 § 1, 1991; Ord. 0-76-16 § 3 (part), 1976).

2.08.120 RESPONSIBILITY FOR ALL ENGINEERING WORK. The Director of the Department of Planning, Permits and Public Works and the City Engineer shall be responsible for the

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supervision of all engineering work required by or for the city, other than such work as may be assigned to other departments or offices of the city. (Ord. 0-91-59 § 6 (part), 1991; Ord. 0-76-16 § 3 (part), 1976).

C. DEPARTMENT OF COMMUNITY DEVELOPMENT

2.08.150 STAFF ASSISTANCE. The Director of the Department of Planning, Permits and Public Works, together with the staff of the Department of Planning, Permits and Public Works, shall provide such staff assistance as may be directed by the Planning Commission in the proper conduct of its duties. (Ord. 01-91-59 § 11 (part), 1991; Ord. 0-82-111 § 3, 1982; Ord. 0-76-16 § 3 (part), 1976).

2.08.160 PLANNING, ZONING, AND BUILDING INSPECTION DUTIES. The Department of Planning, Permits and Public Works shall perform all services pertaining to planning, zoning and building inspection. (Ord. 0-91-59 § 4 (part), 1991; Ord. 0-76-16 § 3 (part), 1976).

2.08.170 BUILDING OFFICIAL. The administrative officer of the city in charge of building inspection shall be the Building Official of the city, who shall have all of the powers and duties of the Building Official provided for in the Lakewood Building Code. Such officer and the building inspectors of the city shall be within and a part of the Department of Planning, Permits and Public Works, subject to the supervision and control of the Director of the Department of Planning, Permits and Public Works. (Ord. 0-91-59 § 11 (part), 1991; Ord. 0-76-16 § 3 (part), 1976).

2.08.180 ENFORCEMENT OF BUILDING CODE. The Building Official shall have all necessary power and authority to enforce the building code or codes of the city in the manner set forth therein, or in applicable statute or ordinances. (Ord. 0-76-16 § 3 (part), 1976).

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2.08.190 ADMINISTRATION OF ZONING ORDINANCE, SUBDIVISION REGULATIONS AND LAND USE. The Department of Planning, Permits and Public Works shall be responsible for the administration of the city's zoning ordinance or ordinances, subdivision regulations and such other land use or building regulatory codes or ordinances as may be enacted from time to time. (Ord. 0-91-59 § 4 (part), 1991; Ord. 0-76-16 § 3 (part), 1976).

2.08.200 ADMINISTRATIVE ASSISTANCE TO BOARDS AND HOUSING AUTHORITY. The Department of Planning, Permits and Public Works shall provide administrative staff assistance to the Board of Appeals, Board of Adjustment, and Contractor Licensing Board, including all matters necessary for the recording of the proceedings of such boards and authority and such specific assignments as may be required in the accomplishment of the responsibilities and duties of said boards and authority. (Ord. 0-91-59 § 12, 1991; Ord. 0-76-16 § 3 (part), 1976).

D. COMMUNITY RESOURCES

2.08.210 ESTABLISHED — POSITION OF DIRECTOR. There is established a Department of Community Resources and the position of Director of Community Resources. (Ord. 0-89-3 § 1 (part), 1989; Ord. 0-76-16 § 3 (part), 1976).

2.08.220 DUTIES. The Director of Community Resources and the Department of Community Resources shall have the general supervision and control of the parks, playgrounds, recreational areas and recreational activities and programs of the city, and of park and playground maintenance and upkeep. (Ord. 0-89-3 § 1 (part), 1989; Ord. 0-76-16 § 3 (part), 1976).

E. GENERAL PROVISIONS

2.08.230 APPOINTMENT AND REMOVAL OF DIRECTORS AND RESPONSIBILITY TO CITY MANAGER. The Directors of

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the Police Department, Department of Planning, Permits and Public Works, and Community Resources, shall be appointed by and subject to the supervision and control of the City Manager, and shall be subject to removal by the City Manager in conformity with the provisions of applicable ordinances of the city. (Ord. 0-93-25 § 24, 1993; Ord. 0-91-59 § 13, 1991; Ord. 0-89-3 § 1 (part), 1989; Ord. 0-76-16 § 3 (part), 1976).

2.08.240 **ADDITIONAL DUTIES OF DIRECTORS.** Each of the directors of the departments set out in Section 2.08.230 shall have the general supervision and control of the respective department administered by such director and of the establishment of appropriate divisions and the assignment of functions and personnel, the reorganization of divisions and reassignment of functions and personnel, within their respect departments, all subject to the approval of the City Manager and to the authority of the City Manager set forth in Sections 2.06.150 and 2.06.160. (Ord. 0-76-16 § 3 (part), 1976).

2.08.250 **ADDITIONAL ADMINISTRATIVE DUTIES OF DEPARTMENT HEADS.** The aforesaid directors of the departments set out in Section 2.08.230 shall, in addition to the duties heretofore set forth, have such additional administrative duties as may be assigned by the City Manager from time to time. (Ord. 0-76-16 § 3 (part), 1976).

Chapter 2.12

GENERAL OFFICERS

Sections:

2.12.010 City Clerk, Court Administrator, Municipal Judges and City Treasurer.

2.12.010 **CITY CLERK, COURT ADMINISTRATOR, MUNICIPAL JUDGES AND CITY TREASURER.** The positions and duties of the City Clerk, the Court Administrator, who is Clerk of the Municipal Court, the Municipal Judges and the City Treasurer shall be as heretofore established by ordinance and/or state statute,

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as the same may be amended from time to time. The City Clerk may appoint a Deputy City Clerk in writing, signed by the City Clerk, and shall file such appointment in the office of the City Clerk; and such Deputy, in lieu of or in the absence of the City Clerk, shall perform all the duties of the City Clerk and the surety of the Clerk shall be responsible under the Clerk's official bond for the acts of the Deputy. All references in the ordinances of the city which refer to the duties of the City Clerk shall mean the City Clerk or Deputy. (Ord. 0-76-16 § 4 (part), 1976).

Chapter 2.13

TRANSCRIPT OF PROCEEDINGS BEFORE ADMINISTRATIVE BODIES

Sections:

- 2.13.010 Designation of record.
- 2.13.020 Request for certification.
- 2.13.030 Payment for certification.
- 2.13.040 Cost of transcript.

2.13.010 **DESIGNATION OF RECORD.** The party or parties desiring a transcript of proceedings before the City Council or any board, commission or agency of the city shall file with the City Clerk, or department which staffs such board, commission or agency, a written designation of that portion of the proceedings desired to be transcribed. (Ord. 0-93-25 § 27, 1993; Ord. 0-76-16 § 5 (part), 1976).

2.13.020 **REQUEST FOR CERTIFICATION.** Such written designation shall state whether certification by the Clerk or secretary or other officer of a board, agency or commission is requested. (Ord. 0-76-16 § 5 (part), 1976).

2.13.030 **PAYMENT FOR CERTIFICATION.** Any person requesting a certified transcript of proceedings before the City Council or any board, agency or commission shall pay to the City Clerk, in advance, a sum which will be set by administrative proce-

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dures, rules, or regulations as approved by the City Manager. This sum shall be paid to the City Clerk at the time of filing a designation of record. Such certification charges shall be nonrefundable. (Ord. 0-93-25 § 28, 1993; Ord. 0-86-17 § 1, 1986; Ord. 0-76-16 § 5 (part), 1976).

2.13.040 COST OF TRANSCRIPT. In addition to certification charges provided for above, any person requesting a transcript of proceedings before the City Council or any other board, commission or agency shall pay to the City Clerk a sum which includes, but is not limited to, personnel and equipment costs incurred in the reproduction of any such transcript. Such administrative fees shall be set by administrative procedures, rules, or regulations as approved by the City Manager. Copies of such procedures, rules, or regulations shall be located in the City Clerk's office, the same to be available for public inspection during normal office hours. The City Clerk may at her option and election require any person requesting a transcript to deposit by cash, check or money order a sufficient sum in the opinion of the Clerk to defray the cost of such transcription, such money to be applied in payment of such secretarial transcription of the proceeding, whether such transcript be delivered or not. (Ord. 0-93-25 § 29, 1993; Ord. 0-86-17 § 2, 1986; Ord. 0-76-16 § 5 (part), 1976).

FEES FOR PHOTOCOPYING CITY DOCUMENTS

Chapter 2.14

FEES FOR PHOTOCOPYING AND CERTIFICATION OF CITY DOCUMENTS

Sections:

- 2.14.010 Reproduction fee.
- 2.14.020 Certification fee.

2.14.010 **REPRODUCTION FEE.** (a) Any person requesting the reproduction of any city document from any city department shall pay a reproduction fee directly to the city department from which such request was made or to the City Clerk. A reproduction fee, including but not limited to personnel and equipment costs, for the search, retrieval, and copying of any city document, shall be set by administrative procedures, rules, or regulations as approved by the City Manager. Copies of such procedures, rules or regulations shall be located in the City Clerk's office, the same to be available for public inspection during normal office hours.

(b) The custodian of the public record, may at her discretion, require any person requesting reproduction of said record to deposit by cash, check, or money order a sum which is sufficient in the opinion of the records custodian to defray the cost of such reproduction. Such moneys are to be applied in payment of such reproduction. (Ord. 0-86-17 § 3, 1986: Ord. 0-81-20 § 1 (part), 1981).

2.14.020 **CERTIFICATION FEE.** Except as provided in Chapter 2.13 of this code, the person requesting certification of official city documents from the City Clerk shall pay a fee directly to the City Clerk. Such fee shall be set by administrative procedures, rules or regulations as approved by the City

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Manager. Copies of such procedures, rules or regulations shall be located in the City Clerk's office, the same to be available for public inspection during normal office hours. (Ord. 0-90-56 § 1, 1990: Ord. 0-81-20 § 1 (part), 1981).

PLANNING DEPARTMENT—BOARD OF ADJUSTMENT

Chapter 2.16

PLANNING DEPARTMENT—BOARD OF ADJUSTMENT*

Sections:

- 2.16.010 Planning Commission.
- 2.16.030 Board of Adjustment.
- 2.16.040 Removal for cause.
- 2.16.050 Violation and penalty.

2.16.010 PLANNING COMMISSION. (a) The City Planning Commission, previously established by City Ordinance, is hereby continued. The Planning Commission shall consist of seven members appointed by City Council. The terms of the members shall be four years or until such time as their successors are appointed. The City Council shall appoint one member from each ward and shall appoint two additional members from the city at large; provided, however, there shall not be two at-large appointments from the same ward. Persons appointed to the Planning Commission may serve a maximum of two consecutive terms as a member of the Planning Commission. This limitation applies whether the person is appointed as a representative of a ward or as a representative of the city at large; provided, however, any person appointed who serves or has served at least one-half of a term on such board or commission shall be considered to have served a term on such board or commission.

(b) The five members currently serving on the Planning Commission shall continue to serve in their present terms. The terms of the alternate members currently serving on the Planning Commission shall cease when the two at-large members are appointed. City

* For statutory provisions regarding planning commissions in municipalities, see C.R.S. 1973 31-23-101 et seq.; for provisions regarding the board of adjustment, see C.R.S. 1973, 31-23-307. For regulations governing planning commission and board of adjustment duties in relation to subdivisions and zoning, see Titles 16 and 17. For regulations governing the department of community development, see Chapter 2.04.

PLANNING DEPARTMENT—BOARD OF ADJUSTMENT

Council shall designate one at-large member to serve a term which expires March 31, 1989. City Council shall designate the other at-large member to serve a term which expires March 31, 1991. Thereafter the terms of the at-large members shall be four years.

(c) Appointments to fill vacancies in members of the Planning Commission shall be for the unexpired term of office. Should ward boundaries be changed, causing the two at-large members to reside in the same ward, the at-large member with the shortest remaining term shall be deemed to have automatically vacated the position. City Council shall thereupon appoint a new at-large member to serve the balance of the term.

(d) Compensation in an amount to be set by Council resolution shall be paid to each Planning Commission member. Each member of the Planning Commission may be reimbursed for actual expenses incurred as such member. The expenses shall be documented to the Secretary to the Planning Commission.

(e) The Planning Commission may adopt reasonable rules and regulations, in conformity with applicable ordinances and the Charter of the City, governing its internal operations, and such rules and regulations shall be made available to the public in written or printed form at the office of the Department of Planning, Permits and Public Works. The Commission has all the powers and duties of a planning commission in accordance with the ordinances and the Charter of the City.

(f) A quorum shall consist of five of the seven members of the Planning Commission. An affirmative vote of a majority of those members of the Planning Commission present shall be necessary to pass any item at a Planning Commission meeting. (Ord. 0-94-45 § 2, 1994; Ord. 0-92-67 § 1, 1993; Ord. 0-91-59 § 4 (part), 1991; Ord. 0-88-18 § 1, 1988).

PLANNING DEPARTMENT — BOARD OF ADJUSTMENT

2.16.030 BOARD OF ADJUSTMENT. (a) The City of Lakewood Board of Adjustment, previously established by City Ordinance, is hereby continued. The Board of Adjustment shall consist of seven (7) members appointed by City Council, except for that period of time provided for in 2.16.030(b). The terms of the members shall be four (4) years or until such time as their successors are appointed. The City Council shall appoint one (1) member from each ward and shall appoint two (2) additional members from the City at large; provided, however, there shall not be two (2) at-large appointments from the same ward.

(b) The eight (8) regular and alternate members currently serving on the Board of Adjustment shall continue to serve in their present terms, all serving as regular members, with five (5) members serving as ward representatives and three (3) members serving as at-large representatives. The terms of the members shall continue until their regular expiration date.

The current alternate members from Ward One, Ward Three and Ward Five shall be at-large regular members. The number of at-large members will be reduced to two (2) upon the expiration of the current term of the regular member from Ward Three on March 31, 1994. The alternate member from Ward Three shall become the Ward Three representative upon the expiration of the term of the current Ward Three regular member.

(c) (1) The Board of Adjustment shall consist of eight (8) members until midnight of March 31, 1994. During the period when the Board of Adjustment has eight (8) members:

(A) A quorum of the Board shall consist of six (6) members. If, at any time there is not a quorum present, the matter shall be continued to the next appropriate hearing date.

(B) The Board shall approve, modify or deny variances, appeals and other substantive matters before the Board using the form of a resolution.

(C) The concurring vote of a majority of those members present shall be necessary to approve a variance or to carry out any other matters before the Board.

PLANNING DEPARTMENT — BOARD OF ADJUSTMENT

(D) The Board shall list reasons for the record when a resolution to approve fails or a resolution to deny passes.

(2) After the Board of Adjustment has been reduced from eight (8) members to the permanent number of seven (7) members:

(A) A quorum of the Board shall consist of five (5) members.

(B) The Board shall approve, modify or deny variances, appeals and other substantive matters before the Board using the form of a resolution.

(C) The concurring vote of a majority of those members present shall be necessary to approve a variance or to carry out any other matters before the Board.

(D) The Board shall list reasons for the record when a resolution to approve fails or a resolution to deny passes.

(d) Appointments to fill vacancies in members of the Board shall be for the unexpired term of office.

(e) Each member of the Board of Adjustment may be reimbursed for actual expenses incurred as such member. The expenses shall be documented to the Secretary to the Board of Adjustment.

(f) The Board of Adjustment may adopt reasonable rules and regulations, in conformity with ordinances of the City of Lakewood, governing its internal operations, and such rules and regulations shall be made available to the public in written or printed form at the office of the Department of Planning, Permits and Public Works. (Ord. 0-93-10 § 1, 1993; Ord. 0-91-59 § 4 (part), 1991; Ord. 0-85-21 § 1, 1985; Ord. 0-80-52 § 2, 1980).

2.16.040 REMOVAL FOR CAUSE. Upon presentation of written charges and after a hearing thereon, any member of the Planning Commission or Board of Adjustment may be removed for cause by the City Council. (Ord. 0-93-25 § 30, 1993; Ord. 15 § 3, 1969 Series).

2.16.050 VIOLATION AND PENALTY. Any person or legal entity violating any provision of this chapter or of the zoning ordinance as adopted and made effective by this chapter shall, upon conviction, be punished as provided in Section 1.16.020. In case of

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a violation of this chapter or the regulations adopted in this chapter, the city or any owner of real estate in the zoned area may institute injunctive proceedings to halt such violation. (Ord. 15 § 5, 1969 Series).

Chapter 2.20

MUNICIPAL COURT*

Sections:

- 2.20.010 Created.
- 2.20.020 Jurisdiction and powers.
- 2.20.030 Procedures.
- 2.20.040 Sessions of court.
- 2.20.050 Municipal Judges—Appointment—Salary—Oath.
- 2.20.055 Special Judges—Appointment—Salary.
- 2.20.060 Court Administrator—Salary, duties and reports.
- 2.20.070 Bond of Court Administrator.
- 2.20.075 Court Administration.
- 2.20.080 Court of record.
- 2.20.090 Appeals.
- 2.20.100 Admission to bail.
- 2.20.110 Statutes and rules in effect.
- 2.20.120 Failure of juror or witness to respond to summons.
- 2.20.130 Jury commissioner created—Duties.
- 2.20.140 Failure of persons to respond to summons and complaint.
- 2.20.145 Penalties—Fine schedule.
- 2.20.150 Office of the Municipal Court Marshals created.
- 2.20.155 Marshals—Authority.
- 2.20.160 Marshal—Function and duties.

*For statutory provisions regarding municipal courts generally, see C.R.S. 37-22; for provisions requiring each city to create a municipal court to hear and try all alleged violations of ordinances of the city, see C.R.S. 37-22-2.

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2.20.010 **CREATED.** A municipal court in and for the city is established pursuant to and governed by the provisions of Article 10, of Title 13, Colorado Revised Statutes, as amended. (Ord. 0-93-25 § 31, 1993; Ord. 0-70-48 § 1, 1970).

2.20.020 **JURISDICTION AND POWERS.** The municipal court shall have the original jurisdiction of all cases arising under the ordinances of the city with full power to punish violators thereof by the imposition of such fines and penalties as are prescribed by ordinance or court rule. (Ord. 0-72-30 § 1 (part), 1970; Ord. 0-70-48 § 2, 1970).

2.20.030 **PROCEDURES.** The procedures of the court shall be in accordance with the Municipal Court Rules of Procedure as promulgated by the Colorado Supreme Court. The presiding Municipal Judge shall have authority to issue local rules of procedure consistent with any rules of procedure adopted by the Colorado Supreme Court. (Ord. 0-70-48 § 3, 1970).

2.20.040 **SESSIONS OF COURT.** (a) There shall be regular sessions of court for the trial of cases. A Municipal Judge may hold a special session of court at any time.

(b) All sessions shall be open to the public. Where the nature of the case is such that it would be in the interest of justice to exclude persons not directly connected with the proceeding, the Municipal Judge may order that the courtroom be cleared of all persons not directly connected with the proceeding. The Municipal Judge may order the general public to be excluded from any hearing, trial, or other proceeding involving a child charged with any violation of the Lakewood Municipal Code, or any other ordinance, other than Title 10, "Vehicles and traffic," on its own motion or the motion of any party, and if the interests of the child so requires, and in such case only such persons shall be admitted, including persons whom the parents or guardian wish to be present, as having a direct interest in the case or in the proceedings before the court.

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(c) Any person failing or refusing to leave the courtroom after having been ordered by the Municipal Judge to do so is guilty of a violation of this chapter, and upon conviction shall be punished as provided in Section 1.16.020. (Ord. 0-93-25 § 32, 1993; Ord. 0-70-48 § 4, 1970).

2.20.050 MUNICIPAL JUDGES — APPOINTMENT — SALARY — OATH. (a) The court shall be presided over by a presiding Municipal Judge, to be designated by the City Council, who shall serve in such capacity at the pleasure of the City Council. The presiding Municipal Judge shall receive an annual salary set by ordinance, payable monthly.

(b) The Municipal Court shall have such additional Associate Municipal Judges or Municipal Judges as may be necessary each of whom shall be appointed and retained pursuant to the Home Rule Charter. The Associate Municipal Judge shall receive an annual salary set by ordinance, payable in monthly amounts. Effective January 1, 1991, compensation of such Municipal Judges shall be \$120.00 annually, payable monthly. In the event such Municipal Judges are required to serve, they shall receive additional compensation in the amount of \$160.00 for each one-half day, \$320.00 for each full day, or \$40.00 per hour.

(c) Any person appointed to any office of Municipal Judge shall have been admitted to and be at the time of his appointment and during his tenure of office licensed in the practice of law in the state of Colorado.

(d) Before entering upon the duties of his office, a Municipal Judge shall make an oath or affirmation that he will support the Constitution of the United States and the Constitution of the state of Colorado and the laws and the ordinances of the city and will faithfully perform the duties of his office.

(e) The presiding Municipal Judge shall provide by rule for the assignment of cases between the Municipal Judges. When a case has been assigned to a Municipal Judge, such Judge shall, as far as practicable, conduct all proceedings concerning that case to conclusion.

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(f) Commencing April 1, 1994, the annual salary of the Presiding Municipal Judge shall be Seventy-one Thousand Four hundred and No/100 Dollars (\$71,400.00), which includes compensation for administrative duties assigned to the Presiding Municipal Judge; and the annual salary of the Associate Municipal Judge shall be Sixty-eight Thousand and No/100 Dollars (\$68,000.00). (Ord. 0-94-22 § 1, 1994; Ord. 0-93-22 § 1, 1993; Ord. 0-91-63 § 1, 1992; Ord. 0-91-2 §§ 1, 2, 1991; Ord. 0-90-54 § 1, 1990; Ord. 0-90-14 § 2, 1990; Ord. 0-89-56 § 1, 1989; Ord. 0-89-6 §§ 1, 2, 1989; Ord. 0-87-80 § 1, 1987; Ord. 0-86-128 §§ 1, 3, 1986; Ord. 0-85-141 § 1, 1985; Ord. 0-83-84 § 5, 1983; Ord. 0-72-30 § 2(A), 1972; Ord. 0-70-38 § 5, 1970).

2.20.055 SPECIAL JUDGES — APPOINTMENT — SALARY. (a) The Presiding Municipal Judge shall have authority to appoint Special Judges, who shall serve at the pleasure of the Presiding Municipal Judge.

(b) Special Judges shall receive an annual salary set by ordinance, payable in monthly amounts. Effective July 12, 1989, compensation of such special judges shall be an annual salary of Fifty Thousand and No/100 Dollars (\$50,000.00), payable in monthly amounts. (Ord. 0-93-25 § 33, 1993; Ord. 0-89-54 §§ 1, 2, 1989).

2.20.060 COURT ADMINISTRATOR — SALARY, DUTIES AND REPORTS. (a) The presiding Municipal Judge shall appoint a person to serve as administrator of the court who shall also be the clerk of the court, whose duties shall be those assigned by the presiding Municipal Judge.

(b) The compensation of the Court Administrator (clerk of the court), shall be annual salary in an amount fixed by ordinance and shall be payable monthly as other salaries to municipal employees.

(c) The Administrator (clerk of the court), shall pay to the City Treasurer all fines and costs collected or received by the municipal court as directed by the presiding Municipal Judge, not less often than monthly, and the Treasurer shall deposit the same in the general fund of the city. (Ord. 0-93-25 § 34, 1993; Ord. 0-70-48 § 6, 1970).

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2.20.070 BOND OF COURT ADMINISTRATOR. The Court Administrator (clerk of the municipal court), shall not be required to give a performance bond. (Ord. 0-93-25 § 35, 1993: Ord. 0-70-48 § 7, 1970).

2.20.075 COURT ADMINISTRATION. Subject to the limitations and requirements of budget, appropriations, statute and ordinance, the presiding Municipal Court Judge shall assign and reassign such duties, functions and personnel, and organize and reorganize such sections or divisions as may be to him seem necessary and proper for the performance of his duties and responsibilities. (Ord. 0-93-25 § 36, 1993).

2.20.080 COURT OF RECORD. The municipal court shall be a court of record, and the presiding Municipal Judge shall provide for the keeping of a verbatim record of the proceedings and evidence at trials by either an electric device or stenographic means. (Ord. 0-70-48 § 8, 1970).

2.20.090 APPEALS. Appeals from the municipal court shall be in accordance with the practice and procedure provided by Sections 13-16-310 and 16-2-114, C.R.S., and applicable rules of procedure, as provided by Section 13-10-116, C.R.S. (Ord. 0-93-25 § 37, 1993: Ord. 0-72-23 § 1, 1972: Ord. 0-70-48 § 9, 1970).

2.20.100 ADMISSION TO BAIL. A Municipal Judge may by rule designate the Court Administrator (clerk of court), a deputy clerk or clerks, or any responsible and appropriate member of the Police Department to admit a person arrested and in the custody of the Police Department to bail. The presiding Municipal Judge shall provide by rule for the conditions and circumstances under which such admission to bail will be granted pending appearance before the court and the amount of bail to be required for various types of violation. The bail so required may, at the election of the accused, be in the form of cash security, real property, tangible or intangible personal property, or an acceptable corporate surety bond, or a bond

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with adequate or acceptable private sureties. When provided by rule promulgated by the presiding Municipal Judge, bail may be upon personal recognizance without security or surety. Except as herein otherwise specifically provided, the giving of bail shall be in accordance with Rule 246 of the Municipal Court Rules of Procedure promulgated by the Colorado Supreme Court. (Ord. 0-93-25 § 38, 1993; Ord. 0-70-48 § 10, 1970).

2.20.110 STATUTES AND RULES IN EFFECT. Except as is otherwise specifically provided in this chapter, the municipal court of the city, its judges, clerk and employees are governed by all of the provisions of Article 10 of Title 13, Colorado Revised Statutes, as amended, and the Municipal Court Rules of Procedure promulgated by the Colorado Supreme Court. (Ord. 0-93-25 § 39, 1993; Ord. 0-70-48 § 11, 1948).

2.20.120 FAILURE OF JUROR OR WITNESS TO RESPOND TO SUMMONS. In all cases where a person is summoned as a juror or as a witness to the municipal court of the city or a judge thereof, and fails to attend at the time and place appointed in such summons, the court or judge thereof shall have power to issue a citation to such juror or witness so failing to attend, commanding him to appear before such court to show cause why he should not be punished for contempt, and, upon appearance of such juror or witness on such citation, it is lawful for such court or judge to punish him for contempt or to wholly discharge him if satisfactory excuse is made. (Ord. 0-93-25 § 40, 1993; Ord. 0-70-63 § 1, 1970).

2.20.130 JURY COMMISSIONER CREATED — DUTIES. There is created within the municipal court the position of jury commissioner. The jury commissioner shall be appointed by the presiding Judge of the municipal court. The jury commissioner shall determine eligibility for jury duty by means of a jury questionnaire. It is unlawful for any person to utter a false statement on a jury questionnaire, or, having received a jury questionnaire, to fail or

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refuse to return the same, completed, within the time designated thereon. (Ord. 0-70-63 § 2, 1970).

2.20.140 FAILURE OF PERSONS TO RESPOND TO SUMMONS AND COMPLAINT. (a) In all cases where a person is summoned to appear at the municipal court of the city or ordered to appear by a judge of the municipal court of the city, it is unlawful for such person to fail to appear at the time and the place designated in such summons or at the time and place ordered by a municipal judge of the city.

(b) Subsection (a) of this section shall not apply to failure of any person to appear for a traffic infraction. Such a failure to appear for a traffic infraction shall be governed by Chapter 10.76 of this Code. (Ord. 0-93-68 § 6, 1993; Ord. 0-86-8 § 1, 1986; Ord. 0-71-61 § 1, 1971).

2.20.145 PENALTIES — FINE SCHEDULE. Any person who is convicted of a violation of Section 2.20.140 shall, for each offense, be fined in a sum of not more than nine hundred ninety-nine dollars, or shall be imprisoned for a term not to exceed one hundred eighty days, or shall be both so fined and imprisoned. The minimum fine upon conviction for violation of this section shall be twenty-five dollars; provided, however, that this minimum amount may be adjusted, at the discretion of the Municipal Judge. (Ord. 0-93-25 § 41, 1993; Ord. 0-86-8 § 2, 1986).

2.20.150 OFFICE OF THE MUNICIPAL COURT MARSHALS CREATED. There is created within the Municipal Court the Municipal Court Marshal's Office. The chief court marshal shall be appointed by the presiding judge of the Municipal Court. The Municipal Court Marshal's Office shall consist of the chief marshal and such number of assistant and deputy marshals as the presiding municipal judge may deem necessary for the efficient operation of said office. The chief marshal and his assistants or deputy marshals are not sworn police agents of the Lakewood Police Department and shall not be entitled to any of the retirement, pension, disability or other benefits to which sworn police agents are entitled. (Ord. 0-93-25 § 42, 1993; Ord. 0-88-70 § 2, 1989).

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2.20.155 **MARSHALS — AUTHORITY.** All marshals of the office shall be considered peace officers and shall exercise such police officer authority as provided to peace officers by the laws of the state of Colorado. The jurisdiction of the marshals shall extend to all areas within the city limits, in all places involving fresh pursuits, and to all places as provided by law. The scope of law enforcement authority and responsibility otherwise granted by state law to police officers shall be restricted to the following:

1. To keep peace and to enforce the laws of the state of Colorado and the municipal ordinances of the city of Lakewood within the Municipal Court of the city of Lakewood, its offices, and any corridors or areas adjoining the Municipal Court, and to exercise the power of arrest in connection therewith, if necessary; and
2. To execute warrants issued by the Municipal Court and in connection therewith to exercise the power of arrest and to keep persons arrested in his custody and control and to transport them to and from the Municipal Court or to prisons, jails, or other places of safekeeping or custody. (Ord. 0-88-70-§ 3, 1989).

2.20.160 **MARSHAL — FUNCTION AND DUTIES.** The office shall be responsible for providing law enforcement services for the Municipal Court. In exercising such responsibility, the office shall:

1. Be responsible for the service and execution of warrants, subpoenas, summons, show cause orders and all other legal process issued by the Municipal Court;
2. Provide effective security services for the Municipal Court;
3. Conduct investigative work relative to locating individuals named in legal process issued by the Municipal Court;
4. Transport and detain city prisoners en route to and from Municipal Court and the lawful place of detention for such prisoners; and
5. Cooperate with and, upon request, assist the police department of the city and other law enforcement agencies both within and without the city. (Ord. 0-88-70 § 4, 1989).

JUDICIAL REVIEW COMMISSION

Chapter 2.21

JUDICIAL REVIEW COMMISSION

Sections:

- 2.21.005 Establishment of judicial review commission.
- 2.21.010 Appointment of commission members.
- 2.21.015 Terms of office.
- 2.21.020 Basis for complaint.
- 2.21.025 Complaint procedure.
- 2.21.030 Confidentiality.
- 2.21.035 Subpoena power of the commission.
- 2.21.040 Duties.
- 2.21.045 Rights and duties of judges.
- 2.21.050 Disciplinary action by the city council.
- 2.21.055 Contempt.

2.21.005 ESTABLISHMENT OF JUDICIAL REVIEW COMMISSION. There is created and established a Judicial Review Commission for the purpose of investigating complaints about Municipal Judges, and recommending to City Council

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what action should be taken in response to complaints. (Ord. 0-84-93 § 1 (part), 1984).

2.21.010 APPOINTMENT OF COMMISSION MEMBERS.

(a) The City Council shall appoint three members to the Judicial Review Commission. These members shall be registered electors of the city of Lakewood. These electors shall not be attorneys at law.

(b) In addition, the city shall appoint an attorney to the Judicial Review Commission. This member shall be designated by the president of the First Judicial District Bar Association. Said designee must have been an attorney in good standing in the state of Colorado for five years prior to appointment, and either must reside or must practice law within the corporate boundaries of the city of Lakewood.

(c) The City Council shall further appoint a judge to the Judicial Review Commission. This member shall be either the Chief Judge of the First Judicial District, or another member of the judiciary of the First Judicial District who shall be designated by the Chief Judge. This member shall act as chairman of the Judicial Review Commission.

(d) All members of the Commission shall have the power to cast one vote. Votes on any issue shall be decided by a simple majority.

(e) No member of the Judicial Review Commission shall be related by blood or marriage within the third degree to any other member of the Commission. Nor shall any member be related by blood or marriage within the third degree to any judge of the Municipal Court of the city of Lakewood.

(f) No member of the Judicial Review Commission shall receive any salary or compensation for his services as a member of the Commission. (Ord. 0-84-93 § 1 (part), 1984).

2.21.015 TERMS OF OFFICE. (a) Each member of the

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Judicial Review Committee shall be appointed for a term of four years. Members may be reappointed.

(b) Any vacancy in the Commission caused by death, resignation, or change in residency of any Commission member shall be filled by City Council appointment. The Judicial Review Commission shall not meet until all five members are present. (Ord. 0-84-93 § 1 (part), 1984).

2.21.020 BASIS FOR COMPLAINT. A complaint may be filed, and the Commission shall have jurisdiction to act on the following grounds: that the judge is guilty of wilful misconduct in office, wilful or persistent failure to perform his duties, intemperance, or that he has a disability that interferes with the performance of his duties and is or is likely to become of a permanent nature. Wilful misconduct shall include, but shall not be limited to, such conduct as is prejudicial to the administration of justice, that brings the judicial officer into disrepute, or violates the Colorado Code of Judicial Conduct. (Ord. 0-93-25 § 43, 1993; Ord. 0-84-93 § 1 (part), 1984).

2.21.025 COMPLAINT PROCEDURE. (a) Forms and information concerning the filing of complaints regarding Municipal Judges shall be made available to the public at the office of the Court Administrator.

(b) Any verified complaint filed shall be mailed or delivered to the Chairman of the Commission.

(c) The Commission shall meet when necessary to investigate complaints. Such meetings shall be called by the Chairman, with ten days' notice to all members. At meetings the Commission shall examine all new complaints and decide upon recommendations to be made to the City Council. (Ord. 0-93-25 § 44, 1993; Ord. 0-84-93 § 1 (part), 1984).

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2.21.030 CONFIDENTIALITY. (a) All papers filed with, and action taken by the Commission shall be confidential; except as to the City Council. All papers filed with the Council by the Commission, shall not lose their confidential character. Violation of confidentiality by any participant in a Commission proceeding with respect to any papers filed with, proceedings before, or action by the Commission may constitute contempt.

(b) The filing of papers with or the giving of testimony before the Commission shall be privileged in any action for defamation. No other publication of such papers or proceedings shall be so privileged; except that the record filed by the Commission with the Council shall continue to be privileged. (Ord. 0-84-93 § 1 (part), 1984).

2.21.035 SUBPOENA POWER OF THE COMMISSION. In the course of any proceedings before the Commission, the members of the Commission shall have the power to administer oaths and affirmations and to compel, by subpoena issued by the Commission, the attendance of witnesses and production of pertinent books, papers, and documents. Every subpoena shall clearly indicate on its face that it is issued in connection with a confidential proceeding before the Commission and that it is a contempt, punishable by order of the district court, for a person subpoenaed or any other participant in a Commission proceeding to in any way breach the confidentiality of such papers, proceedings, or action of the Commission. It shall not be regarded as a breach of confidentiality for a person subpoenaed to consult with an attorney, and the subpoena shall so state. (Ord. 0-93-25 § 45, 1993; Ord. 0-84-93 § 1 (part), 1984).

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2.21.040 DUTIES. (a) Upon receiving a complaint, the Judicial Review Commission shall decide whether the complaint merits investigation. If no investigation is required, the Commission shall make written findings to that effect. Copies of these written findings shall be submitted to City Council, to the person making the complaint, and to the judge involved. The Judicial Review Commission may decline investigation of a complaint if it determines that such complaint is obviously unfounded, frivolous, constitutes solely an appellate matter, or is not otherwise within the jurisdiction of the Commission.

(b) If the complaint is believed to be merited, the Commission shall schedule a judicial review hearing. Notice of the hearing shall immediately be provided to the judge.

(c) Hearings shall be scheduled within sixty days of the Commission's decision that a hearing is necessary. Witnesses shall be subpoenaed by the Commission. Witnesses shall give testimony, and shall be subject to examination by the members of the Commission and by the judge or his counsel. The judge may testify if he wishes, but if he elects to do so, he subjects himself to questioning by members of the Commission. Hearings shall be closed to the public. Hearings shall be conducted in accordance with the Colorado Rules of Civil Procedure, and all facts must be proven by a preponderance of the evidence. A verbatim record shall be made and kept of the proceedings of the hearing by court reporter or tape recorder. At the close of the formal hearing, the Commission shall make written findings of fact and conclusions of law with respect to the issues of fact and law in the proceedings, and shall recommend such action as it may deem appropriate. If the Commission finds that none of the charges in the complaint have been proven, the complaint shall be dismissed. If the Commission finds that any of the charges in the complaint have been proven by a preponderance of the evidence, it shall recommend to the City Council the judge be disciplined by either written censure, temporary

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suspension with conditions for reinstatement, removal, or retirement. (Ord. 0-84-93 § 1 (part), 1984).

2.21.045. RIGHTS AND DUTIES OF JUDGES. (a) A judge against whom a complaint has been filed shall have the right and reasonable opportunity to defend against charges by the introduction of evidence, to be represented by counsel or to represent himself, and to examine and cross-examine witnesses. He shall also have the right to the issuance of subpoenas for attendance of witnesses to testify or to produce books, papers, and other evidentiary matter. Subpoenas shall be issued by the chairman of the Commission or his designee.

(b) If it appears to the Commission at any time during the proceedings that the judge is not competent to act for himself, or it has been judicially determined previously that he is not competent to act for himself, the Commission shall appoint a guardian ad litem, unless the judge has a guardian who will represent him. In the appointment of such guardian ad litem, consideration may be given to the wishes of the members of the judge's immediate family. The guardian or guardian ad litem may claim and exercise any right and privilege and make any defense for the judge with the same force and effect as if claimed, exercised, or made by the judge if competent; and, whenever these rules provide for serving or giving notice or sending any matter to the judge, such notice or matter shall also be served, given or sent to the guardian or guardian ad litem.

(c) The Commission, upon receiving a statement filed against a judge by an attorney as complainant, may forthwith inquire whether or not the attorney requests that the judge disqualify himself on any particular case or cases in which the attorney is involved. If the answer is in the affirmative, or if without such inquiry the attorney requests, the Commission, if the circumstances so warrant, shall notify the judge of the statement and require his disqualification on the case or cases designated. The

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Commission, if the circumstances warrant, shall notify the judge of a statement and direct the judge to disqualify himself in a case or cases involving a nonlawyer complainant. Upon the giving of notice to a judge to disqualify himself, the judge shall recuse himself forthwith. After completion of action on a matter concerning a judge, the order of recusal shall be terminated unless otherwise directed by the Commission. The judge and his attorney of record shall be notified of the Commission's action. (Ord. 0-84-93 § 1 (part), 1984).

2.21.050 DISCIPLINARY ACTION BY THE CITY COUNCIL. (a) Upon receipt of the recommendations of the Judicial Review Commission, the City Council shall review such recommendation along with the record and the findings of the Commission. The City Council shall then decide upon the action to be taken. Any disciplinary action taken must be accomplished by a majority vote of all members of the Council.

(b) The Council may discipline a judge through written censure. Such disciplinary letter shall include the findings of fact and conclusion of law of the Judicial Review Commission, and a detailed explanation of the City Council's reasons for censure.

(c) The Council may suspend a judge, with or without pay, for a period not to exceed ninety days, on the condition he fulfill such conditions as may be deemed necessary. Such conditions may include, but shall not be limited to, obtaining legal training in a specific area or obtaining medical or psychiatric care. If the care or training required as a condition of suspension is not obtained by the end of such suspension, the judge shall be removed from office.

(d) If it appears from the record of the hearing before the Judicial Review Commission, and the findings of fact and conclusions of law from that proceeding, that the judge suffers from a medical affliction or condition which will not or cannot be alleviated with treatment, and which substantially

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impairs the judge's ability to fulfill the judicial function, the Council may vote to retire the judge. Such retirement shall become effective thirty days after the Council vote, but during that thirty day period the judge shall be suspended, with pay, from his judicial duties. Upon an order for retirement, the judge shall thereby be retired with the same rights and privileges as if the judge had retired pursuant to statute and ordinance.

(e) The City Council, after review of the record and findings of the Judicial Review Commission, may remove a judge from the municipal court by a majority vote of all members of the City Council. Such removal shall be effective immediately. (Ord. 0-84-93 § 1 (part), 1984).

2.21.055 CONTEMPT. (a) The following shall constitute contempt:

(1) Misconduct of any persons in the presence of the Commission while it is performing its official duties, or misconduct so near thereto as to obstruct the Commission in the performance of its duties, or resistance to any lawful process, order, or rule of the Commission.

(2) Any person subpoenaed to appear and give testimony or to produce books, papers, or documents, who fails or refuses to appear or to produce such books, papers, or documents, or any person appearing but refusing to be duly sworn to testify or any person having been duly sworn to testify who refuses to answer any proper question.

(3) Violation of confidentiality by any participant in a Commission proceeding with respect to any papers filed with, proceedings before, or action taken by the Commission.

(4) Failure of a judge to comply with an order or request of the Commission.

(b) Any participant in a commission proceeding may be cited for contempt of the Commission by order of the District Court, requiring such participant in a Commission proceeding

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to show cause why he should not be held in contempt. The Commission may proceed to consider the citation and the response thereto and thereafter shall promptly advise the Court of its findings, conclusions, and recommendations with respect to the alleged contempt. The Court may impose such penalties or sanctions as it deems appropriate. The proceeding pertaining to such contempt shall not lose its confidential character. (Ord. 0-84-93 § 1 (part), 1984).

Chapter 2.24

SALARIES OF CITY OFFICIALS

Sections:

- 2.24.015 Annual salary of City Manager.
- 2.24.020 Declassified Level I executive personnel salary ranges designated
- 2.24.025 Performance awards.
- 2.24.050 Compensation to elected officials.

2.24.015 ANNUAL SALARY OF CITY MANAGER. The annual salary of the City Manager shall be established by contract between the City Council and the City Manager which may be revised from time to time by City Council resolution. The salary shall be paid on either a monthly, semimonthly, or biweekly basis in accordance with the administrative regulation governing other declassified positions. (Ord. 0-93-25 § 46, 1993; Ord. 0-87-6 § 1, 1987; Ord. 0-86-40 § 1, 1986; Ord. 0-85-14 § 1, 1985; Ord. 0-83-152 § 1, 1983; Ord. 0-82-153 § 1, 1982; Ord. 0-81-141 § 1, 1981).

2.24.020 DECLASSIFIED LEVEL I EXECUTIVE PERSONNEL SALARY RANGES DESIGNATED. Executive personnel as designated in administrative regulation shall be assigned a salary range between \$56,700 and \$84,000 per year.

The City Manager is authorized and directed to establish by written order to the Director of Employee Relations of the City, the

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annual salary of each of the City officers occupying the above-named positions, which salaries may be changed from time to time by written order of the City Manager to the Director of Employee Relations. The City Manager shall take into consideration factors relating to the competence, diligence and efficiency in the performance of duty, together with other relevant factors, in establishing, changing and fixing such salaries, and may in his discretion grant pay increases at any time during any budget year to any of the officers occupying any of the above-named positions; provided, however, that the City Manager shall not grant any increase in an amount which would cause the total budget for such fiscal year to be exceeded.

The City Manager may reclassify positions between declassified levels I, II and III where good and sufficient reason warrants such reclassification.

Salaries shall be paid on either a monthly, semimonthly, or bi-weekly basis in accordance with administrative regulation as promulgated by the City Manager.

The City Manager shall annually review the within salary ranges and make recommendations for the adjustment thereof to the City Council. (Ord. 0-94-13 § 1, 1994: Ord. 0-93-13 § 1, 1993: Ord. 0-92-15 § 1, 1992: (Ord. 0-90-65 § 1, 1990: Ord. 0-89-98 § 1, 1989: Ord. 0-88-62 § 1, 1988: Ord. 0-87-19 § 7, 1987; Ord. 0-86-117 § 1, 1986: Ord. 0-86-129 § 1, 1985: Ord. 0-84-121 § 1, 1984: Ord. 0-83-152 § 2, 1983: Ord. 0-82-153 § 2, 1982: Ord. 0-81-141 § 2, 1981: Ord. 0-80-104 § 1, 1980: Ord. 0-79-114 § 2, 1979: Ord. 0-78-122 § 1, 1978: Ord. 0-78-97 § 1, 1978: Ord. 0-78-32 § 1, 1978: Ord. 0-77-145 § 2, 1977: Ord. 0-77-28 § 5, 1977: Ord. 0-76-77 § 2, 1976: Ord. 0-75-102 § 2, 1975: Ord. 0-74-97 § 2, 1974: Ord. 0-73-125 § 1, 1973: Ord 0-72-145 § 1, 1972: Ord. 0-70-116 § 3, 1970).

2.24.025 PERFORMANCE AWARDS. The City Manager may make performance awards to Executive personnel based upon superior performance. The City Manager shall not grant any performance award which would cause the total compensation budget for the fiscal year to be exceeded (Ord. 0-92-15 § 2, 1992).

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2.24.050 COMPENSATION TO ELECTED OFFICIALS. (a) The compensation for the City Council member shall be an annual compensation of Seven Thousand Two Hundred and No/100 Dollars (\$7,200.00).

(b) The Mayor shall receive annual compensation of Eight Thousand Five Hundred and No/100 Dollars (\$8,500.00). Commencing with the new term of office resulting from the regular election held on November 5, 1991, the compensation for the Mayor of the City of Lakewood shall receive annual compensation of Twelve Thousand and No/100 Dollars (\$12,000.00).

(c) The compensation shall be divided into as equal as possible payments and paid monthly. (Ord. 0-93-25 § 49, 1993; Ord. 0-89-72 § 1, 1989; Ord. 0-85-132 § 1, 1985; Ord. 0-83-99 § 2, 1983).

Chapter 2.25

ADMINISTRATIVE/PROFESSIONAL COMPENSATION PLAN

Sections:

- 2.25.010 Application—Authority transfer.
- 2.25.030 Salary ranges of declassified Level III administrative/professional personnel.
- 2.25.035 Performance awards.
- 2.25.040 Removal or suspension of administrative/professional personnel.
- 2.25.050 Holidays.
- 2.25.060 Annual leave for vacation purposes.
- 2.25.070 Sick leave.
- 2.25.075 Administrative/professional deferred compensation annuity.
- 2.25.080 Hospital and medical insurance.
- 2.25.090 Dental insurance.

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- 2.25.100 Automobile allowance.
- 2.25.110 Group life insurance and disability income insurance.
- 2.25.120 Military leave.
- 2.25.130 Injury leave.
- 2.25.140 No compensatory time.

2.25.010 APPLICATION—AUTHORITY TRANSFER. The administrative/professional compensation plan set forth in this chapter shall be applicable to all administrative/professional personnel of the city, to the extent of and according to provisions set forth in this chapter, except as specifically otherwise provided by ordinance or statute. Notwithstanding any other provisions of the administrative/professional compensation plan, the authority and responsibility vested in the City Manager by the terms of this chapter shall instead be vested in the Presiding Municipal Judge as the same relates to the Municipal Court. (Ord. 0-93-25 § 50, 1993; Ord. 0-86-117 § 2, 1986; Ord. 0-85-129 § 2, 1985; Ord. 0-77-147 § 1 (part), 1977).

2.25.030 SALARY RANGES OF DECLASSIFIED LEVEL III ADMINISTRATIVE/PROFESSIONAL PERSONNEL. The annual salary ranges for administrative/professional personnel as designated in administrative regulation shall be as follows: A₁ - \$40,500 - \$53,480; A₂ - \$36,050 - \$46,315; B₁ - \$34,500 - \$42,066; B₂ - \$33,800 - \$42,600; C₁ - \$27,600 - \$36,210; C₂ - \$30,580 - \$36,500; C₃ - \$26,250 - \$31,500; C₄ - \$15,000 - \$20,000.

The City Manager, upon recommendation of the Department Head, or Presiding Municipal Judge, is authorized and directed to establish by written order to the Director of Employee Relations the annual salary for administrative/professional personnel occupying the positions designated in Section 2.25.030, which salaries may be changed from time to time by written order of the City Manager to the Director of Employee Relations. The City Manager shall take into consideration experience, competence, diligence, efficiency, and

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performance of duty, together with other relevant factors, in establishing, changing and fixing such salaries.

The City Manager may reclassify positions between declassified levels I, II and III where good and sufficient reason warrants such reclassification.

Salaries shall be paid on either a monthly, semimonthly, or bi-weekly basis in accordance with administrative regulation as promulgated by the City Manager.

The City Manager shall annually review the within salary ranges and make recommendations for the adjustment thereof to the City Council. (Ord. 0-94-13 § 2, 1994: Ord. 0-93-13 § 2, 1993: Ord. 0-92-15 § 4, 1992: Ord. 0-90-65 § 3, 1990: Ord. 0-89-98 § 3, 1989: Ord. 0-88-62 § 3, 1988: Ord. 0-86-117 § 4, 1986: Ord. 0-85-129 § 4, 1985: Ord. 0-84-121 § 5, 1984: Ord. 0-83-152 § 6, 1983: Ord. 0-82-153 § 6, 1982: Ord. 0-81-141 § 6, 1981: Ord. 0-80-104 § 3, 1980: Ord. 0-79-116 § 3, 1979: Ord. 0-78-122 § 3 (part), 1978: Ord. 0-78-34 § 1 (part), 1978: Ord. 0-77-147 § 1 (part), 1977).

ADMINISTRATIVE/PROFESSIONAL COMPENSATION

2.25.035 PERFORMANCE AWARDS. Department Heads may recommend to the City Manager performance awards for superior performance for Administrative/Professional employees. The City Manager shall not approve any performance award which would cause the total compensation budget for the fiscal year to be exceeded. (Ord. 0-92-15 § 5, 1992).

2.25.040 REMOVAL OR SUSPENSION OF ADMINISTRATIVE/PROFESSIONAL PERSONNEL. (a) Removal or suspension of administrative/professional personnel who occupy positions designated in Section 2.25.030, and who are subject to the direct supervision of the department director, may be removed or suspended for cause by such department director. Administrative/professional personnel may appeal such action by a department director in accordance with the provisions of Section 2.28.440 of the Lakewood Municipal Code.

(b) Removal or suspension of administrative/professional personnel who occupy positions designated in Section 2.25.030, and who are subject to the supervision of the Presiding Municipal Judge, may be removed or suspended for cause by the Presiding Municipal Judge. Administrative/professional personnel may appeal such action in accordance with the provisions of Section 2.28.440 of the Lakewood Municipal Code. (Ord. 0-92-15 § 6, 1992; Ord. 0-79-116 § 4, 1979; Ord. 0-77-147 § 1 (part), 1977).

2.25.050 HOLIDAYS. Holidays shall be as provided in Section 2.28.390 of this code. (Ord. 0-77-147 § 1 (part), 1977).

2.25.060 ANNUAL LEAVE FOR VACATION PURPOSES. Annual leave shall be as provided in Section 2.28.310 of this code, except that administrative/professional personnel may accumulate annual leave in an amount not to exceed two hundred forty hours. (Ord. 0-79-116 § 5, 1979; Ord. 0-77-147 § 1 (part), 1977).

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2.25.070 SICK LEAVE. Sick leave shall be as provided in Section 2.28.320 of this code, except that administrative/professional personnel hired before 1/1/92 shall be paid for one-third of the accumulated sick leave upon termination based on the final hourly rate of pay. If an employee's position is reclassified to a lower pay level, the employee is involuntarily demoted or otherwise has his or her pay reduced, not as a result of discipline, payment upon termination shall be based on the average of the three highest hourly rates paid for each of three years. The City Manager may promulgate administrative regulations regarding payment. (Ord. 0-93-3 § 1, 1993; Ord. 0-91-45 § 1, 1991; Ord. 0-79-116 § 6, 1979; Ord. 0-77-147 § 1 (part), 1977).

2.25.075 ADMINISTRATIVE/PROFESSIONAL DEFERRED COMPENSATION ANNUITY PROGRAM. The City may commence a deferred compensation annuity program for the employees covered by this chapter beginning January 1, 1981, or as soon thereafter as such a program may be approved by the City Manager; provided, however, that nothing in this section shall amend or abrogate any other ordinance of the city relating to a separate deferred compensation plan for any city employee. (Ord. 0-93-25 § 51, 1993; Ord. 0-80-104 § 4, 1980).

2.25.080 HOSPITAL AND MEDICAL INSURANCE. The City shall assist in paying the cost of an approved health, hospital, and medical insurance plan for administrative/professional personnel including family coverage. (Ord. 0-93-25 § 52, 1993; Ord. 0-92-30 § 18, 1992; Ord. 0-79-116 § 7, 1979; Ord. 0-77-147 § 1 (part), 1977).

2.25.090 DENTAL INSURANCE. Dental insurance shall be as provided in Section 2.32.080(4) of this code, except that administrative/professional personnel may also be eligible for family coverage under the plan at the expense of such administrative/professional

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personnel. The City Manager may authorize city contribution of a portion of such expense. (Ord. 0-93-25 § 53, 1993: Ord. 0-79-116 § 8, 1979: Ord. 0-77-147 § 1 (part), 1977).

2.25.100 AUTOMOBILE ALLOWANCE. The city, in the discretion of the City Manager, may pay administrative/professional personnel an automobile allowance for the use of personal automobiles on city business, in an amount to be fixed by the City Manager, except that such amount shall not exceed one hundred seventy-five dollars per month. (Ord. 0-93-25 § 54, 1993: Ord. 0-79-116 § 9, 1979: Ord. 0-77-147 § 1 (part), 1977).

2.25.110 GROUP LIFE INSURANCE AND DISABILITY INCOME INSURANCE. Group life insurance and disability income insurance shall be as provided in Section 2.32.080(2) of this code. (Ord. 0-77-147 § 1 (part), 1977).

2.25.120 MILITARY LEAVE. Military leave shall be as provided in Section 2.28.360 of this code. (Ord. 0-77-147 § 1 (part), 1977).

2.25.130 INJURY LEAVE. Injury leave shall be as provided in Section 2.28.321 of this code. (Ord. 0-77-147 § 1 (part), 1977).

2.25.140 NO COMPENSATORY TIME. Administrative/professional personnel shall not be eligible for compensatory time. (Ord. 0-79-116 § 10, 1979: Ord. 0-77-147 § 1 (part), 1977).

EXECUTIVE COMPENSATION PLAN

Chapter 2.26

EXECUTIVE COMPENSATION PLAN

Sections:

- 2.26.010 Application.
- 2.26.020 Holidays.
- 2.26.030 Annual leave.
- 2.26.040 Sick leave.
- 2.26.050 Deferred compensation annuity/money purchase plan program.
- 2.26.060 Hospital, medical and dental insurance.
- 2.26.070 Business and professional organizations membership.
- 2.26.080 Meetings attendance reimbursement.
- 2.26.090 Executive training programs.
- 2.26.100 Physical examinations.
- 2.26.110 Physical fitness programs.
- 2.26.120 Disability and life insurance.
- 2.26.130 Automobile allowance.
- 2.26.140 Removal or suspension of department heads.

2.26.010 APPLICATION. The executive compensation plan of the city shall apply to the City Manager, the full-time Municipal Judges of the city, and the department heads of the city occupying the positions designated as Declassified Level I. Such provisions shall apply, notwithstanding anything to the contrary in any other ordinance of the city or any other provision of this code, unless specifically hereinafter stated to the contrary. (Ord. 0-92-15 § 7, 1992; Ord. 0-87-19 § 8, 1987; Ord. 0-74-97 § 5 (part), 1974).

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2.26.020 HOLIDAYS. Holidays shall be as provided in Section 2.28.390. (Ord. 0-74-97 § 5 (part), 1974).

2.26.030 ANNUAL LEAVE. Annual leave shall be accrued at the rate of one and one-half days per calendar month, but not to exceed an accrued total of forty-five days' annual leave. Upon termination of employment, the executive shall be compensated for his or her total annual leave accrued to date of termination of employment (and not to exceed forty-five days), calculated at the rate of compensation of such executive as of the date of termination. (Ord. 0-74-97 § 5 (part), 1974).

2.26.040 SICK LEAVE. For all employees subject to the provisions of this chapter and hired before 1/1/92, sick leave shall be accrued at the rate of one and one-half days per calendar month. Upon termination of employment, the executive shall be compensated for one-half of all hours up to 1800 hours of sick leave accrued by such executive to date of termination of employment calculated at the hourly rate of compensation of such executive as of the date of termination. Employees hired after 1/1/92 shall be subject to the provisions of Section 2.28.320 of this code, except that executive personnel shall be paid for one-third of the accumulated sick leave upon termination based on the final hourly rate of pay. If an employee's position is reclassified to a lower pay level, the employee is involuntarily demoted or otherwise has his or her pay reduced, not as a result of discipline, payment upon termination shall be based on the average of the three highest hourly rates paid for each of three years. The City Manager may promulgate administrative regulations regarding payment. (Ord. 0-93-3 § 2, 1993; Ord. 0-91-45 § 2, 1991; Ord. 0-74-97 § 5 (part), 1974).

2.26.050 DEFERRED COMPENSATION ANNUITY/MONEY PURCHASE PLAN PROGRAM. The city may commence a deferred compensation annuity and/or money purchase plan for the executives listed in Section 2.24.040 of this code and commence contributions thereto beginning on January 1, 1981, or as soon thereafter as such program may be implemented; provided, however, that nothing in this section shall amend or abrogate any other ordinance of the city

EXECUTIVE COMPENSATION PLAN

relating to a separate deferred compensation plan for any city officer. The City Manager may approve a program to match the employee's contribution in either plan; provided, however, that the city's contribution shall not exceed three percent (3%) of the employee's base salary. (Ord. 0-86-106 § 2, Ord. 0-80-104 § 5, 1980; Ord. 0-77-145 § 3, 1977; Ord. 0-74-97 § 5 (part), 1974).

2.26.060 HOSPITAL, MEDICAL AND DENTAL INSURANCE. The City shall assist in paying the cost of approved health, hospital, medical and dental insurance plan for the individual including family coverage. (Ord. 0-93-25 § 55, 1993; Ord. 0-92-30 § 19, 1992; Ord. 0-74-97 § 5 (part), 1974).

2.26.070 BUSINESS AND PROFESSIONAL ORGANIZATIONS MEMBERSHIP. The city shall pay the full cost of membership of the executive in business and professional societies and associations, as approved by the City Manager. (Ord. 0-74-97 § 5 (part), 1974).

2.26.080 MEETINGS ATTENDANCE REIMBURSEMENT. The city shall pay or reimburse the full cost of attendance by the executive at business and professional meetings, as approved by the City Manager or the Mayor, which payment or reimbursement shall be in accordance with rules and regulations promulgated by the City Manager. (Ord. 0-74-97 § 5 (part), 1974).

2.26.090 EXECUTIVE TRAINING PROGRAMS. The city shall provide an executive training program or programs and shall pay the full cost of the attendance of the executive at such executive training program or programs. (Ord. 0-74-97 § 5 (part), 1974).

2.26.100 PHYSICAL EXAMINATIONS. Each executive shall have an approved annual physical examination, the cost and expense thereof to be borne by the city. (Ord. 0-74-97 § 5 (part), 1974).

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2.26.110 **PHYSICAL FITNESS PROGRAMS.** The city shall establish and provide a physical fitness program and pay the cost of the participation of each executive in such program, for the purpose of maintenance of executive health. (Ord. 0-74-97 § 5 (part), 1974).

2.26.120 **DISABILITY AND LIFE INSURANCE.** The city shall pay the cost of disability and life insurance benefits of the executives, which shall include life insurance in an amount equal to one and one-half times the annual salary. Each such life insurance policy may include an additional rider or clause providing for the payment of death benefits to the city in an amount up to fifteen thousand dollars for each such executive, but the inclusion of such clause or rider shall not result in the reduction of the death benefits paid or payable to the beneficiaries of such executive. (Ord. 0-93-25 § 56, 1993; Ord. 0-87-19 § 9, 1987; Ord. 0-74-97 § 5 (part), 1974).

2.26.130 **AUTOMOBILE ALLOWANCE.** The City shall pay each executive an automobile allowance for the use of a personal automobile on City business in an amount not to exceed three hundred dollars per month to be fixed by the City Manager, in the alternative, an automobile may be furnished to such executive for use in the transaction of City business, if approved by the City Manager. This section shall not apply to any City Officer for whom an automobile allowance is otherwise specifically provided by separate ordinance. (Ord. 0-92-30 § 20, 1992; Ord. 0-79-114 § 4, 1979; Ord. 0-76-77 § 3 (part), 1976; Ord. 0-74-97 § 5 (part), 1974).

2.26.140 **REMOVAL OR SUSPENSION OF DEPARTMENT HEADS.** Removal or suspension of department heads of the city occupying the positions designated as Declassified Level I of this title is vested in the City Manager. (Ord. 0-92-15 § 8, 1992; Ord. 0-91-22 § 6, 1991; Ord. 0-76-77 § 3 (part), 1976; Ord. 0-75-102 § 3, 1975).

MANAGEMENT COMPENSATION PLAN

Chapter 2.27

MANAGEMENT COMPENSATION PLAN

Sections:

- 2.27.010 Application—Authority transfer.
- 2.27.030 Salary ranges of declassified Level II management.
- 2.27.035 Performance awards.
- 2.27.040 Removal or suspension of management personnel.
- 2.27.050 Holidays.
- 2.27.060 Annual leave for vacation purposes.
- 2.27.070 Sick leave.
- 2.27.075 Management deferred compensation annuity program.
- 2.27.080 Hospital and medical insurance.
- 2.27.090 Dental insurance.
- 2.27.100 Travel insurance.
- 2.27.110 Automobile allowance.
- 2.27.120 Group life insurance and disability income insurance.
- 2.27.130 Military leave.
- 2.27.140 Injury leave.
- 2.27.150 No compensatory time.
- 2.27.160 Management training programs.

2.27.010 APPLICATION — AUTHORITY TRANSFER. The management compensation plan set forth in this chapter shall be applicable to all management personnel of the city to the extent of and according to the provisions set forth in this chapter, except as specifically otherwise provided by ordinance or statute. Notwithstanding any other provisions of the management compensation plan, the authority and responsibility vested in the City Manager by the terms of this chapter shall instead be vested in the Municipal Judge as the same relates to the Municipal Court. (Ord. 0-91-45 § 3, 1991; Ord. 0-75-103 § 1 (part), 1975).

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2.27.030 SALARY RANGES OF DECLASSIFIED LEVEL II MANAGEMENT PERSONNEL. The annual salary ranges for management personnel as designated in administrative regulation shall be as follows: A₁ - \$50,000 - \$62,315; A₂ - \$54,600 - \$69,500; B - \$45,460 - \$63,000; C₁ - \$51,145 - \$57,500; C₂ - \$38,080 - \$52,230.

The City Manager, upon the recommendation of the Department Head, or Presiding Municipal Judge, is authorized and directed to establish by written order to the Director of Employee Relations the annual salary for management personnel occupying the positions designated in Section 2.27.030, which salaries may be changed from time to time by written order of the City Manager to the Director of Employee Relations. The City Manager shall take into consideration experience, competence, diligence, efficiency, and performance of duty, together with other relevant factors, in establishing, changing, and fixing such salaries.

The City Manager may reclassify positions between declassified levels I, II and III where good and sufficient reason warrants such reclassification.

Salaries shall be paid on either a monthly, semimonthly, or bi-weekly basis in accordance with administrative regulation as promulgated by the City Manager.

The City Manager shall annually review the within salary range and make recommendations for the adjustment thereof to the City Council. (Ord. 0-94-13 § 3, 1994; Ord. 0-93-13 § 3, 1993; Ord. 0-92-15 § 10, 1992; Ord. 0-90-65 § 5, 1990; Ord. 0-89-98 § 5, 1989; Ord. 0-88-62 § 5, 1988; Ord. 0-86-117 § 6, 1986; Ord. 0-85-129 § 6, 1985; Ord. 0-84-121 § 3, 1984; Ord. 0-83-152 § 4, 1983; Ord. 0-82-153 § 4, 1982; Ord. 0-81-141 § 4, 1981; Ord. 0-80-104 § 7, 1980; Ord. 0-79-115 § 2, 1979; Ord. 0-78-122 § 2 (part), 1978; Ord. 0-78-33 § 1 (part), 1978; Ord. 0-77-146 § 1 (part), 1977; Ord. 0-76-78 § 1 (part), 1976; Ord. 0-75-103 § 1 (part), 1975).

2.27.035 PERFORMANCE AWARDS. Department Heads may recommend to the City Manager performance awards for superior performance for Management employees. The City Manager shall not approve any performance award which would cause the total compensation budget for the fiscal year to be exceeded. (Ord. 0-92-15 § 11, 1992).

MANAGEMENT COMPENSATION PLAN

2.27.040 **REMOVAL OR SUSPENSION OF MANAGEMENT PERSONNEL.** (a) Management personnel who occupy positions designated as Declassified Level II A₂ and B and who are subject to the direct supervision of the City Manager or Assistant City Manager may be removed or suspended by the City Manager or Assistant City Manager. Management personnel who occupy positions designated as Declassified Level II C₁ and C₂ and who are subject to the direct supervision of the City Manager or Assistant City Manager may be removed or suspended for cause by the City Manager or Assistant City Manager. Management personnel in C₁ and C₂ may appeal the action of the City Manager or Assistant City Manager in accordance with the provisions of Section 2.28.440 of the Lakewood Municipal Code.

(b) Removal or suspension of management personnel who occupy positions designated as Declassified Level II A₂ and B and who are subject to the direct supervision of a department director may be removed or suspended by such department director. Management personnel who occupy positions designated as Declassified Level II C₁ and C₂ and who are subject to the direct supervision of a department director may be removed or suspended for cause by such department director. Management personnel in C₁ and C₂ may appeal the action of a department director in accordance with the provisions of Section 2.28.440 of the Lakewood Municipal Code.

(c) Removal or suspension of management personnel who occupy positions designated as Declassified Level II A₂ and B and who are subject to the supervision of the Presiding Municipal Judge may be removed or suspended by such city officer. Management personnel who occupy positions designated as Declassified Level II C₁ and C₂ and who are subject to the supervision of the Presiding Municipal Judge may be removed or suspended for cause by such city officer. Management personnel may appeal the action of the Municipal Judge in accordance with the provisions of Section 2.28.440 of the Lakewood Municipal Code. (Ord. 0-92-15 § 14, 1992; Ord. 0-91-45 § 4, 1991; Ord. 0-76-78 § 1 (part), 1976; Ord. 0-75-103 § 1 (part), 1975).

2.27.050 **HOLIDAYS.** Holidays shall be as provided in Section 2.28.390 of this title. (Ord. 0-75-103 § 1 (part), 1975).

MANAGEMENT COMPENSATION PLAN

2.27.060 ANNUAL LEAVE FOR VACATION PURPOSES. Annual leave shall be as provided in Section 2.28.310 of this title, except that management personnel may accumulate annual leave in an amount not to exceed two hundred forty hours. (Ord. 0-75-103 § 1 (part), 1975).

2.27.070 SICK LEAVE. Sick leave shall be as provided in Section 2.28.320 of this title except that management personnel hired before 1/1/92 shall be paid for one-half of accumulated sick leave upon termination based on the final hourly rate of pay and those occupying positions in A₂ and B and hired after 1/1/92 shall be paid for one-third of accumulated sick leave, based on the final hourly rate of pay. If an employee's position is reclassified to a lower pay level, the employee is involuntarily demoted or otherwise has his or her pay reduced, not as a result of discipline, payment upon termination shall be based on the average of the three highest hourly rates paid for each of three years. The City Manager may promulgate administrative regulations regarding payment. (Ord. 0-93-3 § 3, 1993; Ord. 0-91-45 § 5, 1991; Ord. 0-75-103 § 1 (part), 1975).

2.27.075 MANAGEMENT DEFERRED COMPENSATION ANNUITY PROGRAM. The city may commence a deferred compensation annuity program for the employees covered by this chapter beginning January 1, 1989, or as soon thereafter as such a program may be approved by the City Manager; provided, however, that nothing in this section shall amend or abrogate any other ordinance of the city relating to a separate deferred compensation plan for any city employee. (Ord. 0-80-104 § 8, 1980).

2.27.080 HOSPITAL AND MEDICAL INSURANCE. The city shall assist in paying the cost of an approved health, hospital, and medical insurance plan for management personnel including family coverage. (Ord. 0-93-25 § 57, 1993; Ord. 0-92-30 § 21, 1992; Ord. 0-75-103 § 1 (part), 1975).

MANAGEMENT COMPENSATION PLAN

2.27.090 DENTAL INSURANCE. Dental insurance shall be as provided in Section 2.32.080(4) of this title, except that the city shall pay the total cost of single coverage and a portion of family coverage as determined by the City Manager. (Ord. 0-93-25 § 58, 1993; Ord. 0-75-103 § 1 (part), 1975).

2.27.100 TRAVEL INSURANCE. The city shall pay the premium cost of a life insurance policy for accidental death in the amount of seventy-five thousand dollars when such death occurs while management personnel may be engaged in travel. The city shall be the owner of such policy and management personnel covered shall designate the beneficiary or beneficiaries under such policy. Notwithstanding the provisions of this section, the terms, conditions, and effective date of such insurance policy shall be subject to approval by the City Manager. (Ord. 0-76-78 § 2, 1976).

2.27.110 AUTOMOBILE ALLOWANCE. The City may pay management personnel an automobile allowance for the use of personal automobiles on City business in an amount to be fixed by the City Manager; however such amount shall not exceed two hundred and ten dollars per month. (Ord. 0-92-30 § 22, 1992; Ord. 0-79-115 § 3, 1979; Ord. 0-75-103 § 1 (part), 1975).

2.27.120 GROUP LIFE INSURANCE AND DISABILITY INCOME INSURANCE. Group life insurance and disability income insurance shall be as provided in Section 2.32.100(2) of this title. (Ord. 0-75-103 § 1 (part), 1975).

2.27.130 MILITARY LEAVE. Military leave shall be as provided in Section 2.28.360 of this title. (Ord. 0-75-103 § 1 (part), 1975).

2.27.140 INJURY LEAVE. Injury leave shall be as provided in Section 2.28.321 of this title. (Ord. 0-75-103 § 1 (part), 1975).

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2.27.150 NO COMPENSATORY TIME. Management personnel shall not be eligible for compensatory time. (Ord. 0-75-103 § 1 (part), 1975).

2.27.160 MANAGEMENT TRAINING PROGRAMS. The City Manager may authorize management training programs for management personnel and shall pay the full cost of the attendance of management personnel at such management training programs. (Ord. 0-76-78 § 3, 1976).

PERSONNEL POLICIES

Chapter 2.28

PERSONNEL POLICIES

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- 2.28.015 Merit system principles.
- 2.28.020 Applications—Authority.
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- 2.28.045 Prerogatives reserved.
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XX. APPENDIX

- Equal Opportunity Policy Statement
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I. GENERAL PROVISIONS

2.28.005 PERSONNEL MERIT SYSTEM ESTABLISHED AND ADOPTED. In accordance with the requirements of the city of Lakewood Home Rule Charter, a personnel merit system is established and adopted through the policies enumerated in the following sections. (Ord. 0-85-25 § 1, 1985).

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2.28.015 MERIT SYSTEM PRINCIPLES. The city personnel merit system subscribes to the following principles:

- (1) Recruiting, selecting, and advancing employees on the

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basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;

(2) Providing equitable and adequate compensation;

(3) Training employees, as needed, to assure high-quality performance;

(4) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;

(5) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, age, or handicap and with proper regard for their privacy and constitutional rights as citizens (This "fair treatment" principle includes compliance with federal equal employment and nondiscrimination laws); and

(6) Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office. (Ord. 0-85-25 § 3, 1985).

2.28.020 APPLICATIONS – AUTHORITY. The personnel policies set forth in this chapter shall be applicable to all classified employees of the city to the extent of and according to the provisions hereinafter set forth, except as otherwise provided by ordinance or statute or the City Charter. Unless provided otherwise, the authority and responsibility vested in the City Manager by the terms thereof shall instead be vested in the Presiding Municipal Judge as the same relates to the Municipal Court. (Ord. 0-86-32 § 1, 1986: Ord. 0-85-24 § 4, 1985: Ord. 0-83-182 § 1 (part), 1984;

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Ord. 0-79-113 § 1, 1979: Ord. 0-77-149 § 1 (part), 1977: Ord. 0-76-86 § 2 (part), 1976: Ord. 0-75-100 § 1, 1975).

2.28.025 EMPLOYEES EXCLUDED. All temporary

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part-time, seasonal and declassified employees, including the City Manager, the City Treasurer, Municipal Judges and those employees identified in Chapters 2.25, 2.26 and 2.27 of the Lakewood Municipal Code are excluded from the provisions of the Personnel Merit System except as specifically provided by ordinance. (Ord. 0-89-37 § 2, 1989; Ord. 0-87-20 § 1, 1987; Ord. 0-85-25 § 5, 1985).

2.28.030 RULES SUBORDINATE TO STATE LAW AND RULES OF COURT. Notwithstanding any other provisions of this chapter, the personnel policies will be subject to and subordinate to state statute and controlling judicial decisions. The Presiding Judge of the Municipal Court shall continue to have the power and authority to promulgate such court rules and orders as may be necessary and proper, providing, however, that such rules and orders do not conflict with the requirements of the personnel merit system; and in the event of conflict between the terms of these personnel policies and any applicable state statute, Colorado Supreme Court rule or controlling judicial decision, the statute, Supreme Court Rule or decision shall prevail. The Director of Employee Relations shall serve as an advisor to the Municipal Court in matters involving the personnel merit system. (Ord. 0-85-25 § 6, 1985; Ord. 0-83-8 § 1, 1983; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-71-142 § 2, 1971).

2.28.040 POLICIES ON EQUAL EMPLOYMENT OPPORTUNITIES. (a) All City personnel practices shall be conducted without regard to race, color, religion, creed, sex, age, national origin, disability, political affiliation, or group membership.

(b) The City Manager shall have published the City's Equal Employment Opportunity Program. The City's Equal Employment Opportunity Program shall apply to all employees and departments of the City. An administrative regulation shall be promulgated regarding such administrative procedures as are necessary.

(c) Whenever the masculine or feminine is used in these policies, it is not intended to reflect gender, but is used only for administrative convenience. (Ord. 0-92-30 § 1, 1992; Ord. 0-90-29 § 2, 1990; Ord. 0-88-12 § 1, 1988; Ord. 0-83-182 § 1 (part), 1984; Ord. 0-83-8 § 2, 1983; Ord. 0-88-149 § 1, 1977; Ord. 0-75-100 § 2, 1975; Ord. 0-74-94 § 1, 1974; Ord. 0-71-142 § 3 (Div. 2.1), 1971).

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2.28.045 PREROGATIVES RESERVED. The city has and retains all rights to manage its business whether heretofore or hereafter exercised and regardless of the frequency or infrequency of its exercise, including but not limited to the exclusive right in accordance with its judgment and subject to applicable statutes, ordinances and regulations, to:

- (1) Reprimand, suspend, discharge, or otherwise discipline employees for cause;
- (2) Hire, promote, retire, demote, transfer, assign, lay off, and recall employees to work;
- (3) Judge the employee's skill, ability, efficiency, qualifications, and otherwise evaluate performance;
- (4) Determine the starting and quitting times, the number of hours on the shift to be worked, days off to be taken, and the number of hours in employee's work week;
- (5) Revise, eliminate, combine, or establish new jobs and classifications;
- (6) Maintain the efficiency of employees, control and regulate the use of equipment and other property of the city;
- (7) Close down or expand the operation of the city or any part thereof and reduce, alter, combine, transfer, or cease any department operation or service;

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(8) Determine the number, size, location, and operation of facilities and departments, groups, or divisions thereof;

(9) Subcontract and determine the services to be rendered, bought, or sold;

(10) Determine the assignment of work and the size and composition of the work force;

(11) Make, change, and enforce rules, policies, and practices not in conflict with the provisions of these policies;

(12) Establish quality standards;

(13) Introduce technological changes, new, improved, or modified services, methods, techniques, and equipment, and otherwise generally manage the operation and direct and supervise the work force. (Ord. 0-88-12 §§ 2, 3, 1988; Ord. 0-85-25 § 7, 1985; Ord. 0-75-100 § 3, 1975).

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2.28.050 VIOLATION OF POLICIES. Violation of any policy shall be grounds for disciplinary action, including but not limited to suspension, demotion, or discharge. Any employee who believes that he or she has been unjustly disciplined may file an appeal in accordance with procedures established within these policies. (Ord. 0-86-32 § 2, 1986; Ord. 0-85-25 § 8, 1985; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-75-100 § 4, 1975).

2.28.060 AMENDMENTS TO POLICIES. Amendments to these personnel policies may be proposed by the City Manager to the City Council as required. All amendments shall become effective upon adoption by the City Council or on such date as the City Council shall designate. These policies shall be reviewed annually. (Ord. 0-83-182 § 1 (part), 1984; Ord. 0-83-8 § 3, 1983; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-71-142 § 3 (Div. 2.3), 1971).

2.28.070 ADMINISTRATIVE PROCEDURES. The City Manager at any time deemed necessary or proper for the purpose of enforcement or implementation of these policies, may adopt, amend, or rescind written administrative procedures, rules, or regulations consistent with these policies. Such procedures, rules, or regulations shall be effective on the dates specified by the City Manager; provided, that such procedures, rules, or regulations shall be circulated to all department heads prior to the effective date thereof. Copies of such procedures, rules or regulations shall be located with each division within the city and placed on record in the Employee Relations Department of the city together with these policies, the same to be open to public inspection during normal office hours. (Ord. 0-83-182 § 1 (part), 1984; Ord. 0-79-113 § 2, 1979; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-71-142 § 3 (Div. 2.4), 1971).

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2.28.080 DEFINITIONS. The following terms, wherever used in this chapter, shall have the following meanings:

(1) "Advancement" means a salary step increase within the range of a pay level.

(2) "Anniversary Date" means the date of appointment of an employee to his permanent full-time position with the city.

(3) "Appeal" means the challenge to a disciplinary action taken by a supervisor in accordance with prescribed procedures as outlined in the personnel policies.

(4) "Applicant" means a person who has filed a completed application for employment, submitted a resume, or filed a promotional consideration form for a specific job for which the city is currently receiving applications within established personnel policies.

(5) "Appointing power" means the official who possesses the final authority to make an appointment to a position.

(6) "Appointment" means the placing of a person in a position on a full-time, part-time or temporary basis.

(7) "City, service of" means all full-time positions and all departments of the city.

(8) "Classification" means determination of the proposed pay range of a position based on the duties performed, authority and responsibilities exercised, and the pay level of comparable positions.

(9) "Classified" employee means an employee who is hired on a temporary or permanent full-time basis and who is paid in accordance with Chapter 2.32 of the Municipal Code.

(10) "Compensation" means salary, wage, allowance and all other forms of valuable consideration, earned by or paid to any employee for service in any position.

(11) "Compensatory time" means the accrual of time by an eligible employee as compensation in lieu of paid overtime. Said

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compensation is paid or accrued at a rate of time and one-half of employee's base salary, subject to certain limitations as promulgated by Administrative Regulation.

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(12) “Declassified” employee means an employee who is hired on a temporary or permanent basis and who is paid in accordance with Chapters 2.24, 2.25, 2.26, and 2.27 of the Municipal Code.

(13) “Demotion” means the change of an employee from one pay level, or pay step within a pay level, to a lower pay level or pay step within a level.

(14) “Discharge” means involuntary separation for cause of any person subject to these policies from employment by the City.

(15) “Disciplinary action” means action taken by the disciplinary authority against an employee for cause, including reprimand, suspension, demotion, or discharge.

(16) “Disciplinary authority” means the City Manager or his/her designee.

(17) “Employee development” means any form of instruction designed to increase the proficiency, qualifications, knowledge, skills, and abilities of city employees.

(18) “Full-time employee” means an employee, other than seasonal, who works the normal workweek as established by the City Council.

(19) “Grievance” means a complaint initiated by an employee concerning the application of established working conditions.

(20) “Immediate Family” means spouse, parents, brothers and sisters (and spouses of), grandparents, children, grandchildren, stepchildren, stepparents, stepgrandparents, mothers-in-law, fathers-in-law, sons-in-law, and daughters-in-law of an employee.

(21) “Journey step” means the maximum pay step of any pay level within the occupational categories listed in Chapter 2.32 of the Lakewood Municipal Code.

(22) “Layoff” means a nondisciplinary separation of an employee from a position because of lack of work or nonavailability of funds, abolishment of a position, or reductions in service levels.

(23) “Leave of Absence” means a period of time from 30 days to one year in which an employee is temporarily away from the job.

(24) “Overtime” means authorized time worked by an employee in excess of his normal workday or workweek.

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(25) "Part-time employee" means an employee in either a temporary or permanent position who is paid on an hourly basis and whose regular work week is less than or equal to 32 hours.

(26) "Pay Level" means the establishment of a series of pay steps for positions of comparable competency and authority.

(27) "Position" means a specific job in the city, within a classification authorized by appropriate city ordinance and assigned the appropriate pay level.

(28) "Probationary employee" means an employee recently hired, promoted into a position or transferred to a significantly different position, serving a probationary period.

(29) "Probationary period" means the length of time, minimally three months, during which an employee's skills, abilities, attitude and other job-related criteria are evaluated to determine his/her suitability for appointment to a permanent position.

(30) "Promotion" means the movement of an employee from one pay level to a higher pay level.

(31) "Reclassification" means a newly assigned classification of a position based on a study to determine its placement within an occupational group.

(32) "Seasonal employee" means an employee hired for a designated period of time who is paid on an hourly basis and whose work schedule may be 40 hours per week.

(33) "Seniority" means the total number of months of service since the last date of appointment to a given classification.

(34) "Step" or "pay step" means the pay allocation within the pay level for each classification.

(35) "Suspension" means the temporary separation of a city employee for disciplinary purposes.

(36) "Temporary employee" means an employee who has not been assigned to a permanent position in the city.

(37) "Tenure" means the total number of months of service to the city as of the most recent date of hire to a full-time permanent position, regardless of classification.

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(38) "Termination" means permanent separation of an employee from the city employment rolls, resulting from death, discharge, layoff, resignation or retirement.

(39) "Transfer" means the movement of any city employee from one position to another position having the same pay level, or from one department/division to another department/division.

(40) "Working conditions" means those factors, both physical and psychological which comprise an employee's work environment. (Ord. 0-92-30 § 2, 1992; Ord. 0-90-29 § 3, 1990; Ord. 0-89-37 § 3, 1989; Ord. 0-88-48 § 1, 1988; Ord. 0-88-12 §§ 4, 5, 6, 7, 8, 9, 10, 1988; Ord. 0-86-32 § 3, 1986; Ord. 0-85-25 § 9, 1985; Ord. 0-83-182 § 1 (part), 2, 1984; Ord. 0-83-8 § 4, 1983; Ord. 0-79-113 § 3, 1979; Ord. 0-77-149 § 1 (part), 1977; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-74-94 § 2, 1974; Ord. 0-74-18 § 1, 1974; Ord. 0-72-147 § 1(a), (b), (c), 1972; Ord. 0-71-142 § 3 (Div. 1), 1971).

II. CLASSIFICATION PLAN

2.28.090 MAINTENANCE OF PLAN. The City Manager shall periodically direct the initiation of a study of the duties, responsibilities and associated factors of all positions within the city. The study shall address itself to the principle of appropriate pay rates and classifications for each position based upon the nature of work, duties, responsibilities, and authority within that position. The City Manager shall make recommendations to City Council for amendments to the classification plan

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whenever factual data indicates the necessity for a change in the plan. (Ord. 0-83-182 § 1 (part), 1984; Ord. 0-77-149 § 1 (part), 1977; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-75-100 § 5, 1975).

2.28.100 PLACEMENT WITHIN POSITIONS. Positions of the city shall fall within the compensation levels prescribed by the City Council. Final determination with respect to the placement of employees in pay steps, pay levels and classifications shall be made by the City Manager. (Ord. 0-83-182 § 1 (part), 1984; Ord. 0-77-149 § 1 (part), 1977; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-74-94 § 3, 1974; Ord. 0-71-142 § 3 (Div. 3.2), 1971).

2.28.110 NEW POSITIONS. (a) Any new position added to the city's authorized strength shall be assigned an appropriate classification.

(b) Any individual employed by the city shall be assigned an appropriate classification and corresponding pay level. (Ord. 0-89-37 § 4 (part), 1989; Ord. 0-88-12 §§ 11 (part), 12 (part), 1988; Ord. 0-87-20 § 2 (part), 1987; Ord. 0-85-25 § 10 (part), 1985; Ord. 0-77-149 § 1 (part), 1977; Ord. 0-74-94 § 4 (part), 1974; Ord. 0-71-142 § 3 (Div. 3.3) (part), 1971).

2.28.115 PROBATION. Every employee who is appointed into a permanent full-time or permanent part-time position, must serve a probationary period. The probationary period applies, irrespective of starting pay step and will last at least three months. During said probationary period, specific goals and standards pertaining to the employee's performance and other job-related criteria will be presented to the probationary employee and periodic reviews will take place during the period. Employees not meeting the standards established for the position may be given additional probationary time, reclassified,

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transferred, demoted or discharged. A newly hired employee serving his initial probationary period with the City is employed at the will of the City and may be discharged or demoted for any reason without application of Section IX of this Chapter. An employee promoted or transferred from a permanent position to a new position occupies his new position at the will of the City and may be demoted for any reason during the probationary period without application of Section IX of this Chapter but any discharge must be for cause. (Ord. 0-89-37 § 4 (part), 1989; Ord. 0-88-12 §§ 11 (part), 12 (part), 1988; Ord. 0-87-20 § 2 (part), 1987; Ord. 0-85-25 § 10 (part), 1985; Ord. 0-77-149 § 1 (part), 1977; Ord. 0-74-94 § 4 (part), 1974; Ord. 0-71-142 § 3 (Div. 3.3) (part), 1971).

2.28.120 RECLASSIFICATION. When a study has shown that the duties and responsibilities of a position have materially changed, a reclassification of the position shall be considered

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Requests for reclassification shall be submitted according to procedures as set forth in administrative regulation. No reclassification shall be proposed solely for the purpose of effecting demotions or promotions. (Ord. 0-76-86 § 2 (part), 1976; Ord. 0-75-100 § 6, 1975).

III. PAY PLAN

2.28.130 BASIS OF PAY PLAN.* The pay plans for full-time city personnel shall be adopted and amended by city ordinance. Pay plans for part-time personnel shall be set forth in administrative regulation as promulgated by the City Manager. (Ord. 0-83-182 § 1 (part), 1984; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-71-142 § 3 (Div. 4.1), 1971).

2.28.140 PROPOSALS FOR CHANGES TO THE PAY PLAN. The Director of Employee Relations shall at least annually make a comparative study of the factors affecting the level of salaries prescribed for positions within the city and make recommendations to the City Manager for changes thereto. The City Manager may propose to the City Council recommended changes in the pay plan whenever such changes are deemed necessary. (Ord. 0-83-182 § 1 (part), 1984; Ord. 0-75-100 § 7, 1975).

2.28.145 PAY PLAN EFFECTIVE DATE. Whenever changes to the pay plan are deemed necessary, the effective date of such changes shall be January 1st. Where necessary, such changes shall be made retroactive to January 1st. (Ord. 0-83-56 § 1, 1983).

2.28.150 SALARIES. No employee shall be assigned a biweekly base salary not in conformance with the pay plan

*For regulations covering the city plan, see Chapter 2.32 of this title.

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ordinance. (Ord. 0-83-8 § 5, 1983; Ord. 0-77-149 § 1 (part), 1977; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-74-94 § 5, 1974; Ord. 0-71-142 § 3 (Div. 4.3), 1971).

2.28.160 USE OF SALARY RANGES. It shall be general practice to hire at the entry step of a pay level; however, the City Manager may authorize original appointments or reinstatements at higher than entry rate when it is determined that such remuneration would be in the best interest of the city. An employee's base salary shall not be at a rate other than within the salary level for his or her classification. (Ord. 0-83-182 § 1 (part), 1984; Ord. 0-79-113 § 4, 1979; Ord. 0-77-149 § 1 (part), 1977; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-74-94 § 6, 1974; Ord. 0-72-147 § 1(f), 1972; Ord. 0-71-142 § 3 (Div. 4.4), 1971).

2.28.170 SALARY ADVANCEMENT. Salary advancement of each classified employee shall be in conjunction with appropriate pay plans and dependent upon performance. The City Manager shall have final authority with respect to the approval or disapproval of all recommended salary movements based on performance. (Ord. 0-83-182 § 1 (part), 1984; Ord. 0-79-113 § 5, 1979; Ord. 0-77-149 § 1 (part), 1977; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-75-100 § 8, 1975).

2.28.175 PERFORMANCE INCENTIVES. The City Manager shall establish and set forth via administrative regulation a performance incentive system and such administrative regulation shall specify criteria for awards. The City Manager shall have final authority with respect to the approval or disapproval of all awards relating to performance incentives. (Ord. 0-83-182 § 1 (part), 1984; Ord. 0-79-113 § 6, 1979).

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IV. RECRUITMENT

2.28.180 **ELIGIBILITY FOR EMPLOYMENT.** Applicants shall be eligible for employment with the city when they possess the minimum qualifications as contained in the appropriate job description and established selection criteria and are able to perform functions of the position or if a person with a disability is able to perform the essential functions of the position with or without reasonable accommodation. (Ord. 0-92-30 § 3, 1992; Ord. 0-83-8 § 6, 1983; Ord. 0-71-142 § 3 (Div. 5.1), 1971).

2.28.190 **AREA FOR CONSIDERATION.** Individuals shall be recruited from a geographical area sufficiently broad to assure obtaining well-qualified candidates for the position to be filled. (Ord. 0-71-142 § 3 (Div. 5.2), 1971).

2.28.200 **ANNOUNCEMENT OF VACANCIES.** The Department of Employee Relations shall prepare recruiting notices using such publicity as deemed appropriate to reach prospective applicants for the position to be filled. All recruiting notices and other publicity material concerning position vacancies shall explicitly state that the City is an Equal Opportunity Employer. (Ord. 0-92-30 § 4, 1992; Ord. 0-79-113 § 7, 1979; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-71-142 § 3 (Div. 5.3), 1971).

2.28.210 **APPLICATION FORMS AND RESUMES.** The City requires an application for employment from all applicants who apply for a position with the City. An applicant may also submit a resume. (Ord. 0-91-22 § 1, 1991; Ord. 0-79-113 § 8, 1979; Ord. 76-86 § 2 (part), 1976; Ord. 0-71-142 § 3 (Div. 5.4), 1971).

2.28.220 **DISQUALIFICATION OF APPLICANTS.** Applicants may be disqualified for consideration for employment when any of the following factors exist.

- (1) They do not possess the minimum qualifications for the job;

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(2) They are not physically or mentally fit to perform the functions of the position or if a person with a disability is unable to perform the essential functions of the position with or without reasonable accommodation;

(3) They have demonstrated an unsatisfactory employment record or personal record as evidenced by the results of a reference check;

(4) They have given false information in their application or practiced deception during the selection process. (Ord. 0-92-30 § 5, 1992; Ord. 0-83-8 § 7, 1983; Ord. 0-71-142 § 3 (Div. 5.5), 1971).

2.28.230 NATURE AND TYPE. In order to measure qualifications, performance, physical fitness, or any combination thereof, an examination for a position may be administered through written, oral, or other means. Examinations shall consist of material that tests fairly and equally the capacity and fitness of an applicant to perform effectively the functions of the position for which the examination is given. The necessity for an examination and the type thereof shall be determined by the Director of Employee Relations in coordination with the department head. Development, implementation, and maintenance of examinations shall be the responsibility of the Director of Employee Relations. (Ord. 0-92-30 § 6, 1992; Ord. 0-79-113 § 9, 1979; Ord. 0-77-86 § 2 (part), 1976; Ord. 0-75-100 § 9, 1975).

2.28.240 PROMOTIONAL EXAMINATION LIST. Whenever an adequate number of qualified applicants are available, as determined jointly by the Director of Employee Relations and the appropriate department head, a promotional examination list may be established as a means of recommending qualified employees for promotion to fill existing or future vacancies. Such list shall be maintained by the Department of Employee Relations. (Ord. 0-79-113 § 10, 1979; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-71-142 § 3 (Div. 6.2), 1971).

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VI. VACANCIES

2.28.250 APPLICATIONS FOR VACANCIES. (a) Except as provided in Section 2.28.250(b), whenever a job vacancy occurs in any existing job classification or as a result of the establishment of a new job classification, it shall be filled with the most qualified applicant available. Promotional lists may be used to fill the position vacancy. If no such list is maintained for such vacancy a notice of such job opening shall be posted on all official bulletin boards for five working days. During such period, employees who wish to do so may apply for the position or job. The application shall be submitted to the Department of Employee Relations. The applicant may be either an employee currently in the service of the City or if advertised externally, a person not presently employed by the City. Qualified employees now in the service of the City shall be the first to be considered. In the event two or more applicants who are currently City employees have equal qualifications, the employee with the longest continuous service shall be selected to fill the vacancy or new classification.

(b) In the event of a reorganization, reclassification, or reduction in force requiring the transfer of an employee to a position at or below such employee's current classification, the requirements of Section 2.28.250(a) shall not apply. (Ord. 0-92-30 § 7, 1992; Ord. 0-90-29 § 4, 1990; Ord. 0-89-63 § 1, 1989; Ord. 0-79-113 § 11, 1979; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-75-100 § 10, 1975).

2.28.252 VACANCY SELECTION LIST. Whenever an adequate number of qualified external applicants are available, or a combination of internal and external applicants, as determined jointly by the Director of Employee Relations and the appropriate department head, a vacancy selection list may be established as a means of recommending qualified individuals to fill existing or future vacancies. Such list shall be maintained by the Department of Employee Relations. (Ord. 0-79-113 § 12, 1979).

2.28.255 APPOINTMENT. Notwithstanding other provisions of this chapter, the City Manager shall be the final appointing authority for all employees within the city. (Ord. 0-83-182 § 1 (part), 1984; Ord. 0-79-113 § 13, 1979; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-72-147 § 1(h), 1972; Ord. 0-71-142 § 3 (Div. 7.1), 1971).

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VII. WORKING HOURS—PAY RATES—LEAVES

2.28.260 **WORKWEEK.** All full-time employees shall work a forty-hour workweek. (Ord. 0-75-100 § 11, 1975).

2.28.270 **DAYS OFF.** Full-time employees shall have specified regular days off each week in conjunction with work schedules. In the event of an emergency, or when required for the performance of essential public service, an employee may be required to work on the days such employee is normally off. (Ord. 0-77-149 § 1 (part), 1977; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-71-142 § 3 (Div. 8.2), 1971).

2.28.280 **OVERTIME.** A full-time employee who is not exempt from overtime pay and who is required to work more than the normal working day or on his day off in excess of a 40-hour workweek shall be paid time and one-half based on such employee's hourly rate. Overtime shall be approved in advance by the department head or his designee. (Ord. 0-92-30 § 8, 1992; Ord. 0-86-32 § 4, 1986; Ord. 0-83-182 § 1, (part), 1984; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-74-18 § 2, 1974; Ord. 0-71-142 § 3 (Div. 8.3), 1971).

2.28.285 **OUT OF CLASS PAY.** An employee required to perform duties substantially above those of his current level, for other than training purposes, shall be eligible for out of class pay. The City Manager may promulgate administrative procedures regarding out of class pay. (Ord. 0-92-30 § 9, 1992).

2.28.290 **COMPENSATORY TIME.** The City Manager may promulgate by administrative procedure, a plan or plans for the administration and use of compensatory time for those employees subject to the provisions of this chapter and in accordance with the Fair Labor Standards Act. (Ord. 0-86-32 § 5, 1986; Ord. 0-83-182 § 1 (part), 1984; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-75-100 § 12, 1975).

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2.28.300 ATTENDANCE. (a) Employees shall be at their place of work in accordance with the personnel policies regarding hours of work, holidays, and leaves, and departmentally designated work schedules.

(b) Employees who are unable to report to their place of work are required to notify their immediate supervisor no later than one-half hour after the start of a work shift or as designated by specific department directive. (Ord. 0-86-32 § 6, 1986; Ord. 0-83-182 § 3, 1984; Ord. 0-79-113 § 14, 1979; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-71-142 § 3 (Div. 8.5), 1971).

2.28.310 ANNUAL LEAVE. Annual leave is provided to enable employees to enjoy periodic respite from their regular duties. All full-time classified employees shall be afforded the opportunity to take annual leave.

(1) Amount. Employees with the following years of full-time tenure shall accrue the following amount of annual leave per year.

(A) Up to 5 years	96 hours
(B) 5-10 years	120 hours
(C) 10-15 years	136 hours
(D) 15-20 years	144 hours
(E) Over 20 years	160 hours

(2) Accrual and Usage. Leave is accrued on a monthly basis and accorded to the employee who receives paid time through the last pay date of the month. Accrual will not occur when an employee's total number of hours is at the maximum allowed per (3) below. Annual leave may be used after completion of one month of service and with supervisory approval.

(3) Accumulation. Maximum accumulation of annual leave is as follows:

(A) Up to 5 years of service	160 hours
(B) 5-10 years of service	176 hours
(C) 10-15 years of service	192 hours
(D) 15-20 years of service	200 hours
(E) Over 20 years of service	216 hours

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Annual leave accumulation in excess of the above shall be subject to forfeit except where the employee has been denied the opportunity to take vacation time or where special circumstances exist and approval to exceed the limits has been authorized by the City Manager.

(4) **Records of Leave.** The Director of Employee Relations shall maintain records of annual leave and its use. Each department head shall develop and maintain a vacation schedule for employees.

(5) **Effect of Holidays and Vacations.** When a legal holiday falls during an employee's scheduled vacation, such holiday shall not be charged to his annual leave.

(6) **Effect of Sick Leave.** In most cases, if an employee becomes ill while on vacation, the time off will be claimed as vacation. (Sick leave may not be substituted.) Exceptions to this rule may be granted by the City Manager, including a situation wherein an employee is hospitalized during a planned vacation.

(7) **Opportunity for Leave and Waiving of Vacations.** Every employee shall be afforded the opportunity to take annual leave. No employee shall lose any annual leave for which he is entitled when the city operations require his or her presence on the job. No employee shall be permitted to waive annual leave for the purpose of receiving extra compensation.

(8) **Payment for Annual Leave.** Upon termination of employment from the City, an employee shall be paid at the regular hourly rate for all annual leave accumulated to the date of termination. If an employee's position is reclassified to a lower pay level, the employee is involuntarily demoted or otherwise has his or her pay reduced, not as a result of discipline, payment upon termination shall be based on the average of the three highest hourly rates paid for each of three years. The City Manager may promulgate administrative regulations regarding payment. (Ord. 0-93-3 § 5, 1993; Ord. 0-92-30 § 10, 1992; Ord. 0-90-29 § 5, 1990; Ord. 0-89-37, 1987; § 5, 1989; Ord. 0-88-12 §§ 13, 14, 1988; Ord. 0-87-20 § 3, 1987; Ord. 0-83-182 §§ 1 (part), 4, 1984; Ord. 0-83-8 § 8, 1983; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-75-100 § 13, 1975).

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2.28.320 SICK LEAVE. (a) Accrual. Full-time employees hired prior to 1/1/92 shall accrue sick leave at the rate of 10 hours for each month of service. Employees hired after 1/1/92 shall accrue sick leave at the rate of 8 hours for each month of service.

(b) Usage. Sick leave shall be used when an employee is ill or incapacitated for work or for medical or dental appointments. Sick leave may also be used for an illness or death within the employee's immediate family, but only when it is necessary for the welfare of the employee's family and when prior approval has been obtained from the supervisor. Normally, up to 40 hours of sick leave will be authorized when a death of a family member occurs. Additional time will only be allowed when necessary to care for ill or incapacitated immediate family members. In the event of questions concerning sick leave usage, supervisors may require such written documentation as necessary. Sick leave is a benefit provided to all classified employees. However, usage which affects an employee's performance or ability to be relied upon, whether or not in excess of the accumulation rate, may be a factor of consideration in potential transfers, promotions, merit increases, or any personnel transactions.

(c) Accumulation. Employees hired before 1/1/92 may accumulate a maximum of 960 hours of sick leave. Employees hired after 1/1/92 may accumulate a maximum of 840 hours of sick leave.

(d) Opportunity for Conversion of Sick Leave. After accrual of 480 hours of sick leave, an employee hired before 1/1/92, shall be allowed the option of converting sick leave to annual leave on a two for one basis. The balance of 480 hours must be maintained in order to continue to exercise the conversion privilege. Conversion of sick leave is authorized four times per year. A yearly schedule of conversion dates shall be published. Employees hired after 1/1/92, must accrue 600 hours of sick leave before conversion of sick leave to annual leave on a two for one basis. The balance of 600 hours must be maintained in order to continue to exercise the conversion privilege.

(e) Payment for Unused Sick Leave. Upon retirement, a classified employee shall be paid at his or her final hourly rate for one-half of his or her unused sick leave. If an employee's position is

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reclassified to a lower pay level, the employee is involuntarily demoted or otherwise has his or her pay reduced, not as a result of discipline, payment upon retirement shall be based on the average of the three highest hourly rates paid for each of three years. The City Manager may promulgate administrative regulations regarding payment. (Ord. 0-93-33 § 1, 1993; Ord. 0-93-3 § 4, 1993; Ord. 0-91-45 § 6, 1991; Ord. 0-91-22 § 2, 1991; Ord. 0-88-12 § 15, 1988; Ord. 0-83-8 § 9, 1983; Ord. 0-79-113 § 15, 1979; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-75-100 § 14, 1975).

2.28.321 INJURY LEAVE. Employees injured on the job are entitled to the weekly compensation benefits provided by the Workers' Compensation Act. Employees shall receive their full salary for a period of 720 hours from the date of injury. Any Workers Compensation payments received by the employee for said period shall be the property of the City. Furthermore, guidelines, procedures and regulations deemed necessary for the administration of this policy shall be promulgated by the City Manager. (Ord. 0-89-37 § 6, 1989; Ord. 0-83-182 § 1 (part), 1984; Ord. 0-79-113 § 16, 1979; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-75-100 § 15, 1975; Ord. 0-72-147 § 1(q), 1972).

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2.28.360 MILITARY LEAVE. Full-time public employees are authorized 120 hours of annual leave with pay by Section 28-3-601, Colorado Revised Statutes. Permanent part-time employees are authorized paid military leave by Section 28-3-601, Colorado Revised Statutes for a period of time as promulgated by administrative regulation. (Ord. 0-90-29 § 6, 1990; Ord. 0-85-25 § 11, 1985; Ord. 0-75-100 § 17, 1975).

2.28.370 LEAVE OF ABSENCE. (a) Department heads, upon approval of the City Manager, may grant a leave of absence to a permanent full-time or permanent part-time employee for a period of at least 30 days but not to exceed one year. Such leave may be granted upon written request by the employee. Such request shall set forth the reasons for the proposed absence.

(b) During the employee's leave of absence, the vacant position may be filled by a new appointment, temporary promotion, or temporary reassignment. On expiration of the approved leave, the employee shall be reinstated to the position vacated by the employee, or to any other vacant position in the same level for which the employee is qualified. Sick, seniority, tenure and leave benefits shall not accrue during any unpaid portion of a leave of absence nor will the City make any contributions during any unpaid portion of a leave of absence nor will the City make any contributions during any unpaid portion of the period for retirement or group insurance programs. However, the employee may participate in group insurance programs during the leave of absence, provided the proper premium amount is deposited by the employee with the City. Any portion of the leave of absence during which the employee is receiving compensation in the form of short-term or long-term disability payments is considered to be an unpaid portion of the leave.

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(c) Service prior to the leave of absence shall be counted toward seniority and tenure.

(d) The City Manager may promulgate administrative procedures regarding leaves that occur as a result of specific incidents as well as the effect of leaves of absence on performance reviews. The provisions of the Family and Medical Leave Act of 1993 shall be incorporated in the administrative regulation.

(e) Temporary employees shall not be eligible for a leave of absence except as required by the Family and Medical Leave Act. (Ord. 0-93-33 § 2, 1993; Ord. 0-90-29 § 7, 1990; Ord. 0-89-63 § 2, 1989; Ord. 0-89-37 § 7, 1989; Ord. 0-87-20 § 4, 1987; Ord. 0-85-25 § 12, 1985; Ord. 0-83-182 § 1 (part), 1984; Ord. 0-79-113 § 17, 1979; Ord. 0-77-149 § 1 (part), 1977; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-75-100 § 18, 1975).

2.28.380 NON-JOB-RELATED JURY OR COURT LEAVE. Employees shall be granted time off with pay when performing jury duty or when subpoenaed as a witness before any court of law. Any payments made by the Court to the employee for said leave shall become the property of the City. Any travel reimbursements may be kept by the employee providing that a City vehicle is not used. Parking reimbursements may be kept by the employee. This section does not apply to employees who are plaintiffs or defendants in civil actions including as plaintiffs bringing suit against the city or to employees who are defendants in criminal actions. (Ord. 0-92-30 § 11, 1992; Ord. 0-90-29 § 8, 1990; Ord. 0-79-113 § 18, 1979; Ord. 0-75-100 § 19, 1975).

2.28.390 HOLIDAYS. (a) The following have been designated by the City Council as official city holidays for all employees, except those responsible for emergency operations:

New Year's Day	First day of January
Martin Luther King Day	Third Monday of January
President's Day	Third Monday of February
Memorial Day	Last Monday in May
Independence Day	Fourth day of July

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Labor Day	First Monday of September
Veterans Day	Eleventh day of November
Thanksgiving Day	Fourth Thursday of November
Christmas Day	Twenty-fifth day of December

(b) In addition to the above-named holidays, the City Manager is authorized to designate two additional holidays per year called floating holidays. Employees who have completed less than three months probation shall not be eligible to use a floating holiday. The City Manager shall designate such holidays at the beginning of each year. Such designation shall permit the City to remain open for business.

(c) Full-time employees on active payroll status receiving any pay on the working day immediately prior to and immediately after the holiday shall receive full pay for the holiday. Full-time employees required to be on duty on holidays because their services are required for an emergency or the performance of essential public services shall be entitled to one and one-half times their regular rate of pay for all hours worked on the holiday. This shall be in addition to the holiday pay or equivalent time off.

(d) Designated Police Department sworn and nonsworn personnel shall receive eight hours off with pay for each designated holiday. For purposes of usage, these hours may be grouped. The City Manager may promulgate an administrative regulation to describe in further detail the usage of holidays and holiday pay.

(e) Official city holidays which fall on Sunday shall be observed on the following Monday. Those which fall on Saturday shall be observed on the preceding Friday. (Ord. 0-93-47 § 1, 1993; Ord. 0-92-30 § 12, 1992; Ord. 0-88-12 § 16, 1988; Ord. 0-86-32 § 7, 1986; Ord. 0-83-182 § 1 (part), 1984; Ord. 0-83-8 § 10, 1983; Ord. 0-70-113 § 19, 1979; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-75-100 § 20, 1975).

2.28.391 PART-TIME. (a) Permanent, part-time employees are those employees occupying budgeted part-time positions and whose work week is less than or equal to 32 hours. The City Manager may promulgate an Administrative Regulation setting forth a fringe benefit schedule for permanent part-time employees.

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(b) Notwithstanding other provisions of this section, temporary part-time employees shall not be eligible to receive the following fringe benefits: annual leave for vacation purposes, sick leave, military leave with pay, holidays, group life insurance, disability income insurance, and hospital and medical insurance.

(c) Temporary part-time and seasonal employees shall be eligible to receive injury leave for on-the-job accidents, leave for jury duty, and military leave without pay.

(d) In the event any part-time employee shall be appointed to a permanent full-time position, the date of such appointment shall constitute the employee's date of hire for purposes of tenure and seniority. (Ord. 0-92-30 § 13, 1992; Ord. 0-89-37 § 8, 1989; Ord. 0-88-12 § 17, 1988; Ord. 0-85-25 § 13, 1985; Ord. 0-83-182 § 1 (part), 1984; Ord. 0-79-113 § 20, 1979; Ord. 0-77-149 § 1 (part), 1977; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-75-100 § 21, 1975).

2.28.392 TEMPORARY. A temporary employee filling a full-time permanent position, or a temporary full-time position,

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may, under conditions as defined by administrative regulation, be eligible to accrue annual and sick leave and receive pay for holidays along with being allowed to participate in the city's group insurance programs.

In the event such an employee's status becomes permanent, the anniversary date will revert to the initial temporary date of the appointment. The time in service shall also be allowed toward city tenure and seniority as long as a break in service has not occurred.

A temporary employee shall in all cases be eligible to receive injury leave for on-the-job injuries, leave for jury duty, and military leave without pay. (Ord. 0-79-113 § 21, 1979; Ord. 0-76-86 § 2 (part), 1976).

VIII. TRANSFER – PROMOTION – DEMOTION

2.28.400 TRANSFER. (a) The City Manager may transfer an employee who possesses the minimum qualifications to another classification at the same pay level or to another assignment within the same or another department.

(b) An employee transferring to a position having significantly different duties and responsibilities than the position being vacated is subject to serving a probationary period which will last a minimum of three months. During said probationary period, specific goals and standards pertaining to the employee's job and other job related criteria will be presented to the probationary employee and periodic reviews will take place. Employees not meeting the probationary standards may be given additional probationary time, reassigned to a different classification or terminated. (Ord. 0-88-12 § 18, 1988; Ord. 0-83-182 § 1 (part), 1984; Ord. 0-77-149 § 1 (part), 1977; Ord. 0-71-142 § 3 (Div. 9.1), 1971).

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2.28.410 PROMOTIONS. (a) Promotions must involve a definite increase in duties and responsibilities, conform to the merit system principles, and shall not be made merely to effect an increase in the employee's compensation. The City Manager shall have final authority with respect to approval of all promotions.

(b) An employee receiving a promotion within the same occupational group in which he or she is assigned at the time of promotion shall move to a higher pay level, normally the entry step of the appropriate compensation level. In the event the employee's pay rate is the same or higher than the entry pay step in the higher compensation level, the employee shall move

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a minimum of one pay step in the higher pay level based upon the recommendation of the department head.

(c) For promotions, a probationary period will last for a minimum of three months and will be used in conjunction with the appropriate step in accordance with subsection (b) of this section. During said probationary period, specific goals and standards pertaining to the employee's performance and other job-related criteria will be presented to the probationary employee and periodic reviews will take place during the period. Employees not meeting the probationary standards may be given additional probationary time, reassigned to a different classification or terminated.

(d) Employees will not be considered for promotion while under probation.

(e) Employees will not be considered for promotion while under probation. This restriction does not apply to employees on promotion lists. (Ord. 0-87-20 § 5, 1987; Ord. 0-85-25 § 14, 1985; Ord. 0-83-182 § 1 (part), 1984; Ord. 0-79-113 § 22, 1979; Ord. 0-77-149 § 1 (part), 1977; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-74-94 § 9, 1974; Ord. 0-72-147 § 1(r), 1972; Ord. 0-71-142 § 3 (Div. 9.2), 1971).

2.28.415 TEMPORARY PROMOTIONS. If an employee is temporarily promoted to a higher classification for other than training purposes, the employee shall receive compensation for that classification based on the employee's present pay step and the department head recommendation. The City Manager shall have final authority with respect to the approval of all recommended temporary promotions. (Ord. 0-83-182 § 1 (part), 1984; Ord. 0-79-113 § 23, 1979; Ord. 0-77-149 § 1 (part), 1977; Ord 0-74-94 § 10, 1974).

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2.28.418 DEMOTIONS. A department head, upon consultation with the Director of Employee Relations, may demote to a vacant position an employee:

- (1) Who voluntarily requests a demotion;
- (2) Who demonstrates a lack of ability to perform the functions of the present position or if a person with a disability demonstrates a lack of ability to perform the essential functions of the position with or without reasonable accommodation;
- (3) As a result of a reduction in force; or
- (4) For cause as mentioned in Section 2.28.430.

An employee so demoted shall not apply for promotional vacancies for at least ninety days except where the demotion was a result of a reduction in force. No city employee shall be demoted to any position for which he or she does not possess the minimum qualifications for such position. Written notice of the demotion shall be given to the employee at least ten working days prior to the effective date of the demotion.

An employee receiving a demotion shall be assigned to a pay step within the appropriate pay level of the classification to which the employee was demoted. (Ord. 0-92-30 § 14, 1992; Ord. 0-86-58, 1986; Ord. 0-86-32 § 8, 1986; Ord. 0-86-58, 1986; Ord. 0-83-182 § 1 (part), 1984; Ord. 0-79-113 § 24, 1979; Ord. 0-77-149 § 1 (part), 1977; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-75-100 § 23, 1975.)

IX. DISCIPLINARY ACTION AND APPEAL PROCEDURE

2.28.420 DISCIPLINARY ACTION. Classified city employees, except probationary employees and temporary part-time employees, subject to these rules or any departmental regulation duly promulgated, may be disciplined for cause. (Ord. 0-86-32 § 10 (part), 1986).

2.48.425 DEFINITIONS. (a) "Disciplinary authority" for the City of Lakewood shall be the City Manager or his or her designee, department heads, division heads and supervisors, within the limits of authority as herein set forth.

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Department heads shall have the authority to discharge, demote, suspend, with or without pay and reprimand. Any suspension shall not exceed sixty (60) working days. Division heads shall have the authority to suspend with or without pay for up to two (2) working days and reprimand. Certain section heads, upon approval by their department heads, may suspend with or without pay for one (1) day. Section heads and first line supervisors shall have the authority to reprimand.

(b) "Disciplinary action" refers to action taken by the disciplinary authority against an employee for cause, including reprimand, suspension, demotion or discharge. Demotions or terminations necessary because of elimination of any position shall not be deemed a disciplinary action.

(c) "Cause for disciplinary action" includes any unsatisfactory work performance or employee conduct which would prejudice the public interest, including, but not limited to, the following:

(1) Inefficiency, including an inability to demonstrate a reasonable competence or failure to perform the work in a satisfactory manner following normal job orientation and training or if a person with a disability is unable to demonstrate a sufficient competence in performing the essential functions of the position with or without reasonable accommodation;

(2) Violation of work hours and attendance policies of the department;

(3) Illness, physical or mental disability or condition which creates an undue risk to the employee or others;

(4) Illness, physical or mental disability or condition which prevents the person from being at the work place to the extent that it interferes with the duties of the position, whether the employee's absences are within sick leave available or in excess thereof or otherwise excused;

(5) Insubordination;

(6) Infraction of rules relating to the health and safety of employees, or of the rules relating to the direction of personnel in the department;

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(7) Physical or verbal altercations and related misconduct in the workplace;

(8) A plea of guilty or nolo contendere to a felony;

(9) Conduct outside the workplace which interferes with the employee's ability to properly perform his duties, or which substantially prejudices the conduct of the city's business;

(10) Falsification or material omission in the application process for employment;

(11) Any conduct demonstrating dishonesty in the workplace;

(12) Theft of property belonging to the city, or to an employee of the city, or to any other person or organization;

(13) Negligent or wilful damage or waste of public property;

(14) Possession of, or the use of, or being under the influence of, alcohol or any other narcotic or dangerous drugs while reporting for duty or on duty;

(15) Failure to follow either verbal or written instructions given by a supervisor;

(16) Failure to maintain specified departmental physical fitness levels;

(17) Conduct which constitutes sexual harassment as defined by the EEOC.

(18) Violation of any of the provisions of the city policies and procedures. (Ord. 0-92-30 § 15, 1992; Ord. 0-91-22 § 3, 1991; Ord. 0-90-29 § 9, 1990; Ord. 0-88-12 §§ 19, 20, 21, 22, 1988; Ord. 0-87-20 § 6, 1987; Ord. 0-86-32 § 10 (part), 1986; Ord. 0-83-182 § 1 (part), 1984; Ord. 0-83-8 § 11, 1983; Ord. 0-81-164 § 1, 1981; Ord. 0-79-113 § 25, 1979; Ord. 0-76-69 § 1 (part), 1976; Ord. 0-75-100 § 25 (part), 1975).

2.28.430 FORMS OF DISCIPLINARY ACTION. (a) Reprimand. A disciplinary authority may reprimand an employee for cause, orally or in writing.

(b) Suspension. A disciplinary authority may suspend an employee from employment, with or without pay, for cause.

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(c) **Demotion.** A disciplinary authority, upon consultation with the Director of Employee Relations, may demote an employee for cause to a vacant position. An employee so demoted shall not be eligible to apply for promotional vacancies for at least ninety days. No city employee shall be demoted to any position for which such employee does not possess the minimum qualifications. Written notice of the demotion shall be given to the employee at least ten working days prior to the effective date of the demotion.

(d) **Discharge.** A disciplinary authority, upon consultation with the Director of Employee Relations, may discharge an employee for cause. (Ord. 0-90-29 § 10, 1990; Ord. 0-86-32 § 10 (part), 1986; Ord. 0-76-69 § 1 (part), 1976; Ord. 0-75-100 § 25 (part), 1975).

2.28.435 **DISCIPLINARY PROCEDURE.** (a) **Reprimand.** A disciplinary authority may reprimand an employee for cause, orally or in writing. If such reprimand is in writing, a copy of

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the reprimand shall be kept in the employee's personnel file. The employee shall be provided a copy of any written reprimand, and shall be entitled to make a written response which shall be kept in the employee's personnel file. At the supervisor's option, the written reprimand may be designated as either a temporary or permanent part of the employee's personnel file.

(b) **Suspensions of Two Days or Less.** A division head or department head may suspend any employee for two days or less for cause. Certain section heads, upon approval by their department heads, may suspend an employee for one day for cause. Prior to imposing any suspension, the disciplinary authority shall meet with the employee to discuss the matter and any proposed action. If the decision to suspend is made by the division head or the section head, the employee may request a review of the action by the department head. The decision of the department head shall be final.

(c) **Suspension, Demotion and Discharge.**

(1) A temporary and immediate suspension may be effected by a disciplinary authority when there is need to remove the employee from the workplace promptly because of a possibility of violence, disruption of work, insubordination, damage to property or persons or if any employee is under the apparent influence of intoxicants or drugs, or for any other reason which requires prompt removal. A temporary and immediate suspension may be imposed by the City Manager, department head, division head, section head or a first line supervisor. A temporary and immediate suspension shall be with pay until such time as there is compliance with procedures established in this section.

(2) When an employee, by behavior or performance, evidences to his supervisor or other disciplinary authority that disciplinary action other than a reprimand or suspension of two

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days or less may be required, the following procedures shall be employed:

(A) Within ten calendar days, the supervisor will prepare a recommendation that disciplinary action be considered, which recommendation shall include a statement of the reasons therefor and may include a recommended action, and submit the recommendation up through the line of authority to the appropriate department head.

(B) Within five (5) working days of receipt of the recommendation, or upon his own initiative, the department head shall conduct whatever review he considers necessary and appropriate. In the event he determines that disciplinary action may be appropriate, the department head shall notify the employee in writing that he is considering disciplinary action and state the reasons therefor. The written notification shall also advise the employee of a time and place to meet with the department head in order to respond to the written notification and that the employee may submit any written response as well.

(C) Within five (5) working days of the employee's receipt of the written notification, the department head shall meet with the employee, review any written response submitted by the employee, and shall give consideration to the oral and/or written responses. Thereafter, and within three (3) working days the department head shall determine what disciplinary action, if any, shall be taken. Within this three (3) day period, in the event disciplinary action is taken, the employee shall be notified in writing, including a statement of reasons therefor and the effective date of the action. If a temporary and immediate suspension was previously imposed, the department head may convert that suspension to one without pay as part or all of the disciplinary action. If the disciplinary action is discharge, demotion or suspension of more than two

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days, the notice of disciplinary action shall advise the employee of his appeal rights. The disciplinary action shall be effective as of the stated effective date in the notice of disciplinary action without regard to any subsequent appeal. (Ord. 0-89-37 § 9, 1989; Ord. 0-88-12 § 23, 1988; Ord. 0-87-20 § 7, 1987; Ord. 0-86-32 § 10 (part), 1986; Ord. 0-81-164 § 2, 1981; Ord. 0-76-69 § 1 (part), 1976; Ord. 0-75-100 § 25 (part), 1975).

2.28.440 APPEAL OF DISCIPLINARY ACTION. A person discharged, demoted or suspended for more than two days shall be entitled to appeal. An appeal shall be initiated by filing written notification with the Director of Employee Relations within ten calendar days of receiving written notification of the disciplinary action.

(1) Upon receipt of any notice of appeal of disciplinary action, the Director of Employee Relations shall, together with the person appealing or his or her representative, select and appoint an impartial hearing officer acceptable to both parties.

(2) An appellant also shall be entitled to have a person who is an employee of the city of Lakewood who is the same grade, a peer, participate in the hearing. The written notification shall state whether the appellant desires to have a peer participate with the hearing officer and, if so, shall designate a person willing to serve. In the event the appellant chooses to have a peer participate in the hearing, the department head shall be entitled to designate another peer to also participate.

(3) The hearing officer, either alone or together with any peers designated, shall conduct a hearing. There shall be administrative regulations promulgated which provide for notice, procedures to be employed during the hearing and the right of the appellant to be represented by any person of his choice willing to serve, including an attorney at law. The City may be represented by any person of its choice, including the City Attorney or his designee. The hearing officer shall be responsible for the conduct of the hearing, including application of procedure as established by ordinance and administrative regulation.

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The hearing officer shall conduct a hearing within ninety (90) calendar days after the written notice of appeal is received by the Director of Employee Relations, unless good cause is shown that additional time is necessary. The hearing officer's role is to conduct a hearing. The hearing officer may issue or cause to be issued subpoenas for the attendance of witnesses and for the production of books, records, documents and other evidence and shall have the power to administer oaths. Subpoenas so issued shall be served and upon application to the District Court of Jefferson County by a party or the hearing officer, enforced in a manner provided by law for the service and enforcement of subpoenas in civil actions. No party shall be entitled to subpoena any evidence not admissible at the hearing. The hearing officer has no authority to order the taking of any depositions, responses to interrogatories, responses to requests for production of documents or the physical or mental examination of any persons. The hearing officer shall endeavor to render his decision within thirty (30) calendar days after the hearing is completed. The hearing officer's sole purpose is to determine whether or not cause for any disciplinary action taken. The hearing officer has no authority to modify any disciplinary action taken. Hearings conducted under the provisions of these policies are not open to the public.

The hearing officer, with the assistance of any peers, shall consider the evidence and shall make findings of fact and conclusions in writing, stating whether the disciplinary action was or was not for cause. The findings of fact and conclusions shall be transmitted to the City Manager.

(4) The City Manager, which includes his designee, may accept, reject or modify the findings of fact and conclusions. Prior to any decisions, the City Manager shall review the findings of fact and conclusions and may make such other review of the record as necessary. In addition, the City Manager, in his discretion, may conduct a hearing de novo or may conduct a hearing supplemental to that conducted by the hearing officer limited to such matters as he deems necessary. There shall be administrative regulations promulgated which provide for notice, procedures to be employed during any hearing and the right of any employee to be represented

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by any person of his choice, including an attorney at law. The City may be represented by any person of its choice, including the City Attorney. The City Manager shall conduct the review and any hearing and render his decision within forty-five (45) calendar days after receipt of the hearing officer's findings of fact and conclusions unless good cause is shown that additional time is necessary. The City Manager may modify the disciplinary action taken in any instance where cause is found. For the sole purpose of determining whether to modify the disciplinary action taken, the City Manager may consider any information from any source, including appellant and need not conduct any hearing. If requested, the City Manager shall meet with the appellant and permit appellant to state his reasons for any modification of the disciplinary action. There shall be administrative regulations which establish the conditions of the meeting. The City Manager shall render a decision in writing accepting, rejecting or modifying the findings of fact and conclusions of the hearing officer and stating any modification of the disciplinary action. He shall order whatever action is necessary, if any, to implement his decision and shall notify the appellant, the department head and the Director of Employee Relations accordingly. (Ord. 0-93-33 §§ 3, 4, 1993; Ord. 0-90-29 § 11, 1990; Ord. 0-89-37 § 10, 1989; Ord. 0-86-32 § 10 (part), 1986; Ord. 0-77-149 § 1 (part), 1977; Ord. 0-76-69 § 1 (part), 1976; Ord. 0-75-100 § 25, 1975).

2.28.445 TIME LIMITS. With the exception of the requirement that an appeal of a disciplinary action shall be filed within ten calendar days of receipt of written notification, the

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failure to meet any of the time limits contained in the disciplinary procedures in Subchapter IX or grievance procedures in Subchapter X shall not invalidate the process or any action taken. (Ord. 0-86-32 § 10 (part), 1986; Ord. 0-76-69 § 1 (part), 1976; Ord. 0-75-100 § 25, 1975).

X. GRIEVANCE PROCEDURES

2.28.450 STATEMENT OF POLICY. The city of Lakewood is interested in the establishment of good employee relations practices and the promotion of sound personnel management. Circumstances may arise, apart from disciplinary actions, which cause employee dissatisfaction. Therefore, the following grievance procedures are established whereby employees are entitled to present their complaints without fear of reprisal. All permanent full-time, permanent part-time and temporary full-time employees may utilize the grievance procedure.

(1) Whenever an employee believes that a working condition, other than a disciplinary action, general city policy or procedure, or the establishment of wages and fringe benefits, has developed which is adversely affecting his working conditions, the employee has a right to file a grievance. Any grievance shall be processed in the following manner:

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(A) Within five work days of the matter causing the dissatisfaction, an employee must present the appropriate supervisor with a memorandum describing his grievance, stating the facts and the desired action.

(B) If the matter is not resolved within three work days, the supervisor must respond to the employee in writing by the fourth work day, explaining the position taken by the supervisor.

(C) If the employee is dissatisfied with the supervisor's explanation, the employee, within three work days of receipt of the supervisor's written response, may appeal the decision to the department head. The appeal must be in writing and indicate the employee's reasons for differing with his supervisor's decision.

(D) The department head will meet with the employee and the employee's supervisor to discuss the grievance. If the grievance is not settled through discussion, the department head's written reply must be made within seven (7) work days of receipt of the employee's grievance. The decision of the department head is final.

(E) The department head will notify the Director of Employee Relations concerning the action taken. (Ord. 0-89-37 § 11, 1989; Ord. 0-88-12 § 24, 1988; Ord. 0-87-20 § 8, 1987; Ord. 0-86-32 § 11, 1986; Ord. 0-83-8 § 12, 1983; Ord. 0-76-69 § 2 (part), 1976; Ord. 0-75-100 § 26 (part), 1975).

XI. TERMINATIONS

2.28.480 REDUCTION IN FORCE. (a) The City Manager, after consulting with the department head, may abolish any position in the city. If it becomes necessary to reduce the number of employees by the city at any time, the City Manager may lay off employees as required.

(b) In the event of a reduction in force, the City Manager shall promulgate administrative procedures for such reduction

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in force that shall comply with Section 15 of Article XII of the Constitution of the State of Colorado regarding veterans' preference. (Ord. 0-83-182 § 1 (part), 1984; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-75-100 § 27 (part), 1975).

2.28.490 RESIGNATION. An employee desirous of resigning his or her position shall submit a written resignation to his or her department head at least two weeks prior to the effective date of such resignation, giving a reason for the planned departure and the proposed effective date. Provided two weeks' notice is given, an employee may use accrued compensatory time during the period. The two-week notice period

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may be waived by the department head. Appropriate notification of the resignation shall be sent to the Director of Employee Relations. (Ord. 0-83-8 § 14, 1983; Ord. 0-79-113 § 27, 1979; Ord. 0-75-100 § 27 (part), 1975).

2.28.500 RETIREMENT.* Sworn agents of the Police Department shall be required to retire as provided in the Police Pension Plan, applicable state statute, or federal law. Nonsworn employees retirement shall be governed by the provisions of the Lakewood Employees Money Purchase Pension Plan, applicable state statute, or federal law. (Ord. 0-91-22 § 4, 1991; Ord. 0-89-37 § 12, 1989; Ord. 0-88-12 § 25, 1988; Ord. 0-83-182 § 1 (part), 1984; Ord. 0-79-113 § 28, 1979; Ord. 0-75-100 § 27 (part), 1975).

XII. MEDICAL EXAMINATION

2.28.520 MEDICAL EXAMINATIONS. (a) Employees occupying a full-time position or candidates applying for any position within the City may be required to undergo periodic or pre-employment physical examinations.

(b) In addition when in the judgment of a department head an employee's physical or mental condition is such that it appears to adversely affect the employee's ability to perform the duties of the employee's position, the department head may require the employee to undergo examination by a physician in accordance with administrative procedure as promulgated by the City Manager.

(c) In cases involving unfitness due to a physical or mental condition, the employee may be subject to an involuntary personnel action, including transfer, demotion, leave of absence or termination. In the event of such action, the employee shall be

* For regulations governing the policemen's retirement plan, see Chapter 2.36 of this title; for regulations governing the police pension plan, see Chapter 2.40 of this title.

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entitled to invoke the procedures applicable for disciplinary action under Section 2.28.435. (Ord. 0-90-29 § 12, 1990: Ord. 0-83-182 § 1 (part), 1984; Ord. 0-79-113 § 29, 1979: Ord. 0-76-86 § 2 (part), 1976: Ord. 0-72-147 § 1(w), (x), (y), (z), 1972; Ord. 0-71-142 § 3 (Div. 12.1), 1971).

2.28.530 EVALUATION FACTORS IN DETERMINING FITNESS FOR DUTY. Employees examined under the provisions of this article shall be considered unfit for duty if their disease, physical and mental condition, or defect, materially interferes with the performance of their assigned functions, or if a person with a disability is unable to perform the essential functions of the position with or without accommodation. An employee is unfit if he poses a direct threat to the health or safety of himself or others. (Ord. 0-92-30 § 16, 1992: Ord. 0-90-29 § 13, 1990: Ord. 0-79-113 § 30, 1979: Ord. 0-71-142 § 3 (Div. 12.2), 1971).

XIII. EMPLOYEE DEVELOPMENT

2.28.540 POLICY. It shall be the policy of the City of Lakewood to encourage, recognize and to provide opportunities for employee development; without regard to race, religion, color, creed, sex, age, national origin, disability, political affiliation, or group membership. Consistent with the City policy, it shall be the responsibility of the Director of Employee Relations to determine City-wide training needs. Under the direction of the City Manager, the Director of Employee Relations will be responsible for organizing, coordinating and administering intra-city training programs; for advising and assisting departments in the development, administration, and evaluation of departmental training programs; for administering a tuition reimbursement program, and for evaluating the effectiveness of training efforts. (Ord. 0-92-30 § 17, 1992: Ord. 0-88-12 § 26, 1988: Ord. 0-83-182 § 1 (part), 1984; Ord. 0-83-8 § 15, 1983: Ord. 0-79-113 § 31, 1979: Ord. 0-76-86 § 2 (part), 1976: Ord. 0-71-142 § 3 (Div. 13.1), 1971).

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2.28.550 RECOGNITION OF EMPLOYEE DEVELOPMENT. Employee development shall be a factor to be considered in granting promotions. City employees are encouraged to develop and further their job skills and personal potential by participating in employee development. (Ord. 0-76-86 § 2 (part), 1976: Ord. 0-71-142 § 3 (Div. 13.2), 1971).

2.28.560 REIMBURSEMENT FOR EMPLOYEE DEVELOPMENT. Employees desiring to enroll in college courses for employee development may be reimbursed for the tuition costs provided all requirements are met as set forth through administrative regulation and federal law. (Ord. 0-89-37 § 13, 1989: Ord. 0-76-86 § 2 (part), 1976: Ord. 0-71-142 § 3 (Div. 13.3), 1971).

XIV. PERFORMANCE EVALUATION

2.28.590 GENERAL. Each classified employee's performance shall be reviewed and evaluated in conjunction with the specified pay step of the pay plan on at least a semiannual or annual basis. Upon reaching the journey step, an employee's performance shall be reviewed at least annually. Such performance reviews are not subject to appeal through the grievance procedure of the city's personnel policies. However, denial of a salary increase subsequent to a performance review is grievable in accordance with Subchapter X of the personnel policies. (Ord. 0-86-32 § 12, 1986: Ord. 0-79-113 § 32, 1979: Ord. 0-77-149 § 1 (part), 1977: Ord. 0-76-86 § 2 (part), 1976: Ord. 0-72-147 § 1(cc), 1972: Ord. 0-71-142 § 3 (Div. 14.1), 1971).

XV. EMPLOYEE TRANSPORTATION

2.28.600 USE OF CITY-OWNED VEHICLES. City-owned vehicles are to be used for official business only, and shall carry no passenger other than on or in connection with official business. An employee authorized to drive a city vehicle must have a current and valid Colorado operator's license with

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appropriate vehicle class designation. Employees operating city vehicles are required to observe all traffic laws and the dictates of common sense and good judgment. Should an employee be considered a risk, the use of city vehicles may be denied on a temporary or permanent basis. Further action may be taken such as reclassification or action in accordance with Section 2.28.050. (Ord. 0-86-32 § 13, 1986; Ord. 0-79-113 § 33, 1979; Ord. 0-71-142 § 3 (Div. 15.1), 1971).

2.28.605 ACCIDENTS WITH CITY-OWNED VEHICLES.

If, while operating a city-owned vehicle, an employee is involved in an accident resulting in any injury to others or damage to any property belonging to others, the employee shall:

(1) Make every effort to protect the scene until the local law enforcement agency arrives and releases the vehicles. Wherever possible, vehicles should not be moved until release by proper authorities;

(2) If the accident occurs within the Lakewood city limits, notify the Police Department immediately, otherwise notify the local police department;

(3) Regardless of the degree of fault or damage in a collision, a vehicle accident report must be prepared by the city driver;

(4) The city employee shall not discuss the accident with anyone outside the city, other than the investigating police agency. All inquiries received by the employee for information shall be directed to Risk Management, Employee Relations;

(5) Report the accident to his or her department head no later than the next succeeding day. (Ord. 0-88-12 § 27, 1988; Ord. 0-86-32 § 14, 1986).

2.28.615 USE OF PRIVATE VEHICLES. (a) If an employee is required to use his personal car in the performance of his duties, he shall be reimbursed by the city for mileage driven at the rates specified by the City Manager.

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(b) If, while using a privately-owned vehicle on city business, the employee is involved in an accident, the responsibility for taking care of any damage or injury to others is with the employee. Risk Management will be notified that the accident has occurred. The employee is responsible for notifying his insurance agent and supervising the settlement of the claim through his agent. (Ord. 0-86-32 § 16, 1986).

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2.28.625 OVERNIGHT USE OF CITY VEHICLES. The City Manager or a designee will determine which city employees will be authorized to keep city vehicles in their possession overnight. Periodic reviews and criteria for justification will be established in administrative regulation as promulgated by the City Manager. (Ord. 0-83-182 § 1 (part), 1984; Ord. 0-79-113 § 36, 1979).

XVI. EMPLOYEE POLITICAL ACTIVITIES

2.28.630 FEDERAL AND STATE ELECTIONS AND CAMPAIGNS. Employees are free, on their own time and away from any office of the city, to participate in all federal, state and county partisan campaigns and to openly express their views and support for candidates. Employees shall refrain from any political activities which give the appearance that they are endorsed by the city or which interfere with the performance of their normal duties. Any employee whose position is funded by a federal program and/or moneys shall be subject to the provisions of 5 United States Code, Section 1501, et seq., as amended, commonly known as the Hatch Act. (Ord. 0-75-100 § 32, 1975).

2.28.640 LOCAL ELECTIONS AND CAMPAIGNS. (a) Candidates for Office. Any employee desiring to be a candidate for municipal office in the city shall submit a request for a leave of absence commencing on the date of filing and ending the day following election day. Candidates who are elected to such office shall resign from the employ of the city.

(b) Activities. Employees while on city time shall not publicly support or endorse any candidates for municipal office in the city, shall not circulate or cause to be circulated any nominating petitions for such office, shall not distribute any campaign literature nor display any campaign buttons or car stickers or placards on behalf of any candidate for municipal

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office in the city. (Ord. 0-72-147 § 1(dd), 1972: Ord. 0-71-142 § 3 (Div. 16.2), 1971).

2.28.650 SOLICITATION OF CONTRIBUTIONS FOR POLITICAL PARTIES OR CANDIDATES. Employees shall not be required to make any contribution to a political party, to an elected official or to a candidate, and their refusal to do so shall not be used to penalize them in any way. An employee, while on city time or on city property, shall not make any solicitation of any such contributions from any other employee. (Ord. 0-72-147 § 1(ee), 1972: Ord. 0-71-142 § 3 (Div. 16.3), 1971).

XVII. EMPLOYEE SUGGESTIONS

2.28.660 ENCOURAGED. It is the city's intent, by providing recognition and/or awards, to encourage employees to submit ideas and suggestions that will result in the improvement of the efficiency and effectiveness of the city government. Such suggestions shall be submitted, evaluated and awarded pursuant to administrative regulation promulgated by the City Manager. (Ord. 0-83-182 § 1 (part), 1984; Ord. 0-83-8 § 16, 1983: Ord. 0-76-86 § 2 (part), 1976: Ord. 0-71-142 § 3 (Div. 17.1), 1971).

2.28.670 AWARDS. The City Manager is authorized to make awards for adopted suggestions submitted by employees that materially improve city operations, through procedures outlined in Administrative Regulation. (Ord. 0-88-12 § 28, 1988: Ord. 0-83-182 § 1 (part), 1984; Ord. 0-71-142 § 3 (Div. 17.2), 1971).

XVIII. PERSONNEL RECORDS

2.28.680 GENERAL. The Employee Relations Department shall maintain information on each employee pertinent to his employment with the city.

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An employee shall report all changes of name, address, and home telephone number to the Employee Relations Department. Department heads or designees shall report any change, permanent or temporary, in an employee's employment status to the Employee Relations Department. (Ord. 0-88-12 § 29, 1988; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-71-142 § 3 (Div. 17.1), 1971).

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2.28.690 RETENTION AND DESTRUCTION. The Department of Employee Relations shall retain indefinitely all personnel and payroll records of city employees. Records of former employees must be retained for a minimum of two years and thereafter may be disposed of as the City Manager or State Archivist directs. Applications, unless renewed, shall be considered active for a period of six months. Applications for employment over two years old may be destroyed, provided no charge of discrimination is pending. If a charge or action has been filed or is pending, all relevant records shall be retained until final disposition of the charge or action. (Ord. 0-83-182 § 1 (part), 1984; Ord. 0-83-8 § 17, 1983; Ord. 0-79-113 § 37, 1979; Ord. 0-77-149 § 1 (part), 1977; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-75-100 § 35, 1975).

2.28.700 RELEASE OF PERSONNEL INFORMATION.
(a) During office hours, an employee, former employee, or a designated representative thereof may examine the employee's personnel file, after any letters of reference and oral board comments concerning employment, licensing, or issuance of permits have been removed. Designation of a representative shall be in writing and witnessed, signed by the employee or former employee, and filed with the Department of Employee Relations before the representative may examine the employee's file.

(b) Personnel files shall be available to all officials who supervise the work of the employee whose records they wish to review, to employees assigned to the Risk Management Division

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who are required to handle unemployment compensation or worker's compensation claims filed by any current or former employee, and to the Director of Employee Relations and any employees assigned to the Department of Employee Relations who are required to maintain and file such records.

(c) The Department of Employee Relations may verify to a prospective employer of a present or former employee, the dates of such individual's employment with the City and the latest or last position title held. No other information concerning an employee shall be released to prospective employers, collection agencies, credit bureaus, etc., unless the employee has designated them as his representatives in accordance with (a) above, with the exception that employee information may be released to the Colorado Division of Employment and Training and to the State Compensation Insurance Fund regarding unemployment and worker's compensation matters.

(d) In the event of conflict between this section concerning the disclosure of personnel information and the requirements of the Colorado Public (Open) Records Act, Section 24-72-201, et seq., of the Colorado Revised Statutes, the provisions of the Colorado Open Records act shall prevail. (Ord. 0-93-25 § 59, 1993; Ord. 0-83-182 § 6, 1984; Ord. 0-79-113 § 38 1979; Ord. 0-76-86 § 2 (part), 1976; Ord. 0-75-100 § 36, 1975; Ord. 0-71-142 § 3 (Div. 18.3), 1971).

XIX. MISCELLANEOUS RULES

2.28.705 SEVERANCE AGREEMENTS. As a matter of policy, the City Manager may provide a severance agreement to a department head or the Assistant City Manager. A department head may provide a severance agreement to a division head. Such policies or procedures as are necessary for the utilization of severance agreements will be promulgated by the City Manager. Severance agreements will not exceed six (6) months in length. (Ord. 0-91-45 § 7, 1991; Ord. 0-91-22 § 5, 1991; Ord. 0-87-20 § 9, 1987; Ord. 0-83-182 § 1 (part), 1984; Ord. 0-83-8 § 18, 1983).

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2.28.710 OUTSIDE EMPLOYMENT. As a matter of policy, employment of full-time employees outside of their regular city job is discouraged. Employees shall notify their department head in writing prior to the commencement of any such additional employment in which he or she engages, with a copy being placed in the employee's personnel file. (Ord. 0-83-8 § 19, 1983; Ord. 0-79-113 § 39, 1979; Ord. 0-75-100 § 38, 1975).

2.28.720 CONFLICT OF INTEREST/INCOMPATIBLE ACTIVITIES. (a) As a matter of policy, the city shall strive to assure that every effort is made to promote public confidence in government by assuring the people of the impartiality, integrity and honesty of city employees. As such, all employees will ensure that their actions present neither a conflict of interest nor the appearance of a conflict with the public trust. The following describes activities which are incompatible with city employment or could be construed as conflict of interest:

(1) Any employment, activity, or enterprise which involves the use for private gain of the city's time, facilities, equipment, supplies, prestige, influence, badge, or uniform or privileged or confidential information;

(2) Receipt or acceptance by employees of any money or other consideration from anyone other than the city for performance of an act or function which employees would be required or expected to render in the regular course of city employment, or as part of their duties as city employees;

(3) Performance of an act in other than one's capacity as a city employee which may later be subject, directly or indirectly, to control, inspection, review or audit by such employee or by the city department in which the employee is employed;

(4) Use of so much of the employee's time that it impairs the employee's attention or efficiency in the performance of duties as a city employee.

(b) Employees and members of their families shall not

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accept or solicit personal gifts offered because of the employee's duties, functions, or responsibilities as an employee of the city.

(c) Employees shall comply with Colorado state and criminal statutes dealing directly with conflict of interest situations.

(d) Employees shall contact their supervisor before engaging in an activity which may be considered incompatible or construed as a conflict of interest. The City Manager or a designee shall make the final decision regarding interpretation of conflict of interests.

(e) The City Manager may promulgate administrative regulations dealing with guidelines, reporting, and other appropriate items regarding this section.

(f) Engagement in incompatible activities and/or presence of conflict of interest may result in disciplinary action. (Ord. 0-86-32 § 20, 1986; Ord. 0-83-182 § 1 (part), 1984; Ord. 0-79-113 § 40, 1979; Ord. 0-71-142 § 3 (Div. 19.2), 1971).

2.28.730 ACCEPTANCE OR SOLICITATION OF GIFTS. Employees and members of their families shall not accept or solicit personal gifts offered because of the employee's duties, functions, or responsibilities as an employee of the city. This does not pertain to gifts of a general commercial advertising nature having a small value or to food and drink consumed by the employee at the time of receipt, if in company with another person or persons, at an appropriate social or business occasion, meal, or other event, unless the receipt of such food or beverage is contrary to regulations promulgated by the City Manager hereunder or by the employee's department head. (Ord. 0-75-100 § 39, 1976).

PERSONNEL POLICIES

2.28.740 SAFETY PROGRAM. The efficiency and effectiveness of the city organization is enhanced by a viable safety program. All employees are expected to be aware of and follow safety requirements as part of their jobs. The City Manager shall require the Risk Management Division to coordinate safety matters with all departments of the city. (Ord. 0-86-32 § 18, 1986).

2.28.800 EMPLOYEE ASSISTANCE PROGRAM. Recognizing that an employee or a member of his or her family may have personal problems which adversely affect job performance, the city has contracted to make available to all employees and their families a free, completely confidential counseling and referral service. Usage of this service may be initiated through self-referral or by supervisor referral. While the city recognizes that resolution of personal problems is in the best interest of both the employee and the city, such problems remain in the employee's responsibility. The employee's job evaluations are based upon performance in his or her position notwithstanding outside influences. Therefore, it is incumbent upon the employee to take advantage of the assistance offered and ensure that personal problems do not have a detrimental effect on job performance. (Ord. 0-86-32 § 19, 1986).

RELOCATION BENEFITS FOR CITY OFFICIALS

Chapter 2.29

RELOCATION BENEFITS FOR CITY OFFICIALS, EXECUTIVES, MANAGEMENT AND MIDDLE MANAGEMENT—DECLASSIFIED EMPLOYEES

Sections:

- 2.29.010 Generally.
- 2.29.020 Reimbursement.

2.29.010 GENERALLY. The City Manager is authorized to pay temporary relocation benefits to any declassified employee relocating to the City of Lakewood subject to the requirements hereinafter set forth. Such benefits shall be limited to reimbursement for temporary relocation expenses for housing. The amount, the method, the form and the reasons for such payments shall be set forth in a memorandum of agreement in a form approved by the City Attorney to be executed by the employee and the City Manager following a case by case authorization by City Council Resolution. (Ord. 0-80-31 § 1 (part), 1980).

COMPENSATION

2.29.020 REIMBURSEMENT. The City Manager is authorized to reimburse any declassified employee for all or any portion of the actual expenses incurred in relocating personal and household belongings to the city. (Ord. 0-80-31 § 1 (part), 1980).

Chapter 2.32

COMPENSATION*

Sections:

- 2.32.010 Establishment of compensation levels.
- 2.32.020 Establishment of classifications.
- 2.32.040 Performance incentive award.
- 2.32.050 Administration of pay plan.
- 2.32.060 Exceptions to pay plan.
- 2.32.070 Additional regulations.
- 2.32.080 Fringe benefits.
- 2.32.085 Classified deferred compensation annuity program.
- 2.32.090 Compensation to injured, sick or disabled employees.

2.32.010 ESTABLISHMENT OF COMPENSATION LEVELS. There are established the following biweekly base salary compensation levels (in dollars and cents) for classified employees of the City.

OCCUPATIONAL CATEGORY — CLERICAL/TECHNICAL

	<u>Training</u>	<u>Entry</u>	<u>6 months</u>	<u>1 year</u>	<u>1.5 years</u>	<u>2 years</u>
	a	b	c	d	e	f
I	481.60	505.60	520.00	529.60	558.40	572.00
II	576.80	603.20	621.60	634.40	664.80	681.60
III	669.60	703.20	722.40	738.40	775.20	796.80
IV	742.40	777.60	797.60	819.20	856.80	880.80
V	835.20	873.60	896.80	920.00	966.40	992.80

*For regulations governing the personnel system generally, see Chapter 2.28 of this title.

COMPENSATION

OCCUPATIONAL CATEGORY — TRADES/CRAFTS

	<u>Training</u>	<u>Entry</u>	<u>6 months</u>	<u>1 year</u>	<u>1.5 years</u>
	a	b	c	d	e
I	631.20	663.20	681.60	698.40	736.80
II	763.20	801.60	824.00	843.20	884.80
III	889.60	936.80	961.60	984.80	1036.80
IV	1014.40	1064.80	1093.60	1120.80	1176.80
V	1156.80	1216.00	1247.20	1276.80	1344.00
VI	1232.80	1297.60	1332.00	1366.40	1440.00

OCCUPATIONAL CATEGORY — ENFORCEMENT

	<u>Training</u>	<u>Entry</u>	<u>6 months</u>	<u>1 year</u>	<u>1.5 years</u>	<u>2 years</u>	<u>3 years</u>	<u>4 years</u>
	a	b	c	d	e	f	g	h
I	782.40	821.60	841.60	864.00	885.60	932.80	980.80	
II	908.00	952.80	976.00	1001.60	1025.60	1075.20	1136.00	
III	1025.60	1075.20	1100.00	1131.20	1158.40	1220.00	1284.00	
IV	1197.60	1258.40	1288.00	1323.20	1353.60	1424.00	1500.80	1575.20
V	1108.80	1167.20	1197.60	1226.40	1292.00	1357.60	1432.00	1494.40
			<u>5 years</u>	<u>6 years</u>	<u>7 years</u>	<u>8 years</u>	<u>9 years</u>	<u>10 years</u>
			i	j	k	l	m	n
V (continued)			1564.00	1590.40	1616.00	1640.40	1666.40	1693.60

OCCUPATIONAL CATEGORY — ADMINISTRATIVE/ PROFESSIONAL/TECHNOLOGICAL

	<u>Training</u>	<u>Entry</u>	<u>6 months</u>	<u>1 year</u>	<u>1.5 years</u>	<u>2 years</u>
	a	b	c	d	e	f
I	866.40	913.60	936.00	961.60	1016.80	1039.20
II	954.40	1004.00	1030.40	1057.60	1112.00	1140.80
III	1046.40	1097.60	1127.20	1157.60	1221.60	1249.60
IV	1155.20	1212.00	1244.80	1276.80	1346.40	1380.80
V	1244.80	1309.60	1343.20	1379.20	1452.00	1490.40

COMPENSATION

OCCUPATIONAL CATEGORY — SUPERVISORY/
MANAGERIAL

	<u>Training</u>	<u>Entry</u>	<u>6 months</u>	<u>1 year</u>	<u>1.5 years</u>	<u>2 years</u>
	a	b	c	d	e	f
I	853.60	896.00	919.20	940.00	988.00	
II	992.00	1041.60	1065.60	1093.60	1147.20	
III	1290.40	1354.40	1387.20	1422.40	1492.80	
IV	1452.00	1525.60	1562.40	1602.40	1683.20	
V	1709.60	1796.00	1830.40	1858.40	1896.00	1924.00

OCCUPATIONAL CATEGORY — POLICE CIVILIAN
TECHNICAL

	<u>Training</u>	<u>Entry</u>	<u>6 months</u>	<u>1 year</u>	<u>1.5 years</u>	<u>2 years</u>
	a	b	c	d	e	f
I	748.80	785.60	805.60	827.20	865.60	888.80
II	883.20	931.20	955.20	980.80	1036.80	1060.00
III	901.60	949.60	968.80	992.80	1044.00	1068.80
IV	1100.00	1156.00	1184.80	1216.00	1284.00	1316.00
V	1208.80	1271.20	1304.00	1340.00	1410.40	1447.20
VI	1436.00	1510.40	1551.20	1592.00	1672.00	1719.20
VII	1491.20	1568.00	1612.00	1653.60	1739.20	1785.60

The base salary compensation levels shall be retroactive to March 28, 1994. (Ord. 0-94-14 § 1, 1994; Ord. 0-93-12 §§ 1, 2, 1993; Ord. 0-92-16 §§ 1, 2, 1992; Ord. 0-91-20 §§ 1, 2, 1991; Ord. 0-91-8 §§ 1, 2, 1991; Ord. 0-90-66 § 1, 1990; Ord. 0-90-25 § 1, 1990; Ord. 0-89-99 § 1, 1989; Ord. 0-89-23 § 1, 1989; Ord. 0-88-61 § 1, 1988; Ord. 0-87-21 § 1, 1987; Ord. 0-86-116 § 1, 1986; Ord. 0-86-28 § 1, 1986; Ord. 0-85-130 § 1, 1985; Ord. 0-85-39 § 1, 1985; Ord. 0-84-122 § 1, 1984; Ord. 0-84-38 § 1, 1984; Ord. 0-84-150 § 1, 1983; Ord. 0-83-47 § 1, 1983; Ord. 0-82-154 § 1, 1982; Ord. 0-81-142 § 1, 1981; Ord. 0-81-65 § 1, 1981; Ord. 0-80-103 § 1, 1980; Ord. 0-79-108 § 1 (part), 1979; Ord. 0-77-148 § 1 (part), 1977).

COMPENSATION

2.32.020 ESTABLISHMENT OF CLASSIFICATIONS. In conjunction with the compensation levels set forth in this chapter, the City Manager is directed and authorized to implement and maintain a classification system, paying positions the appropriate biweekly base salary as established by this chapter. The City Manager shall issue administrative regulations assigning classification titles and corresponding occupational category levels to all full-time classified employees. (Ord. 0-79-108 § 1 (part), 1979; Ord. 0-77-148 § 1 (part), 1977).

2.32.040 PERFORMANCE INCENTIVE AWARD. The City Manager is authorized to establish and implement via administrative regulation a performance incentive system designed to reward employees who reach the maximum of their pay level and are qualified for such increase. The performance incentive award shall be in addition to the biweekly base salary as established by this chapter. (Ord. 0-79-108 § 1 (part), 1979; Ord. 0-77-148 § 1 (part), 1977).

2.32.050 ADMINISTRATION OF PAY PLAN. (a) Persons appointed within any of the foregoing compensation

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2.32.060 **EXCEPTIONS TO PAY PLAN.** Subject to approval by the City Manager, persons may be employed by the city in any department on a temporary, part-time or seasonal basis, at prevailing rates of pay to be agreed upon between the city and such employee, which may be below rates of pay established in this chapter for classified positions of permanent full-time personnel performing the same or comparable services. (Ord. 0-77-148 § 1 (part), 1977).

2.32.070 **ADDITIONAL REGULATIONS.** The City Manager is authorized to issue such administrative regulations for the proper implementation of the pay plan set out in this chapter as may be necessary or proper, and within the spirit and intent of and not contrary to the provisions of this chapter or any other ordinance of this city or state law. (Ord. 0-77-148 § 1 (part), 1977).

2.32.080 **FRINGE BENEFITS.** The following fringe benefits are adopted and authorized to be paid to the employees of the city, whether such employees fall within the classifications established in this chapter or whether such employees occupy such positions established by other ordinances now or hereafter enacted:

(1) **Retirement.** The City shall provide retirement benefits by making employer contributions to the Lakewood Employees Money Purchase Pension Plan for all eligible employees who make contributions to the Plan, in accordance with the terms and provisions of such Plan, as may be amended. The City shall make contributions to the Police Money Purchase Pension Plan as provided in Chapter 2.36.

(2) **Group Life Insurance and Disability Income Insurance.** The city shall pay the employee's cost of group life insurance, the amount of which being equal to one and one-half an employee's annual salary, rounded up to the nearest thousand. The city shall also pay the cost of the employee's share of disability income insurance. Both plans shall be in accordance with a plan adopted and approved by the city, through its City Manager, for each city employee.

(3) **Hospital and Medical Insurance.** The city shall pay the cost of hospital and medical insurance according to a plan adopted and

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approved by the city, through its City Manager, for each city employee. The amount paid for each city employee shall be the total cost of single coverage of either of two hospitalization insurance plans. Each employee obtaining such hospital and medical insurance may, at the employee's option and election, and at the employee's own cost, elect to carry additional or family protection. Those employees who elect to carry the family protection option for hospital and medical insurance under the plan adopted by the city shall receive a monthly contribution from the city toward such family coverage in the amount of sixty dollars. This additional payment by the city to family covered shall be effective as of May 1, 1984.

(4) **Dental Insurance.** The city shall pay the cost of dental insurance according to a plan adopted and approved by the city, through the City Manager, for each city employee. The amount paid for each city employee shall be the total cost of single coverage under such plan. Each employee eligible for such dental coverage may elect to carry additional or family coverage at the employee's own expense. The effective date of such plan shall be December 26, 1977, or as soon thereafter as such program may be implemented. (Ord. 0-93-25 § 61, 1993; Ord. 0-88-64 § 1, 1988; Ord. 0-84-39 § 1, 1984; Ord. 0-83-57 § 1, 1983; Ord. 0-78-41 § 1, 1978; Ord. 0-77-148 § 1 (part), 1977).

2.32.085 CLASSIFIED DEFERRED COMPENSATION ANNUITY PROGRAM. The city may commence a deferred compensation annuity program for the employees covered by this chapter beginning January 1, 1981, or as soon thereafter as such a program may be approved by the City Manager; provided, however, that nothing in this section shall amend or abrogate any other ordinance of the city relating to a separate deferred compensation plan for any city employee. (Ord. 0-80-103 § 2, 1980).

2.32.090 COMPENSATION TO INJURED, SICK OR DISABLED EMPLOYEES. (a) In the event of an injury to, illness or disability or an employee which prevents performance of all or a part of the duties incident to such employee's employment, and in the event that there are questions which

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have not been resolved with respect to workmen's compensation, or insurance, or police pension fund benefits, or other benefits to which an employee may be entitled, the City Manager is authorized in his discretion to continue the payment of full compensation to such employee, or to pay compensation at a reduced rate, upon such terms and conditions as may seem proper to the City Manager, particularly with respect to the reimbursement of the city from funds to be received by the employee from workmen's compensation or other sources, for such term as may seem proper to the City Manager in the exercise of his discretion, and also to place such an employee upon temporary suspension or special employment status pending the making of such determination or determinations, consistent with guidelines established by Chapter 2.28 of this code.

(b) The authority vested in the City Manager pursuant to this section may be exercised at any time or from time to time by the City Manager, and the affected employee shall be notified immediately, in writing, following the making of such determination or determinations. (Ord. 0-77-148 § 1 (part), 1977).

Chapter 2.36

POLICE RETIREMENT

Sections:

2.36.010 Police Retirement Benefits.

2.36.010 POLICE RETIREMENT BENEFITS. The City shall provide retirement benefits by making employer contributions to the City of Lakewood Police Pension Plan for all sworn police officers, in accordance with the terms and provisions of such Plan, as was in effect under this Code on December 31, 1992, and as may be subsequently amended pursuant to the terms of the Plan. (Ord. 0-93-9 § 2, 1992).

FEDERAL RENT SUPPLEMENT PROGRAM

Chapter 2.44

FEDERAL RENT SUPPLEMENT PROGRAM

Sections:

2.44.010 Approval of participation by qualified property owners.

2.44.010 APPROVAL OF PARTICIPATION BY QUALIFIED PROPERTY OWNERS. The City Council declares its approval of participation in the Federal Rent Supplement Program pursuant to Section 101 of the Housing and Urban Development Act of 1965 by the owners of property located within the corporate boundaries of the city who qualify for such participation. (Res. 72-124 § 1, 1972).

PARK CONTROL AND MANAGEMENT

Chapter 2.48

PARK CONTROL AND MANAGEMENT

Sections:

- 2.48.010 Powers vested.
- 2.48.020 Exercise of powers.
- 2.48.030 Chapter as alternative to park commission.

2.48.010 **POWERS VESTED.** The Mayor and City Council, City Manager and Director of Community Resources are vested with the powers authorized in Part 2 of Title 31, Chapter 25, C.R.S. (Ord. 0-89-3 § 2 (part), 1989; Ord. 0-73-54 § 1, 1973).

2.48.020 **EXERCISE OF POWERS.** In addition to the powers authorized in Part 2, Title 31, Chapter 25, C.R.S., the City Council and city administration shall have authority to exercise all powers set out in the Charter of the city of Lakewood and the specific provisions of Chapter 2.06 of the Lakewood Municipal Code relating to the City Manager, and Section 2.08.220 of the Lakewood Municipal Code relating to the Director of Community Resources, and Sections 2.08.230 through 2.08.250 of the Lakewood Municipal Code relating to directors of departments. (Ord. 0-89-3 § 2 (part), 1989; Ord. 0-73-54 § 2, 1973).

2.48.030 **CHAPTER AS ALTERNATIVE TO PARK COMMISSION.** The vesting of the powers and authority as stated in this chapter is in the alternative to the establishment of a park commission pursuant to Part 2 of Title 31, Article 25, Colorado Revised Statutes, as amended; and hereby determines that the city shall not have a park commission as such pursuant to said statutes. (Ord. 0-93-25 § 62, 1993; Ord. 0-73-54 § 3, 1973).

INITIATIVE AND REFERENDUM PROCEDURES

Chapter 2.52

INITIATIVE AND REFERENDUM PROCEDURES

Sections:

- 2.52.010 Procedures generally.
- 2.52.020 Definitions.
- 2.52.030 Initiative procedures.
- 2.52.040 Initiative petitions—Fees.
- 2.52.050 Initiative petitions—Circulation Prerequisites.
- 2.52.060 Initiative petitions—Filing.
- 2.52.070 Initiative petitions—Signature requirements.
- 2.52.080 Requirements of petitions—Initiative.
- 2.52.090 Sufficiency of petitions—Initiative.
- 2.52.100 Review and appeals—Initiative.
- 2.52.110 Initiative—Election.
- 2.52.120 Prohibited action by city council—Initiative.
- 2.52.130 Referendum procedures.
- 2.52.140 Requirements of petitions—Referendum.
- 2.52.150 Sufficiency of petitions—Referendum.
- 2.52.160 Review and appeals—Referendum.
- 2.52.170 Referendum—Election.
- 2.52.180 Prohibited action by city council—Referendum.
- 2.52.190 Election procedures.
- 2.52.200 Ballot.
- 2.52.210 Receiving money to circulate petitions—Filing.
- 2.52.220 Campaign reform act requirements.
- 2.52.230 Unlawful acts.
- 2.52.240 Referral by city council.
- 2.52.250 Intent.

2.52.010 PROCEDURES GENERALLY. Pursuant to Article V, Section 1 of the Colorado Constitution, and Article XIII of the home rule charter of the City of Lakewood, there are established

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procedures for exercising the initiative and referendum powers reserved to the registered electors of the city. The City Clerk may, from time to time, issue administrative rules and regulations not inconsistent with this Chapter 2.52 as may be necessary or desirable to accomplish the purposes of this Chapter. (Ord. 0-94-3 § 1 (part), 1994).

2.52.020 DEFINITIONS. As used in this Chapter, unless the context otherwise requires:

A. "Ballot issue" means a nonrecall, citizen-initiated or citizen-referred petition or legislatively-referred measure which is authorized by the state constitution, including a proposition which is in the form of a question meeting the requirements of Section 20(3)(c) of Article X of the state constitution.

B. "Ballot question" means a proposition which is in the form of a question other than a ballot issue.

C. "Draft" means the proposed text of the initiative which, if passed, becomes the actual language of the ordinance.

D. "Section" means a bound compilation of initiative forms approved by the City Clerk or referendum petitions which shall include pages that contain the warning required by Sections 2.52.080 or 2.52.140, respectively; and the title, the summary, and a copy of the proposed initiative measure or the number, name and a copy of the ordinance which is the subject of the referendum petition; succeeding pages that contain said warning, the title of the initiative measure or the number and name of the referred ordinance and ruled lines numbered consecutively for registered electors' signatures; and a final page that contains the affidavit required by Sections 2.52.090 or 2.52.140, respectively. Each section shall be consecutively prenumbered by the petitioner prior to circulation.

E. "Submission clause" means the language which is attached to the title to form a question which can be answered by "yes" or "no."

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F. "Summary" means a condensed statement as to the intent of the initiative measure.

G. "Title" means a brief statement that fairly and accurately represents the true intent and meaning of the proposed text of the initiative measure or the number and name of the ordinance that is the subject of the referendum. (Ord. 0-94-3 § 1 (part), 1994).

2.52.030 INITIATIVE PROCEDURES. (a) Any initiated measure shall be in the form of an ordinance, legislative in character, the original draft of which shall be submitted to the City Clerk before the petition relating thereto is circulated to the registered electors of the City. Proponents are encouraged to write such drafts in plain, non-technical language and in a clear and coherent manner using words with common and everyday meaning which are understandable to the average reader. Within ten days after submission, the City Clerk, with the assistance of other city officials as the Clerk deems necessary, shall designate and fix a fair title, submission clause, and summary to the proposed ordinance which shall correctly and fairly express the true intent and meaning of the proposed ordinance. Titles shall be brief, shall not conflict with titles selected for any petition previously filed for the same election, and shall be in the form of a question which may be answered "FOR THE ORDINANCE" to vote in favor of the proposed measure or "AGAINST THE ORDINANCE" to vote against the proposed measure and which shall unambiguously state the principle of the provision sought to be added, amended, or repealed.

(b) If any registered elector submitting such initiated petition is not satisfied with the title, submission clause, or summary as provided, and claims it to be unfair, or that it does not fairly express the true meaning and intent of the proposed measure, such person may file a motion for rehearing with the City Clerk within seven days after the return of the petition to the persons submitting it, which rehearing shall be had within forty-eight hours thereafter. If overruled and upon the filing of a written request, a certified copy of the

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petition with the title, submission clause, and summary of such proposed measure, together with a certified copy of such motion for rehearing and of the ruling thereon, shall be furnished to the parties by the City Clerk and, if filed with the Clerk of the District Court for Jefferson County within five days thereafter, shall be docketed as a cause there pending and disposed of as expeditiously as circumstances permit. (Ord. 0-94-3 § 1 (part), 1994).

2.52.040 INITIATIVE PETITIONS — FEES. The City Clerk shall be allowed the same fees for certifying a record of any proceedings as are provided for certified copies of other papers, which fees shall be paid by the parties desiring a review of such proceedings. The Clerk of the District Court shall receive the ordinary docket fee for docketing any such cause, which shall be paid by the parties desiring a review of such proceedings. (Ord. 0-94-3 § 1 (part), 1994).

2.52.050 INITIATIVE PETITIONS — CIRCULATION PREREQUISITES. (a) No petition for any initiative measure shall be circulated, nor any signature thereto have any force or effect whatsoever, which has been signed before the title, submission clause, and summary have been fixed and determined as provided in Section 2.52.030. No petition shall be printed, published, or otherwise circulated unless the form and the first printer's proof of the petition have been approved by the City Clerk.

(b) Any petition which has not been submitted as required in Section 2.52.030 shall not be accepted for filing by the City Clerk. (Ord. 0-94-3 § 1 (part), 1994).

2.52.060 INITIATIVE PETITIONS — FILING. No petition for any initiated ordinance within the city shall be of any force or effect unless filed with the City Clerk within one hundred eighty days from the date that the title and submission clause therefor have been fixed and determined pursuant to the provisions of Section 2.52.030. The City Clerk shall not accept any petition for filing

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which is not timely filed under the provisions of this section. (Ord. 0-94-3 § 1 (part), 1994).

2.52.070 INITIATIVE PETITIONS — SIGNATURE REQUIREMENTS. A petition for an initiated ordinance shall be signed by persons registered to vote in the city in a number at least equal to five percent of the total number of persons registered to vote in the city on the date of the last regular municipal election. (Ord. 0-94-3 § 1 (part), 1994).

2.52.080 REQUIREMENTS OF PETITIONS — INITIATIVE.
(a) At the top of each page, including signature pages, of every initiative petition section shall be printed the following:

**WARNING:
IT IS AGAINST THE LAW:**

For anyone to sign any initiative petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign such a petition when not a registered elector who is eligible to vote on the measure.

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A
REGISTERED ELECTOR
AND ELIGIBLE TO VOTE ON THIS MEASURE**

**TO BE A REGISTERED ELECTOR,
YOU MUST BE A CITIZEN OF COLORADO
AND REGISTERED TO VOTE IN THE
CITY OF LAKEWOOD**

Do not sign this petition unless you have read or have had read to you the proposed initiative measure or the summary of the initiated measure in its entirety and understand its meaning.

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(b) The title shall be printed on each page following the warning required in subsection (a).

(c) Any initiative petition circulated within the city shall be signed only by the registered electors by their own signature, after which the signer shall print his or her name, the address at which he or she resides, including street number and name, city, and the date of signing. Each registered elector signing a petition shall be encouraged by the circulator of the petition to sign the petition in black ink. In the event a registered elector is physically disabled or is illiterate and wishes to sign such petition, such elector shall sign or make his or her mark in the space so provided. Any person, but not a circulator, may assist the disabled or illiterate elector in completing the remaining information required in this paragraph (c). The person providing assistance shall sign his or her name and address and shall state that such assistance was rendered to the disabled or illiterate elector.

(d) To each such petition shall be attached a signed, notarized affidavit of the circulator, stating his or her name, address, the date the affidavit was signed and stating he or she is a registered elector in the city, that he or she circulated the petition, that each signature thereon was affixed in his or her presence, that each signature thereon is the signature of the person whose name it purports to be, that to the best knowledge and belief of the affiant each of the persons signing the petition was at the time of signing a registered elector of the city, and that he or she has not paid or will not in the future pay, and that he or she believes that no other person has so paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to such petition. The City Clerk shall not accept for filing any petition which does not have attached thereto an affidavit meeting the requirements of this section. Any signature added to a section of a petition after said affidavit has been executed shall be invalid.

INITIATIVE AND REFERENDUM PROCEDURES

(e) No petition for any initiative shall be circulated within the city by any person who is not a registered elector in the city.

(f) All initiative petitions shall consist of a complete copy of what is proposed to be initiated including the title, submission clause, and summary as designated and fixed by the City Clerk pursuant to Section 2.52.030. Each petition shall designate by name and address two persons who shall represent the signers thereof in all matters affecting the same, and who shall be registered electors of the city. All such petitions shall be prenumbered serially, and the circulation of any petition described in this chapter by any medium other than personally by a circulator is prohibited. Any petition which fails to conform to the requirements of this chapter or is circulated in a manner other than that permitted in this section shall be invalid.

(g) Any disassembly of a section of the petition which has the effect of separating the affidavits from the signatures shall render that section of the petition invalid and of no force and effect. (Ord. 0-94-3 § 1 (part), 1994).

2.52.090 SUFFICIENCY OF PETITIONS — INITIATIVE. (a) No petition for initiative shall be filed with the City Clerk unless it contains the required number of signatures. Upon filing of a petition for initiative with the City Clerk, the City Clerk shall make an initial determination of sufficiency and report the results thereof to the City Council within twenty days of the date of such filing, with a final determination of sufficiency and report to City Council to be made within thirty days following the filing. The City Clerk's determination of sufficiency shall be based upon a review of the petition to find whether signatures of individuals are insufficient in the following categories:

(1) Address shown by signer not located within the city limits of the City of Lakewood.

(2) Any signature appearing on the petition more than once, in which event all signatures of said individual shall be deleted except one.

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(3) More than one individual signature on a signature line, in which event the line shall count as one.

(4) Signature lines containing incomplete information or information which was not completed by the elector or a person qualified to assist the elector shall not be counted.

(5) Signatures of individuals who are not registered electors in the city.

(b) The petition may not be removed and no signature may be removed or deleted by a signer, circulator, or representative of the City Clerk until the City Clerk has made an initial sufficiency determination. Any request to remove a signature shall be made in writing to the City Clerk. A signature may only be removed between the initial and final sufficiency determination by the City Clerk.

(c) After the City Clerk has completed the final sufficiency review of the petitions, the following procedures shall apply:

(1) For initiative petitions found to contain an insufficient number of valid signatures, and against which no protest has been filed, the City Clerk shall mail a written notice of insufficiency, summarizing the grounds for the decision, to the representatives of the petitioners. The decision of the City Clerk concerning insufficiency shall be a final decision from which an appeal may be made to the District Court of Jefferson County.

(2) For initiative petitions found insufficient, and against which a protest has been filed, the provisions of Section 2.52.090(d) shall apply.

(3) For initiative petitions found sufficient, and against which no protest has been filed, the provisions of Section 2.52.110 shall apply.

(4) For initiative petitions found sufficient, but against which a protest has been filed, the provisions of Section 2.52.090(d) shall apply.

(d) A protest to an initiative petition may be filed in the office of the City Clerk by any registered elector of the city within thirty days after the petition is filed with the City Clerk. The protest shall set forth with particularity the grounds of such protest and the names

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protested. The City Clerk shall mail a copy of such protest to the petition representative, together with a notice fixing a time for hearing such protest not less than five nor more than twenty days after such notice is mailed.

(e) All records and hearings shall be public under this section and all testimony shall be under oath, and the City Clerk with whom such petition is filed shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents. Upon failure of any witness to obey the subpoena, the City Clerk may petition the District Court of Jefferson County and upon proper showing the Court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the order of the Court is punishable as a contempt of court. At any hearing held pursuant to this section, the party protesting the finding of the City Clerk concerning the sufficiency of signatures shall have the burden of proof. Hearings before the City Clerk shall be had as soon as is conveniently possible. The result of such hearings shall be certified to the petition representatives and the protester.

(f) The finding of the City Clerk as to the sufficiency or insufficiency of any petition may be reviewed by the District Court of Jefferson County. (Ord. 0-94-3 § 1 (part), 1994).

2.52.100 REVIEW AND APPEALS — INITIATIVE. Upon timely appeal to the District Court of Jefferson County of any decision of the City Clerk, all proceedings leading to any election upon any initiative petition shall be suspended until final disposition of such review. If an election is thereafter required to be held, the period of time required for judicial review shall not be included in the computation of time periods under this chapter, and any such periods shall be extended by the time required for such review and appeal. (Ord. 0-94-3 § 1 (part), 1994).

2.52.110 INITIATIVE — ELECTION. (a) If the petition is found to be sufficient pursuant to Section 2.52.090, the City Clerk shall present the petition to the City Council at its next regular meeting.

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At that time, the City Clerk shall also determine whether the petition qualifies for a ballot issue election or a ballot question election and shall advise the City Council of such determination. Within thirty days after the petition is presented by the City Clerk, the City Council shall either adopt without alteration the initiated ordinance by a majority vote of all members of City Council, or submit the initiated ordinance to a vote of the registered electors. If the initiated ordinance is one which may be considered at a ballot question election, it shall be submitted at a special election held not less than thirty nor more than ninety days after the petition is presented to the City Council, or at a regular municipal election held within that ninety day period. If the initiated ordinance is one which may only be considered at a ballot issue election, it shall be submitted at the next ballot issue election held not less than ninety days after the petition is presented to the City Council.

(b) The City Council, notwithstanding the above provisions, shall not act on any petition presented to it during the pendency of any protest or proceedings provided for in Section 2.52.100, or any review thereof or appeal therefrom.

(c) Alternative ordinances may be submitted at the same election, and if two or more conflicting ordinances are approved by the people, the one which receives the greatest number of affirmative votes shall be adopted in all particulars as to which there is a conflict.

(d) If a majority of the registered electors voting vote "for" the ordinance, it shall be adopted and take effect upon certification of the election results, or at such later date as may be set forth in the initiated ordinance.

(e) Notwithstanding the above provisions, the City Council shall not be deprived of the right to enact any ordinance, resolution, or other measure. (Ord. 0-94-3 § 1 (part), 1994).

2.52.120 PROHIBITED ACTION BY CITY COUNCIL — INITIATIVE. No initiated ordinance adopted by the registered electors of the city may be amended or repealed by the City Council

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during a period of six months after the date of the election on the initiated ordinance. (Ord. 0-94-3 § 1 (part), 1994).

2.52.130 REFERENDUM PROCEDURES. (a) Except as provided in the City's charter, all ordinances adopted by the City Council that are legislative in character shall be subject to referendum. Any ordinance necessary for the immediate preservation of the public peace, health, or safety; fixing the rate of general property taxation for any year; related to the issuance of securities; adopting the budget; making an appropriation for the ensuing fiscal year; calling for a special election; levying special assessments, or initiating improvement districts shall not be subject to referendum.

(b) No ordinance shall take effect and be in force before thirty days after adoption by the City Council and publication by title, except that no ordinance that zones, rezones, or changes any zoned district shall take effect and be in force before forty-five days after adoption by the City Council and publication by title. If, prior to the effective date of an ordinance and during business hours on a business day in which the Office of the City Clerk is open, a petition signed by registered electors of the city equal in number to three percent of the total number of persons registered to vote in the city on the date of the last regular municipal election is filed with the City Clerk protesting such ordinance, the City Clerk shall begin the initial determination of sufficiency as set out in Section 2.52.150. (Ord. 0-94-3 § 1 (part), 1994).

2.52.140 REQUIREMENTS OF PETITIONS — REFERENDUM. (a) At the top of each page, including signature pages, of every referendum petition section circulated within this city relating to a municipal ordinance shall be printed the following:

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WARNING: IT IS AGAINST THE LAW:

For anyone to sign any referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign such a petition when not a registered elector who is eligible to vote on the measure.

DO NOT SIGN THIS PETITION UNLESS YOU ARE A
REGISTERED ELECTOR
AND ELIGIBLE TO VOTE ON THIS MEASURE

TO BE A REGISTERED ELECTOR,
YOU MUST BE A CITIZEN OF COLORADO
AND REGISTERED TO VOTE IN THE
CITY OF LAKEWOOD

Do not sign this petition unless you have read or have had read to you the proposed referred measure in its entirety and understand its meaning.

(b) The title shall be printed on each page following the warning required in subsection (a).

(c) Any referendum petition circulated within the city shall be signed only by registered electors by his or her own signature, after which the signer shall print his or her name, the address at which he or she resides, including street number and name, city, and the date of signing. Each registered elector signing a petition shall be encouraged by the circulator of the petition to sign the petition in black ink. In the event a registered elector is physically disabled or is illiterate and wishes to sign such petition, such elector shall sign or make his or her mark in the space so provided. Any person, but not a circulator, may assist the disabled or illiterate elector in completing the remaining information required in this paragraph (c). The

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person providing assistance shall sign his or her name and address and shall state that such assistance was rendered to the disabled or illiterate elector.

(d) To each such petition shall be attached a signed, notarized affidavit of the circulator, stating his or her name, address, the date the affidavit was signed and stating he or she is a registered elector in the city, that he or she circulated the petition, that each signature thereon was affixed in his or her presence, that each signature thereon is the signature of the person whose name it purports to be, that to the best knowledge and belief of the affiant each of the persons signing the petition was at the time of signing a registered elector of the city, and that he or she has not paid or will not in the future pay, and that he or she believes that no other person has so paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to such petition. The City Clerk shall not accept for filing any petition which does not have attached thereto an affidavit meeting the requirements of this section. Any signature added to a section of a petition after the said affidavit has been executed shall be invalid.

(e) No petition for any referendum shall be circulated within the city by any person who is not a registered elector in the city.

(f) All referendum petitions shall include a complete copy of the ordinance which is the subject of the petition. Each petition shall designate by name and address two persons who shall represent the signers thereof in all matters affecting the same, and who shall be registered electors of the city. All such petitions shall be prenumbered serially, and the circulation of any petition described in this chapter by any medium other than personally by a circulator is prohibited. Any petition which fails to conform to the requirements of this chapter or is circulated in a manner other than that permitted in this section shall be invalid.

(g) Any disassembly of a section of the petition which has the effect of separating the affidavits from the signatures shall render that section of the petition invalid and of no force and effect.

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(h) As soon as possible, but prior to filing a referendum petition, the circulators shall file with the City Clerk a notice of intent to file a referendum petition. (Ord. 0-94-3 § 1 (part), 1994).

2.52.150 SUFFICIENCY OF PETITIONS — REFERENDUM.

(a) No petition for referendum shall be filed with the City Clerk unless it contains the required number of signatures. Upon filing of a petition for referendum with the City Clerk, the City Clerk shall make an initial determination of sufficiency and report the results thereof to the City Council within twenty days of the date of such filing, with a final determination of sufficiency and report to City Council to be made within thirty days following the filing. The City Clerk's determination of sufficiency shall be based upon a review of the petition to find whether signatures of individuals are insufficient in the following categories:

(1) Address shown by signer is not located within the city limits of the City of Lakewood.

(2) Any signature appearing on the petition more than once, in which event all signatures of said individual shall be deleted except one.

(3) More than one individual signature on a signature line, in which event the line shall count as one.

(4) Signature lines containing incomplete information or information which was not completed by the elector or a person qualified to assist the elector shall not be counted.

(5) Signatures of individuals who are not registered electors in the city.

(b) The petition may not be removed and no signature may be removed or deleted by a signer, circulator, or representative of the City Clerk until the City Clerk has made an initial sufficiency determination. Any request to remove a signature shall be made in writing to the City Clerk. A signature may only be removed between the initial and final sufficiency determination by the City Clerk.

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(c) After the City Clerk has completed the final sufficiency review of the petitions, the following procedures shall apply:

(1) For referendum petitions found to contain an insufficient number of valid signatures, and against which no protest has been filed, the City Clerk shall mail a written notice of insufficiency, summarizing the grounds for the decision, to the representatives of the petitioners. The decision of the City Clerk concerning insufficiency shall be final.

(2) For referendum petitions found insufficient, and against which a protest has been filed, the provisions of Section 2.52.150(d) shall apply.

(3) For referendum petitions found sufficient, and against which no protest has been filed, the provisions of Section 2.52.170 shall apply.

(4) For referendum petitions found sufficient, but against which a protest has been filed, the provisions of Section 2.52.150(d) shall apply.

(d) A protest to a referendum petition may be filed in the office of the City Clerk by any registered elector of the city within thirty days after the petition is filed with the City Clerk. The protest shall set forth with particularity the grounds of such protest and the names protested. The City Clerk shall mail a copy of such protest to the petition representative, together with a notice fixing a time for hearing such protest not less than five nor more than twenty days after such notice is mailed.

(e) All records and hearings shall be public under this section and all testimony shall be under oath. The City Clerk with whom such petition is filed shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents. Upon failure of any witness to obey the subpoena, the City Clerk may petition the District Court of Jefferson County and upon proper showing the Court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the order of the Court is punishable as a contempt of court. At any hearing held pursuant to this section, the party protesting the finding

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of the City Clerk concerning the sufficiency of signatures shall have the burden of proof. Hearings before the City Clerk shall be had as soon as is conveniently possible. The result of such hearings shall be certified to the petition representatives and the protester.

(f) The finding of the City Clerk as to the sufficiency or insufficiency of any petition may be reviewed by the District Court of Jefferson County. (Ord. 0-94-3 § 1 (part), 1994).

2.52.160 REVIEW AND APPEALS — REFERENDUM. Upon timely appeal to the District Court of Jefferson County of any decision of the City Clerk, all proceedings leading to any election upon any referendum petition shall be suspended until final disposition of such review. If an election is thereafter required to be held, the period of time required for judicial review shall not be included in the computation of time periods under this chapter and any such periods shall be extended by the time required for such review and appeal. (Ord. 0-94-3 § 1 (part), 1994).

2.52.170 REFERENDUM — ELECTION. (a) After final determination of petition sufficiency, to be made not less than thirty days after the petition is filed, the City Clerk shall present the petition to the City Council at its next regularly scheduled meeting. At that time, the City Clerk shall also determine whether the petition qualifies for a ballot issue election or a ballot question election and shall advise the City Council of such determination. Upon presentation to the City Council of such petition by the City Clerk, the ordinances shall be suspended from operation. The City Council shall upon presentation of the referendum petition immediately reconsider the ordinance. If upon reconsideration the ordinance is not repealed in its entirety by a majority of all members of the City Council, the City Council shall submit the same, without amendments or alteration, to a vote of the registered electors if the referred ordinance is one which may be considered at a ballot question election, it shall be submitted at a special election held not less than thirty nor more

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than ninety days after the petition is presented to the City Council, or at a regular municipal election held within that ninety day period. If the initial ordinance is one which may only be considered at a ballot issue election, it shall be submitted at the next ballot issue election held not less than ninety days after the petition is presented to the City Council.

(b) If a majority of the registered electors voting vote "FOR THE ORDINANCE", the ordinance shall be effective upon certification of the election results. If a majority of the registered electors voting vote "AGAINST THE ORDINANCE", the ordinance shall be repealed upon certification of the election results. (Ord. 0-94-3 § 1 (part), 1994).

2.52.180 PROHIBITED ACTION BY CITY COUNCIL — REFERENDUM. No referred ordinance repealed by the registered electors of the city may be subsequently adopted by the City Council during a period of six months after the date of the election on the referred ordinance. (Ord. 0-94-3 § 1 (part), 1994).

2.52.190 ELECTION PROCEDURES. Election procedures under this Chapter shall comply with the Colorado Municipal Election Code, Title 31, Article 10, of the Colorado Revised Statutes. (Ord. 0-94-3 § 1 (part), 1994).

2.52.200 BALLOT. (a) Each initiative or referred measure shall appear on the official ballot by title only. All citizen-initiated or referendum matters shall be indicated on the ballot by number and all City Council referred measures shall be indicated by letter. If more than one question will appear on the same ballot, they shall appear in numerical or alphabetical order by date of receipt, and the question shall be numbered or lettered accordingly. Each title shall appear on the official ballot only once.

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(b) Any initiated ordinance approved by the people of the city shall be printed with the official acts of the next City Council meeting, and such ordinance approved by the people of the city shall be published as ordinances are published after adoption. (Ord. 0-94-3 § 1 (part), 1994).

2.52.210 RECEIVING MONEY TO CIRCULATE PETITIONS — FILING. (a) The proponents of any initiative measure or referendum petition shall file with the City Clerk the name of the proposed initiative measure or referendum petition for which petitions were circulated by paid circulators, and the name, street number and name, and city of all circulators who were paid to circulate any section of the petition, the amount paid per signature, and the total amount paid to each circulator. The filing shall be made at the same time the petition is filed with the City Clerk. (Ord. 0-94-3 § 1 (part), 1994).

2.52.220 CAMPAIGN REFORM ACT REQUIREMENTS. The provisions of the Campaign Reform Act of 1974, C.R.S. 1-45-101 et seq., as amended, including the penalty provisions thereof, shall apply to all initiative and referendum measures which are submitted to an election. In addition, a duplicate copy of all reports required to be filed by such act for initiative and referendum issues shall be filed at the same time with the City Clerk of the city. (Ord. 0-94-3 § 1 (part), 1994).

2.52.230 UNLAWFUL ACTS. It is unlawful:

(a) For any person willfully and knowingly to circulate or cause to be circulated, or sign or procure to be signed, any initiative or referendum petition bearing the name, device, or motto of any person, organization, association, league, or political party, purporting in any manner to be endorsed, approved, or submitted by any person, organization, association, league or political party, without the written approval and authorization of such person, organization, association, league or political party;

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(b) For any person to sign any name other than his or her own to any initiative or referendum petition, or knowingly to sign his or her name more than once for the same measure at one election;

(c) For any person to sign any initiative or referendum petition who is not at the time of signing the same a registered elector of the city;

(d) For any person to sign an affidavit as circulator without knowing or reasonably believing the statements made in such affidavit are true;

(e) For any person to certify that any affidavit attached to a petition was subscribed or sworn to before him or her unless it was so subscribed and sworn to before him or her, and unless such person so certified is duly qualified under the laws of the state to administer an oath;

(f) For any election official or other person to willfully, or with another or others, conspire or agree or confederate to do any act which shall hinder, delay or in any manner interfere with the calling, holding or conducting of any election permitted under the initiative and referendum powers reserved by the people in Section 1 of Article V of the Constitution of the State and this chapter, or of registering electors therefor;

(g) For any election official to do willfully any act which shall confuse or tend to confuse the issues submitted or proposed to be submitted in any election held under this chapter, or refuse to submit any petition in the form presented for submission at any election under this chapter; or

(h) For any officer or person to willfully violate any provision of this chapter. (Ord. 0-94-3 § 1 (part), 1994).

2.52.240 REFERRAL BY CITY COUNCIL. The City Council shall have the power to submit any proposed or adopted ordinance or any question to a vote of the registered electors without the receipt of a petition. (Ord. 0-94-3 § 1 (part), 1994).

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2.52.250 INTENT. It is not the intention of this chapter to limit or abridge in any manner the powers reserved to the people in the initiative and referendum, but rather to properly safeguard, protect and preserve inviolate for them these modern instrumentalities of democratic government. (Ord. 0-94-3 § 1 (part), 1994).

REVENUE AND FINANCE

Title 3

REVENUE AND FINANCE*

Chapters:

- 3.01 Sales and Use Tax
- 3.02 Incorrect Registration of a Motor Vehicle
- 3.03 Hotel/Motel Accommodations Tax
- 3.04 Purchasing Policies
- 3.08 Sale of Personal Property by City
- 3.10 Sale and Disposal of Lost, Stolen, Confiscated, or Abandoned Property
- 3.11 Sale and Disposal of Unclaimed Vehicles
- 3.16 Special Improvement District Assessment Policies
- 3.24 Funds
- 3.26 Economic Development Incentive Fund
- 3.28 Lakewood Medical and Weekly Disability Benefit Trust Fund
- 3.29 Annexation Improvements Fund

*For regulations governing the policemen's pension fund, see Chapter 2.36 of this code.

SALES AND USE TAX

Chapter 3.01

SALES AND USE TAX

Sections:

I. GENERAL PROVISIONS

- 3.01.010 Short title.
- 3.01.020 Definitions.
- 3.01.030 Confidential nature of returns.
- 3.01.040 Tax cannot be absorbed.
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- 3.01.060 Licenses and tax additional.
- 3.01.065 Duty to keep records.
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- 3.01.075 Notice of Sales and Use Tax Ordinance Amendment.
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II. LICENSING

- 3.01.110 Licenses; fees; revocation.

III. SALES TAX

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- 3.01.150 Retailer multiple locations.
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IV. USE TAX

- 3.01.210 Property and services taxed.
- 3.01.220 Collection of use tax.
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VI. ENFORCEMENT

- 3.01.260 Recovery of taxes, penalty and interest.
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- 3.01.330 Hearings by Finance Director.
- 3.01.340 Review by District court.
- 3.01.350 Alternative review by Department of Revenue.

I. GENERAL PROVISIONS

3.01.010 **SHORT TITLE.** The ordinance codified in this chapter 3.01 shall be known as the City Sales and Use Tax Ordinance. (Ord. 0-85-137 § 1 (part), 1985).

3.01.020 **DEFINITIONS.** As used in this Chapter 3.01, unless the context otherwise requires, the following terms shall have the following meanings:

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(1) "Access services" means the services furnished by a local exchange company to its customers who provide telecommunications services, which allow the to provide such telecommunications services.

(2) "Acquisition charges or costs" includes "purchase price," as defined in Section 3.01.020(27).

(3) "Auction" or "Auction sales" means any sale where tangible personal property is sold by an auctioneer who is either the agent for the owner of such property or is in fact the owner thereof.

(3.5) "Automotive vehicle" means any vehicle or device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, or any device used or designed for aviation or flight in the air. Automotive vehicle includes, but is not limited to, motor vehicles, trailers, semi-trailers, or mobile homes. Automotive vehicle shall not include devices moved by human power or used exclusively upon stationary rails or tracks.

(4) "Business" includes all activities engaged in or caused to be engaged in with the object of gain, benefit, or advantage, direct or indirect.

(5) "Charitable organization" means any entity organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, and which does not participate in, or intervene in any political campaign on behalf of any candidate for public office (including the publishing or distributing of statements).

(5.5) "City" means the municipality of Lakewood, Colorado.

(6) "City Attorney" means the attorney or attorneys for the City.

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(7) “City Building Inspector” means the building inspector for the City.

(8) “City Building Official” means any individual who determines the estimate of the cost of materials and supplies to be permanently affixed to or incorporated in any building, dwelling, or other structure or improvement to realty for which a use tax is required to be paid pursuant to Section 3.01.210.

(9) “City Clerk” means the clerk of the City.

(10) “City Council” means the council of the City.

(11) “City Manager” means the manager of the City.

(11.5) “Commercial packaging materials” means containers, labels and shipping cases used by a person engaged in manufacturing, compounding, wholesaling, jobbing, retailing, packaging, distributing or bottling for sale, profit or use that meets all of the following conditions: (i) is used by the manufacturer, compounder, wholesaler, jobber, retailer, packager, distributor or bottler to contain or label the finished product; (ii) is transferred by said person along with and as a part of the finished product to the purchaser; and (iii) is not returnable to said person for reuse. “Commercial Packaging Materials” as defined are exempt from sales or use tax imposed by this Chapter 3.01.

(12) “Construction materials” means tangible personal property which, when combined with other tangible personal property, loses its identity to become an integral and inseparable part of a completed structure or project including public and private improvements. Construction materials include, but are not limited to, such things as: asphalt, bricks, builders’ hardware, caulking material, cement, concrete, conduit, electric wiring and connections, fireplace inserts, electrical heating and cooling equipment, flooring, glass, gravel, insulation, lath, lead, lime, lumber, macadam, millwork, mortar, oil, paint, piping, pipe valves and pipe fittings, plaster, plumbing fixtures, putty, reinforcing mesh, road base, roofing sand, sanitary sewer pipe, sheet metal, site lighting, steel, stone, stucco, tile, trees, shrubs,

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and other landscaping materials, wall board, wall coping, wall paper, weather stripping, wire netting and screen, water mains and meters, and wood preserver. The above materials, when used for forms, or other items which do not remain as an integral or inseparable part of a completed structure or project are not construction materials.

(12.5) "Consumer" means a) an individual person, or b) a person engaged in business in the City who uses, stores, distributes or otherwise consumes in the City tangible personal property or taxable services purchased from sources inside or outside the City.

(13) "County" means Jefferson County, Colorado.

(14) "County Clerk and Recorder" means the county clerk and recorder for the County.

(15) "Department of Revenue" means the department of revenue of the State.

(16) "District Court" means the district court in and for Jefferson County, Colorado.

(17) "Doing business in the City" means providing or performing services, or selling, leasing, renting, delivering or installing tangible personal property for storage, use or consumption within the City. Doing business in the City includes, but is not limited to, any one of the following activities by a person.

(a) Directly, indirectly, or by a subsidiary maintains a building, store, office, salesroom, warehouse, or other place of business within the City;

(b) Sends one or more employees, agents or commissioned sales persons into the taxing jurisdiction to solicit business or to install, assemble repair, service, or assist in the use of its products, or for demonstration or other reasons;

(c) Maintains one or more employees, agents or commissioned sales persons on duty at a location within the taxing jurisdiction;

(d) Owns, leases, rents or otherwise exercises control over real or personal property within the taxing jurisdiction; or

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(e) Makes more than one delivery into the taxing jurisdiction within a twelve (12) month period.

(18) "Farm close-out sale" means the full and final disposition of all tangible personal property previously used by a farmer or rancher in farming or ranching operations which are being abandoned.

(19) "Finance Department" means the finance department of the City.

(20) "Finance Director" means the Finance Director of the City of Lakewood or such other person designated by the municipality; "Finance Director" shall also include such person's designee.

(21) "Food" means food for domestic home consumption as defined in 7 U.S.C. section 2012(g) as amended, as such section existed on October 1, 1987, or is thereafter amended for purposes of the federal food stamp program as defined in 7 U.S.C. section 2012(h), as amended; except that "food" does not include carbonated water marketed in containers; chewing gum; seeds and plants to grow food; prepared salads and salad bars; cold sandwiches; deli trays; and food or drink vended by or through machines or non-coin operated or coin-collecting food and snack devices on behalf of a vendor.

(22) "Gross sales" means the total amount received in money, credit, property or other consideration valued in money for all sales, leases, or rentals of tangible personal property or services.

(22.5) "Gross taxable sales" means the total amount received in money, credits, or property, excluding the fair market value of exchanged property consideration valued in money from sales and purchases at retail within this City, and embraced within the provisions of this Chapter 3.01. The Taxpayer may take credit in his report of gross sales for an amount equal to the sale price of property returned by the purchaser when the full sale price thereof is refunded whether in cash or by credit. The fair market value of any exchanged property which is to be sold thereafter in the usual course of the retailer's business, if included in the full price of a new article, shall

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be excluded from the gross sales. On all sales at retail that are valued in money, when such sales are made under conditional sales contract, or under other forms of sale where the payment of the principal sum thereunder is extended over a period longer than sixty (60) days from the date of sale thereof, only such portion of the sale amount hereof may be counted for the purpose of imposition of the tax imposed by this Chapter 3.01 as has actually been received in cash by the Taxpayer during the period for which the tax imposed by this Chapter 3.01 is due and payable.

(22.6) "License" means a City of Lakewood sales or use tax license.

(22.7) "Linen services" means services involving provision and cleaning of linens, including but not limited to rags, uniforms, coveralls and diapers.

(23) "Local telephone exchange company" means any person which provides public telephone or telecommunication exchange access lines, mobile telecommunication or channels necessary to effect the transfer of two-way voice or data grade information between the final user and the local telecommunication network.

(24) "Mayor" means the mayor of the City.

(24.3) "Medical supplies" means drugs dispensed in accordance with a prescription; insulin in all its forms dispensed pursuant to the direction of a licensed physician; glucose usable for treatment of insulin reactions; urine and blood testing kits and materials; insulin measuring and injecting devices, including hypodermic syringes and needles; prosthetic devices; wheelchairs and hospital beds; drugs or materials when furnished by a doctor as a part of professional services provided to a patient; and corrective eyeglasses, contact lenses or hearing aids.

(24.5) "Modified or Customized Computer Program" means a computer program created or modified for a specific customer where the preparation, modification or selection of the program for the customer's use requires an analysis of the customer's requirements

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and system by any vendor and the program requires adaptation by any vendor to be used in a specific computer hardware environment.

(25) "Newspaper" means a publication, printed on newsprint, intended for general circulation, and published regularly at short intervals, containing information and editorials on current events and news of general interest. The term newspaper does not include: magazines, trade publications or journals, credit bulletins, advertising inserts, circulars, directories, maps, racing programs, reprints, newspaper clipping and mailing services or listings, publications that include an updating or revision service, or books or pocket editions of books.

(26) "Pay television" shall include, but not be limited to, cable, microwave or other television service for which a charge is imposed.

(26.1) "Person" means any individual, firm, partnership, joint venture, corporation, estate or trust, receiver, trustee, assignee, lessee or any person acting in a fiduciary or representative capacity, whether appointed by court or otherwise, or any group or combination acting as a unit.

(26.2) "Prescription drugs for animals" means drugs dispensed in accordance with any order in writing, dated and signed by a practitioner of the healing arts, or given orally by a practitioner, specifying the animal for which the medicine or drug is offered and directions, if any, to be placed on the label.

(26.3) "Pre-written Computer Program" means system program or application or canned program that is not written specifically for the user.

(27) "Price" or "purchase price" means the price to the consumer, exclusive of any direct tax imposed by the federal government or by this article, and, in the case of all retail sales involving the exchange of property, also exclusive of the fair market value of the property exchanged at the same time and place of the exchange, if:

(a) Such exchanged property is to be sold thereafter in the usual course of the retailer's business, or

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(b) Such exchanged property is an automotive vehicle and is exchanged for another automotive vehicle and both automotive vehicles are subject to licensing, registration, or certification under the laws of this state, including, but not limited to, vehicles operating upon public highways, off-highway recreation vehicles, watercraft, and aircraft. Any money or other consideration paid over and above the value of the exchanged property is subject to tax.

“Price” or “purchase price” includes:

- (1) The amount of money received or due in case and credits.
- (2) Property at fair market value taken in exchange but not for resale in the usual course of the retailer’s business.
- (3) Any consideration valued in money, such as trading stamps or coupons whereby the manufacturer or someone else reimburses the retailer for part of the purchase price and other media of exchange.
- (4) The total price charged on credit sales including finance charges which are not separately stated. An amount charged as interest on the unpaid balance of the purchase price is not part of the purchase price unless the amount added to the purchase price is include in the principal amount of a promissory note; except the interest or carrying charge set out separately from the unpaid balance of the purchase price on the face of the note is not part of the purchase price. An amount charged for insurance on the property sold and separately stated is not part of the purchase price.
- (5) Installation, delivery and wheeling-in charges included in the purchase price and not separately stated.
- (6) Transportation and other charges to effect delivery of tangible personal property to the purchaser.
- (7) Indirect federal manufacturer’s excise taxes, such as taxes on automotive vehicles, tires and floor stock.
- (8) The gross purchase price of articles sold after manufacturing or after having been made to order, including the gross value of all the materials used, labor and service performed and the profit thereon.

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“Price” or “purchase price” shall not include:

(1) Any sales or use tax imposed by the State of Colorado or by any political subdivision thereof.

(2) The fair market value of property exchanged if such property is to be sold thereafter in the retailer’s usual course of business. This is not limited to exchanges in Colorado. Out of state trade-ins are an allowable adjustment to the purchase price.

(3) Discounts from the original price if such discount and the corresponding decrease in sales tax due is actually passed on to the purchaser. An anticipated discount to be allowed for payment on or before a given date is not an allowable adjustment to the price in reporting gross sales.

(27.1) “Prosthetic devices” means any artificial limb, part, device or appliance for human use which aids or replaces a bodily function; is designed, manufactured, altered or adjusted to fit a particular individual; and is prescribed by a licensed practitioner of the healing arts. Prosthetic devices include but are not limited to prescribed auditory, ophthalmic or ocular, cardiac, dental, or orthopedic devices or appliances, oxygen concentrators and oxygen with related accessories.

(28) “Retailer” or “vendor” means any person selling, leasing or renting tangible personal property or services at retail. Retailer or vendor shall include any:

(a) Auctioneer;

(b) Salesperson, representative, peddler or canvasser, who makes sales as a direct or indirect agent of or obtains such property or services sold from a dealer, distributor, supervisor or employer;

(c) Charitable organization or governmental entity which makes sales of tangible personal property to the public, notwithstanding the fact that the merchandise sold may have been acquired by gift or donation or that the proceeds are to be used for charitable or governmental purposes.

(29) “Retail sale” or “purchased at retail” or “selling at retail” means all sales except wholesale sales made within the City.

(29.1) “Return” means the sales and use tax reporting form used to report sales and use tax.

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(29.2) "Rooms or accommodations" or "lodging services" means the furnishing of rooms or accommodations by any person, partnership, association, corporation, estate, representative capacity or any other combination of individuals by whatever name known to a person who for a consideration uses, possesses, or has the right to use or possess any room in a hotel, inn, bed and breakfast resident, apartment hotel, lodging house, motor hotel, guesthouse, guest ranch, trailer coach, mobile home, auto camp, or trailer court and park, or any similar type establishment, for a period of less than thirty (30) consecutive days under any concession, permit, right of access, license to use, or other agreement, or otherwise.

(30) "Sale" or "sale and purchase" means the conveyance or acquisition for any consideration by any person of tangible personal property or table services that are purchased, leased, rented, sold, used, stored, distributed, or consumed, but excludes a bona fide gift of property or services. These terms include capital leases, installment and credit sales, and property and services acquired by:

- (a) Transfer, either conditionally or absolutely, of title or possession or both to tangible personal property;
- (b) A lease, lease-purchase agreement, rental or grant of a license, including royalty agreements, to use tangible personal property or taxable services;
- (c) Performance of services; or
- (d) Barter or exchange for other property or services including coupons.

The sale, purchase, lease, or rental of services specifically enumerated in this Chapter 3.01 as taxable include: (i) telecommunication services; (ii) gas, electric and steam services; (iii) pay television services; (iv) security system and sound system services; (v) linen services; (vi) warranty and maintenance services; (vii) modified or customized computer program services; and (viii) services providing admission or access to motion picture performances and to establishments which are licensed to serve malt, vinous or spirituous liquors. "Sale" or "sale and purchase" also includes the leasing or rental of tangible personal property. "Sale" or "sale and purchase" also includes the transaction of furnishing rooms or accommodations or

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lodging services by any person, partnership, association, corporation, estate, receiver, trustee, assignee, lessee, or person acting in a representative capacity or any other combination of individuals by whatever name known to a person who for a consideration uses, possesses, or has the right to use or possess any room in a hotel, inn, bed and breakfast residence, apartment hotel, lodging house, motor hotel, guesthouse, guest ranch, trailer coach, mobile home, auto camp, or trailer court and park, or similar type establishment for a period of less than thirty (30) consecutive days under any concession, permit, right of access, license to use, or other agreement, or otherwise.

“Sale” or “sale and purchase” excludes:

(a) A division of partnership assets among the partners according to their interests in the partnership;

(b) The formation of a corporation by the owners of a business and the transfer of their business assets to the corporation in exchange for all of the corporation’s outstanding stock, except qualifying shares, in proportion to the assets contributed;

(c) The transfer of assets of shareholderes in the formation or dissolution of professional corporations;

(d) The dissolution and the pro rata distribution of the corporation’s assets to its stockholders;

(e) The transfer of assets from a parent corporation to a subsidiary corporation or corporations which are owned at least eighty percent (80%) by the parent corporation, which transfer is solely in exchange for stock or securities of the subsidiary corporation;

(f) The transfer of assets from a subsidiary corporation or corporations which are owned at least eighty percent (80%) by the parent corporation to a parent corporation or to another subsidiary which is owned at least eighty percent (80%) by the parent corporation, which transfer is solely in exchange for stock or securities of the parent corporation or the subsidiary which received the assets;

(g) A transfer of a partnership interest;

(h) The transfer in a reorganization qualifyin gunder Section 368(a)(1) of the Internal Revenue Code of 1954, as amended;

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(i) The formation of a partnership by the transfer of assets to the partnership or transfers to a partnership in exchange for proportionate interests in the partnership;

(j) The repossession of personal property by a chattel mortgage holder or foreclosure by a lienholder; and

(k) The transfer of assets between parent and closely held subsidiary corporations, or between corporations which are owned by the same shareholders in identical percentage of stock ownership amounts, computed on a share-by-share basis, when a tax imposed by this Chapter 3.01 was paid by the transferor corporation at the time it acquired such assets, except to the extent provided by Section 3.01.140(1). For the purposes of this paragraph (k), a closely held subsidiary corporation is one in which the parent corporation owns stock possession at least eighty percent (80%) of the total combined voting power of all classes of stock entitled to vote and owns at least eighty percent (80%) of the total number of shares of all other classes of stock.

(30.1) "Sales tax" means the tax to be collected and remitted by a retailer on sales taxed under this Chapter 3.01.

(31) "School" means an educational institution having a curriculum comparable to grade, grammar, junior high, high school, or college, or any combination thereof, requiring daily attendance and charging a tuition fee.

(31.1) "Security system services" means electronic security system services. Such term does not include non-electronic security services such as consulting or human or guard dog patrol services.

(31.2) "Sound system services" means sound system services involving provision of broadcast or pre-recorded audio programming to a building or portion thereof. Such term does not include installation of sound systems where the entire system becomes the property of the building owner or the sound system service is for presentation of live performances.

(32) "State" means the State of Colorado.

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(33) "Storage" or "storing" means any keeping or retention of, or exercise of dominion or control over, tangible personal property in the City.

(34) "Tangible personal property" means corporeal personal property.

(35) "Tax" means the use tax due from a consumer or the sales tax due from a retailer or the sum of both due from a retailer who also consumes.

(35.1) "Tax deficiency" means any amount of tax that is not reported or not paid on or before the due date.

(35.2) "Taxable sales" means gross sales less any exemptions and deductions specified in this Chapter 3.01.

(35.3) "Taxable services" means services subject to tax pursuant to Section 3.01.120 of this Chapter 3.01

(36) "Taxpayer" means any person obligated to collect and/or pay tax under the terms of this Chapter 3.01.

(37) "Telecommunications service" means the transmission of any two-way interactive electromagnetic communications including but not limited to voice, image, data and any other information, by the use of any means but not limited to wire, cable, fiber optical cable, microwave, radio wave or any combinations of such media. "Telecommunications service" includes but is not limited to basic local exchange telephone service, toll telephone service and teletype-writer service, including but not limited to residential and business service, directory assistance, cellular mobile telephone or telecommunication service, specialized mobile radio and two-way pagers and paging service, including any form of mobile two-way communication. "Telecommunications services" does not include separately stated non transmission services which constitute computer processing applications used to act on the information to be transmitted.

(37.1) "Use tax" means the tax paid or required to be paid by a consumer for using, storing, distributing or otherwise consuming tangible personal property or taxable services inside the City.

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(38) “Wholesaler” means any person selling to retailers, jobbers, dealers, or other wholesalers, for resale, and not for storage, use, consumption, or distribution.

(39) “Wholesale sale” means a sale by wholesalers to retail merchants, jobbers, dealers, or other wholesalers for resale and does not include a sale by wholesalers to users or consumers not for resale; the latter types of sales shall be deemed to be retail sales and shall be subject to the provisions of this Chapter 3.01. (Ord. 0-93-26 §§ 1—3, 1993; Ord. 0-91-61 §§ 1 — 39, 71, 72, 1991; Ord. 0-86-104 §§ 1 — 4, 1986; Ord. 0-85-137 § 1 (part), 1985).

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3.01.030 CONFIDENTIAL NATURE OF RETURNS. (1) Except in accordance with judicial order or as otherwise provided herein, the City Manager, the Finance Director, and their agents, clerks and employees shall not divulge any information gained from any return filed under the provisions of this Chapter 3.01.

(2) The City officials charged with the custody of returns filed pursuant to this Chapter 3.01 shall not be required to produce such returns or evidence of any matters contained therein in any action or proceeding in any court, except on behalf of the Finance Director in an action under the provisions of this Chapter 3.01 to which the Finance Director is a party, or on behalf of any party to an action or proceeding under the provisions of this Chapter 3.01 or to punish a violator thereof or pursuant to any judicial order in which event the court may require the production of and may admit in evidence so much of such returns or of the facts shown thereby as are pertinent to the action or proceeding and no more.

(3) No provision of this Section 3.01.030 shall be construed to prohibit the delivery to a Taxpayer or to his duly authorized representative of a copy of any return or report filed in connection with his tax, nor to prohibit the publication of statistics so classified as to prevent the identification of particular reports

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or returns and the information contained therein, nor to prohibit the inspection of the City Attorney or any other legal representative of the City of the report or return of any Taxpayer who shall bring an action to set aside or review the tax based thereon or against whom an action or proceeding is contemplated or has been instituted under this Chapter 3.01.

(4) The provisions of this Section 3.01.030 shall not preclude the City Manager, the Finance Director, and their agents, clerks and employees from divulging any information gained from any return or audit to the federal government, the State, the Department of Revenue, the City or any other municipality, the City Attorney, the City Manager, or the Finance Director, nor shall the City Manager, the Finance Director, and their agents, clerks, or employees be liable to any person, firm or corporation for such disclosure made for the purpose of computing or collecting the tax due and owing from any person, firm or corporation, or for the purpose of verifying compliance with this Chapter 3.01 or for the purpose of investigating any criminal or illegal activity.

(5) Any City officer or employee, or any agent thereof, who shall divulge any information classified by this Chapter 3.01 as confidential in any manner except in accordance with proper judicial order or as otherwise provided herein or by other law shall be guilty of a violation of this Chapter 3.01 and shall be punished in the manner provided by State law. (Ord. 0-86-104 § 5, 1986; Ord. 0-85-137 § 1 (part), 1985).

3.01.040 TAX CANNOT BE ABSORBED. It is unlawful for any retailer to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax or any part thereof imposed by this Chapter 3.01 shall be assumed or absorbed by the retailer or that it shall not be added to the selling price of the property sold or the services tendered, or,

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if added, that it or any part thereof shall be refunded. (Ord. 0-85-137 § 1 (part), 1985).

3.01.050 EXCESS TAX; REMITTANCE. If any vendor, during any reporting period, collects as a tax an amount in excess of two percent (2%) of his total taxable sales, then he shall remit to the Finance Director the full net amount of the tax imposed in this Chapter 3.01 and also such excess amount. The retention by the retailer or vendor of any excess amount of tax collections over the two percent (2%) of the total taxable sales of such retailer or vendor or the intentional failure to remit punctually to the Finance Director the full amount required to be remitted by the provisions of this Chapter 3.01 is declared to be a violation of this Chapter 3.01 and shall be recovered, together with interest, penalties and costs, as provided in Section 3.01.260. (Ord. 0-85-137 § 1 (part), 1985).

3.01.060 LICENSE AND TAX ADDITIONAL. The license and tax imposed by this Chapter 3.01 shall be in addition to all other licenses and taxes imposed by law, except as otherwise provided in this Chapter 3.01. (Ord. 0-85-137 § 1 (part), 1985).

3.01.065 DUTY TO KEEP RECORDS. It is the duty of every Taxpayer to keep and preserve suitable records and such other books or accounts as may be necessary to determine the amount of tax for the collection of which he is liable under this Chapter 3.01. It is the duty of every such Taxpayer to keep and preserve for a period of three (3) years all invoices of goods and merchandise purchased. All such books, invoices, and other records shall be open for examination and audit at any time by the Finance Director or his duly authorized agent. The taxpayer shall produce all such records, if required by the Finance Director, at the Lakewood Municipal Center, 445 S. Allison Parkway, Lakewood, Colorado 80226-3105. Taxpayers licensed with the City under this Chapter 3.01, and hold a similar

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sales tax license in at least four (4) other Colorado municipalities that administer their own sales tax collection, may request a coordinated audit as provided for in the city Sales and Use Tax Rules and regulations, Section 3.01.065. (Ord. 0-93-26 § 4, 1993; Ord. 0-91-61 § 40, 1991; Ord. 0-86-104 § 6, 1986).

3.01.070 ADMINISTRATION. The City Council shall adopt rules and regulations in conformity with this Chapter 3.01 for the proper administration and enforcement of this Chapter 3.01. The administration of this Chapter 3.01 is vested in and shall be exercised by the City Manager. The Finance Director shall assist the City Manager in the administration of this Chapter 3.01 to the extent provided herein and in the rules and regulations promulgated hereunder. (Ord. 0-85-137 § 1 (part), 1985).

3.01.075 NOTICE OF SALES AND USE TAX ORDINANCE AMENDMENT. (1) In order to initiate a central register local sales tax collection, the Finance Director of the City shall file with the Colorado Municipal League prior to the effective date of this section a copy of the City sales and use tax ordinance reflecting all provisions in effect on the effective date of this section.

(2) In order to keep current the central register of sales and use tax ordinances for municipalities that administer local sales tax collection, the Finance Director of the City shall file with the Colorado Municipal League prior to the effective date of any amendment a copy of each sales and use tax ordinance amendment enacted by the City.

(3) Failure of the City to file such ordinance or ordinance amendment pursuant to the section shall not invalidate any provision of the sales and use tax ordinance or any amendment thereto. (Ord. 0-91-61 § 41, 1991).

3.01.076 PARTICIPATION IN SIMPLIFICATION MEETINGS. The Finance Director shall cooperate with and participate on an as

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needed basis with a permanent statewide sales and use tax committee convened by the Colorado Municipal League, which is composed of state and municipal sales and use tax officials and business officials. Said committee will meet for the purpose of discussing and seeking resolution to sales and use tax problems which may arise. (Ord. 0-91-61 § 42, 1991).

3.01.080 RECEIPTS; DISPOSITION. The monies received by the Finance Director from the tax imposed and collected pursuant to this Chapter 3.01 shall be deposited in the general fund of the City. One-half cent (\$.005) of every dollar of such monies shall be applied as follows:

(1) To the next maturing payment of the principal of, premium, if any, and interest on the City's outstanding general obligation bonds; and

(2) To the extent currently available after application to such purpose, to defray directly the cost of capital improvements of the City and the operation and maintenance of such capital improvements. (Ord. 0-85-137 § 1 (part), 1985).

3.01.090 APPLICABILITY TO BANKS. The provisions of this Chapter 3.01 shall apply to national banking associations and to banks organized and chartered under State law. (Ord. 0-85-137 § 1 (part), 1985).

3.01.100 STATUTE OF LIMITATIONS. The taxes for any period, together with interest thereon and penalties with respect thereto, imposed by this Chapter 3.01 shall not be assessed, nor shall any notice of lien be filed, or distraint warrant issued, or suit for collection be instituted, nor any other action to collect the same be commenced, more than

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three (3) years after the date on which the tax was or is payable, nor shall any lien continue after such period, except for taxes assessed before the expiration of such period, notice of lien with respect to which has been filed prior to the expiration of such period, in which cases such lien shall continue only for one (1) year after the filing of notice thereof. The statute of limitations period as set forth hereinabove in this Section 3.01.100 shall not apply if: (i) a Taxpayer files a false or fraudulent return with the intent to evade the tax imposed by this Chapter 3.01; or (ii) if a Taxpayer fails to file a return as required by Section 3.01.130. In the case of a false or fraudulent return with the intent to evade the tax imposed by this Chapter 3.01, the tax, together with interest and penalties thereon, may be assessed, or proceedings for the collection of such taxes may be begun at any time. In the case of failure to file a return, the tax, together with interest and penalties thereon, may be assessed and collected at any time. Before the expiration of such period of limitation, the taxpayer and the Finance Director may agree in writing to an extension thereof, and the period so agreed on may be extended by subsequent agreements in writing. (Ord. 0-86-104 § 7, 1986; Ord. 0-85-137 § 1 (part), 1985).

II. LICENSING

3.01.110 LICENSES; FEES; REVOCATION. (1) (a) A sales tax license shall be required for any person to engage in the business of selling at retail in the City tangible personal property or services that are taxable hereunder which are purchased in the City and are subject to sales tax pursuant to this Chapter 3.01. A use tax license may be required for tangible personal property that is stored, used or consumed in the City and is subject to use tax pursuant to this Chapter 3.01. Such

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sales and use tax licenses shall be granted and issued by the Finance Director and shall be in force and effect until the earlier of: (i) revocation of such license; or (ii) sale or termination of the business, if any, relating to such license. Such licenses shall be granted only upon application stating the name and address of the person desiring such license, the name of such business, if any, and the location, including the street number of such business, if any, and such other facts as the Finance Director may require. No license issued pursuant to this Section 3.01.110 shall be transferable.

(b) For each sales tax license application submitted, a fee of fifteen dollars (\$15) shall accompany such application, which fee is nonrefundable. For each use tax license application submitted, no fee shall accompany such application.

(2) In case business is transacted at two (2) or more separate places by one (1) person, a separate license for each place of business shall be required.

(3) Each license shall be numbered and shall show the name of the licensee and the place of business of the licensee and shall be posted in a conspicuous place at the place of business for which it is issued. If the licensee does not have a place of business, then the license shall show the mailing address of such licensee.

(4) The Finance Director, after reasonable notice and a full hearing, may revoke the license of any person found by him to have violated any provision of this Chapter 3.01.

(5) Any finding and order of the Finance Director revoking the license of any person shall be subject to review by the District Court upon application of the aggrieved party. The procedure for review shall be, as nearly as possible, the same as provided for the review of findings as provided by proceedings in the nature of certiorari.

(6) No license shall be required for any person engaged

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exclusively in the business of selling commodities which are exempt from taxation under this Chapter 3.01. (Ord. 0-86-104 § 8, 1986; Ord. 0-85-137 § 1 (part), 1985).

III. SALES TAX

3.01.120 PROPERTY AND SERVICES TAXED. There is levied, and there shall be collected and paid a sales tax in the amount stated in Section 3.01.140 as follows:

(1) On the purchase price paid or charged upon all sales and purchases of tangible personal property at retail.

(2) In the case of retail sales involving the exchange of property, on the purchase price paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, excluding, however, from the consideration of the purchase price, the fair market value of the exchanged property, provided that such exchanged property is to be sold thereafter in the usual course of the retailer's business.

(3) (a) Upon telecommunication services, including access services sold by local telephone exchange companies to providers of telecommunication services for use in providing such services, whether furnished by public or private corporations or enterprises, for all intrastate telecommunication services originating from or received on telecommunication equipment in the City if the charge for the service is billed to a person in the City or billed to an affiliate or division of such person in the City on behalf of a person in the City.

(b) Upon access services sold by local telephone exchange companies to providers of telecommunication services for use in providing such services, whether furnished by public or private corporations or enterprises for all interstate telecommunication services originating from or received on telecommunication equipment in the City if the charge for the service is billed

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to a person in the City, or billed to an affiliate or division of such person in the City on behalf of a person in the City.

(4) (a) For gas and electric service, whether furnished by municipal, public, or private corporations or enterprises, for gas and electricity furnished and sold for commercial consumption and not for resale, upon steam when consumed or used by the purchaser and not resold in original form whether furnished or sold by municipal, public, or private corporations or enterprises.

(b) All sales and purchases of electricity, coal, wood, gas, fuel oil, or coke sold, but not for resale, to occupants of residences, whether owned, leased, or rented by said occupants, for the purpose of operating residential fixtures and appliances which provide light, heat, and power for such residences. For the purposes of this subparagraph (b), "gas" includes natural, manufactured and liquified petroleum gas.

(5) (a) Upon all sales of food, prepared food, or food for immediate consumption.

(b) Except as provided in Sections 3.01.180(31) and 3.01.180(33) of this Chapter 3.01, upon the amount paid for food and drink serviced or furnished in or by restaurants, cafes, lunch counters, cafeterias, hotels, drugstores, social clubs, nightclubs, cabarets, resorts, snack bars, caterers, carryout shops, and other like places of business at which prepared food or drink is regularly sold, including sales from pushcarts, motor vehicles, and other mobile facilities.

(6) On the entire amount charged to any person for rooms or accommodations, or lodging services as designated in Section 3.01.020(29.2) of this Chapter 3.01.

(7) On the purchase price paid or charged for pay television services sold, purchased, leased, rented, furnished or used.

(8) If the owner of an automotive vehicle for which registration, licensing or titling is required by the State pursuant to Section 40-6-137(2) of the Colorado Revised Statutes is required to register, license or obtain a certificate of title for such automotive vehicle at

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an address located within the City, then on the purchase price paid or charged for such automotive vehicle.

(9) When the right to possession or use of any tangible personal property is granted under a lease or contract, and such transfer of possession would be taxable under this Chapter 3.01 if an outright sale were made, then such lease or contract shall be considered the sale of such article, and the tax shall be computed and imposed on each individual lease or contract payment as they occur as though an outright sale taxable under this Chapter 3.01 were occurring upon each payment. When the right to possession or use of any tangible personal property is granted under a lease or contract where the lessor or contracting party is located outside the City, and such tangible personal property is not delivered within the City by the lessor or contracting party but is picked up by the lessee or other contracting party and used within the City for a period exceeding thirty (30) days, and such transfer of possession would be taxable under this Chapter 3.01 if an outright sale were made by a lessor or contracting party located within the City, then such lease or contract shall be taxed as follows: (i) a sales tax shall be imposed on the first thirty (30) days of such lease or contract and shall be payable to the taxing jurisdiction, through the lessor or contracting party, in which such lessor or contracting party is located; and (ii) a sales tax shall be imposed on the remaining term of such lease or contract and shall be payable to the City through the lessor or contracting party. Such sales tax shall be computed and imposed on each individual lease or contract payment as they occur as though an outright sale taxable under this Chapter 3.01 were occurring upon each payment. The payment of the sales tax shall be made to the lessor or contracting party by the lessee or other contracting party. Except as hereinabove otherwise provided, the lessor, as trustee, shall make payment of any sales tax obligation to the City in the manner provided by Section 3.01.130.

(10) On the entire amount paid or charged for security system and sound system services, whether purchased or leased.

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(11) On the entire amount paid or charged for linen services.

(12) On the entire amount paid or charged for warranty and maintenance services relating to tangible personal property, whether included in the cost of the tangible personal property relating thereto or sold separately.

(13) On the entire amount paid or charged for modified or customized computer program services.

(14) On the price paid to gain admission or access to a performance of a motion picture or to an establishment which is licensed to serve malt, vinous or spirituous liquors in the City which is open to the public upon payment of a charge or fee. (Ord. 0-91-61 §§ 43 — 46, 73, 1991; Ord. 0-86-104 §§ 9 — 11; 1986; Ord. 0-85-137 § 1 (part), 1985).

3.01.130 COLLECTION OF SALES TAX. (1) (a) Every retailer, also in this Chapter 3.01 called "vendor," shall, irrespective of the provisions of Section 3.01.140, be liable and responsible for the payment of an amount equal to two percent (2%) of all sales made by him of commodities or services as specified in Section 3.01.120 and shall before the twentieth (20th) day of each month make a return to the Finance Director for the preceding calendar month and remit an amount equal to said two percent (2%) on such sales to said Finance Director, less one percent (1%) of the sum so remitted to cover the vendor's expense in the collection and remittance of said tax, but if any vendor is delinquent in remitting said tax, other than in unusual circumstances shown to the satisfaction of the Finance Director, the vendor shall not be allowed to retain any amount to cover his expense in collecting and remitting said

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tax, and an amount equal to the full two percent (2%) shall be remitted to the Finance Director by any such delinquent vendor. Such returns of the Taxpayer or his duly authorized agent shall be furnished by the Finance Department. The City shall use the standard municipal sales and use tax reporting form and any subsequent revisions thereto adopted by the executive director of the Department of Revenue by the first full month commencing one hundred and twenty (120) days after the effective date of the regulation adopting or revising such standard form.

(b) If the accounting methods regularly employed by the vendor in the transaction of his business or other conditions are such that returns of sales made on a calendar month basis shall impose unnecessary hardship, the Finance Director, upon written request of the vendor, may accept returns at such intervals as shall, in his opinion, better suit the convenience of the Taxpayer and shall not jeopardize the collection of the tax. The Finance Director may permit Taxpayers whose monthly collected tax is less than three hundred dollars (\$300) to make returns and pay taxes at intervals not greater than every three (3) months.

(c) The Finance Director may extend the date for making a return and paying the taxes due under such reasonable rules and regulations as may be prescribed therefor, but no such extension shall be for a greater period than as provided in Section 3.01.130(1)(b).

(d) The burden of proving that any retailer is exempt from collecting the tax on any goods or services sold and paying the same to the Finance Director, or from making such returns, shall be on the retailer or vendor under such reasonable requirements of proof as set forth in the rules and regulations prescribed therefor.

(e) If a dispute arises between the purchaser and seller as to

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whether or not any sale, service, or commodity is exempt from taxation under Section 3.01.180, nevertheless the seller shall collect, and the purchaser shall pay the tax, and the seller shall thereupon issue to the purchaser a receipt or certification, on forms furnished by the Finance Department, showing the names of the seller and the purchaser, the items purchased, the date, price, amount of tax paid, and a brief statement of the claim of exemption. The purchaser thereafter may apply to the Finance Director for a refund of such taxes, and it is then the duty of the Finance Director to determine the question of exemption. The purchaser may request a hearing pursuant to Section 3.01.330(1), and the final determination of the Finance Director may either be appealed to the District Court pursuant to Section 3.01.340 or the Department of Revenue pursuant to Section 3.01.350.

(f) The City'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 subject 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 the sales tax required to be paid pursuant to Section 3.01.140. A credit shall be granted against the City'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 the amount of the sales tax required to be paid pursuant to Section 3.01.140. (Ord. 0-86-104 § 12, 1986; Ord. 0-85-137 § 1 (part), 1985).

3.01.140 SALES TAX BASE; SCHEDULE OF SALES TAX. (1) Except as otherwise provided in this subsection (1), the sales tax is imposed on the full purchase price of articles sold after manufacture or after having been made to order and

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includes the full purchase price for material used and the service performed in connection therewith, excluding, however, such articles as are otherwise exempted in this Chapter 3.01. In connection with the transaction referred to in Section 3.01.020 (30)(k), the sales tax is imposed only on the amount of any increase in the fair market value of such assets resulting from the manufacturing, fabricating, or physical changing of the assets by the transferor corporation. Except as otherwise provided in this subsection (1), the sales price is the gross value of all materials, labor, and service, and the profit thereon, included in the price charged to the user or consumer.

(2) There is imposed upon all sales of commodities and services specified in Section 3.01.120 a tax at the rate of two percent (2%) of the amount of the sale, to be computed in accordance with the schedules or systems set forth in the rules and regulations prescribed therefor. Said schedules or systems shall be designed so that no such tax is charged on any sale of twenty-four cents (\$.24) or less.

(3) (a) Except as provided in paragraph (b) of this subsection (3), retailers shall add the tax imposed, or the average equivalent thereof, to the sale price or charge, showing such tax as a separate and distinct item, and when added, such tax shall constitute a part of such price or charge and shall be a debt from the consumer or user to the retailer until paid and shall be recoverable at law in the same manner as other debts. The retailer shall be entitled, as collecting agent of the City, to apply and credit the amount of his collections against the two percent (2%) rate to be paid by him under the provisions of Section 3.01.130, remitting any excess of collection over said two percent (2%) less the one percent (1%) collection expense allowance, to the Finance Director in the retailer's next monthly sales tax return.

(b) Any retailer selling malt, vinous, or spirituous liquors by

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the drink may include in his sales price the tax levied under this Chapter 3.01, except that no retailer shall advertise or hold out to the public in any manner, directly or indirectly, that such tax is not included as part of the sales price to the consumer. The schedule referred to in subsection (2) of this Section shall be used by such retailer in determining amounts to be included in such sales price. No such retailer shall gain any benefit from the collection or payment of such tax, except as permitted in Section 3.01.130(1), nor shall the use of the schedule referred to in subsection (2) of this Section relieve such retailer from liability for payment of the full amount of the tax imposed pursuant to Section 3.01.120. (Ord. 0-85-137 § 1 (part), 1985).

3.01.150 RETAILER; MULTIPLE LOCATIONS. A retailer doing business in two or more places or locations may file a single return covering all such business activities engaged within the City. (Ord. 0-85-137 § 1 (part), 1985).

3.01.160 CREDIT SALES. (1) In the case of a sale upon credit, or a contract for sale where the price is paid in installments, and title does not pass until a future date, or a sale secured by a chattel mortgage or a conditional sale, there shall be paid upon each payment that portion of the total tax which the amount paid bears in relation to the total purchase price.

(2) If a retailer transfers, sells, assigns, or otherwise disposes of an account receivable, then he shall be deemed to have received the full balance of the consideration for the original sale and shall be liable for the remittance of the sales tax on the balance of the total sale price not previously reported, except that such transfer, sale, assignment, or other disposition of an account receivable by a retailer to a closely held subsidiary, as defined in Section 3.01.020(27)(k), shall not be deemed to require the retailer to pay the sales tax on the credit sale

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represented by the account transferred prior to the time that the customer makes payment on said account. (Ord. 0-86-104 § 13, 1986; Ord. 0-85-137 § 1 (part), 1985).

3.01.170 **BAD DEBT CHARGE-OFFS.** Taxes paid on gross taxable sales represented by accounts found to be worthless and actual charged off for income tax purposes may be credited upon a subsequent payment of the tax provided in this Chapter 3.01, but if any such accounts are thereafter collected by the Taxpayer, than a tax shall be paid upon the amounts so collected. (Ord. 0-85-137 § 1 (part), 1985).

3.01.180 **EXEMPTIONS.** The following goods and services shall be exempt from sales tax under the provisions of this chapter 3.01:

(1) All sales to the United States government and to the state, its department and institutions, and the political subdivisions thereof in their governmental capacities only.

(2) All sales made to charitable organizations in the conduct of their regular charitable functions and activities.

(3) All sales which the City is prohibited from taking under the constitution or laws of the United States, the State, or the city's charter.

(4) All sales of cigarettes.

(5) All sales of medical supplies.

(5.1) All sales of prescription drugs and prosthetic devices for humans and animals.

(6) All sales and purchases of commodities and services under the provisions of Section 3.01.020(29.2) to any occupant who is a permanent resident of any hotel, inn, bed and breakfast residence, apartment hotel, lodging house, motor hotel, guesthouse, guest ranch, trailer court, mobile home, auto camp, or trailer court or park, and

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who enters into or has entered into a written agreement for occupancy of a room or accommodations or lodging services of a period of at least thirty (30) consecutive days during the calendar year or preceding year.

(7) All sales made to schools, other than schools held or conducted for private or corporate profit.

(8) Any sale of a new or used trailer, semi-trailer, truck, truck-tractor or truck body manufactured within the City if such vehicle is purchased from the manufacturer for use exclusively outside the City or in interstate commerce and is delivered by the manufacturer to the purchaser within the City, if the purchaser drives or moves such vehicle to any point outside the City within thirty (30) days after the date of delivery, and if the purchaser furnishes an affidavit to the manufacturer that such vehicle shall be permanently licensed and registered outside the City and shall be removed from the City within thirty (30) days after the date of delivery.

(9) Any sale of a new or used trailer, semi-trailer, truck, truck-tractor or truck body if such vehicle is purchased for use exclusively outside the City or in interstate commerce and is delivered by the manufacturer or licensed dealer to the purchaser within the City, if the purchaser drives or moves such vehicle to any point outside the City within thirty (30) days after the date of delivery, and if the purchaser furnishes an affidavit to the seller that such vehicle shall be permanently licensed and registered outside the City and shall be removed from the City within thirty (30) days after the date of delivery.

(10) All sales of construction materials to a common carrier by rail operating in interstate or foreign commerce for use by such common carrier in construction and maintenance of its railroad tracks.

(11) All sales of construction materials, if such materials are picked up by the purchaser, and if the purchaser of such materials presents to the retailer a building permit or other documentation

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acceptable to the City evidencing that a local use tax has been paid or is required to be paid.

(12) The transfer of tangible personal property without consideration (other than the purchase, sale, or promotion of the transferor's product) to a vendee located outside the City for use outside the City in selling products normally sold at wholesale by the transferor.

(13) The sale of tangible personal property for testing, modification, inspection, or similar type of activities in the City if the ultimate use of such property in manufacturing or similar type of activities occurs outside the City, and if the test, modification, or inspection period does not exceed ninety (90) days.

(14) All commodities which are taxed under the provisions of Article 27, Title 39 of the Colorado Revised Statutes, and all commodities which are taxed under such provisions and for which the tax is refunded, and the sale of special fuel, as defined in Section 39-27-201(8) of the Colorado Revised Statutes, used for the operation of farm vehicles when such vehicles are being used on farms and ranches.

(15) Any sale of any article to a retailer or vendor of food, meals, or beverages, which article is to be furnished to a consumer or user, together with the food, meals, or beverages purchased, and if a tax is paid on the retail sale as required by Section 3.01.120(1) or (5).

(16) Any sale of any container or bag to a retailer or vendor of food, meals, or beverages which container or bag is to be furnished to a consumer or user for the purpose of packaging or bagging articles of tangible personal property purchased at retail, if a separate charge is not made for the container or bag to the consumer or user, if such container or bag becomes the property of the consumer or user, together with the food, meals, or beverages purchased, and if a tax is paid on the retail sale as required by Section 3.01.120(1) or (5).

(17) All transactions specified in Section 4.01.120(2) in which the fair market value of the exchanged property is excluded from the

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consideration or purchase price as provided in Section 3.01.120(2), and in which, because there is no additional consideration involved in the transaction, there is no purchase price within the meaning of Section 3.01.020(27).

(18)(a) All sales of construction materials to contractors and subcontractors for use in the building, erection, alteration, or repair of structures, highways, roads, streets, and other public works owned or used by:

(i) The United States Government, the State, its departments and institutions, and the political subdivisions thereof in their governmental capacities only;

(ii) Charitable organizations in the conduct of their regular charitable functions and activities; or

(iii) Schools, other than schools held or conducted for private or corporate profit.

(b) On application by a purchaser or seller, the Finance Director shall issue to a contractor or subcontractor a certificate or certificates of exemption indicating that the contractor's or subcontractor's purchase of construction materials is for a purpose stated in paragraph (a) of this subsection (18) and is, therefore, free from sales tax. The Finance Director shall provide forms for such application and for such certificate and shall have the authority to verify that the contractor or subcontractor is, in fact, entitled to the issuance of such certificate prior to such issuance.

(19) All sales of aircraft used or purchased for use in interstate commerce by a commercial airline.

(20)(a) Sales to and purchases of tangible personal property by a person engaged in the business of manufacturing, 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 commercial packaging

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materials thereof, shall be deemed to be wholesale sales and shall be exempt from taxation under this Chapter 3.01.

(b) As used in paragraph (a) of this subsection (20) with regard to food products, tangible personal property enters into the processing of such products, and, therefore, is exempt from taxation when:

(I) It is intended that such property become an integral or constituent part of a food product which is intended to be sold ultimately at retail for human consumption; or

(II) Such property, whether or not it becomes an integral or constituent part of a food product, is a chemical, solvent, agent, mold skin casing, or other material, issued for the purpose of producing or inducing a chemical or physical change in a food product or is used for the purpose of placing a food product in a more marketable condition and is directly utilized and consumed, dissipated, or destroyed, to the extent it is rendered unfit for further use, in the processing of a food product which is intended to be sold ultimately at retail for human consumption.

(21) All sales and purchases of electricity, coal, gas, fuel oil, coke, or nuclear fuel, for use in mining, refining, irrigation,

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construction, telecommunication services and street and railroad transportation services.

(22) All sales and purchases of cattle, sheep, lambs, poultry, swine, and goats, all sales and purchases of mares and stallions for breeding purposes, all sales and purchases of live fish for stocking purposes, and all farm close-out sales.

(23) All sales and purchases of feed for livestock, including horses, or poultry, all sales and purchases of seeds, and all sales and purchases of orchard trees.

(24) (a) Every vendor vending individual items or personal property through coin-operated vending machines, and who otherwise complies with the provisions of this subsection (24), shall be exempt from the provisions of Sections 3.01.130 and 3.01.140, except as hereinafter provided, but nevertheless such vendor shall pay a sales tax of two percent (2%), less one percent (1%) of the amount so paid to cover the vendor's expense in the timely collection and remittance of such tax to the Finance Director as set forth in Section 3.01.130, on the personal property sold in excess of thirty cents (\$0.30) so vended in the coin-operated machines unless the sale is otherwise exempt under the provisions of this Chapter 3.01.

(b) To be eligible for the exemption provided for in this subsection (24), each vendor shall:

(I) Be licensed under Section 3.01.110.

(II) Maintain a record of the identification number, ownership, location, and disposition of every coin-operated vending machine used by him in his operation as a vendor; and

(III) Within sixty (60) days after commencing business as such vendor, submit to the Finance Department an accurate list containing the information required under subparagraph (II) of this paragraph (b) and submit such list annually thereafter on January 1, commencing in 1986.

(25) All sales and purchases of straw and other bedding for use in the care of livestock or poultry.

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(26) Forty-eight percent (48%) of the purchase price of factory-built housing, as such housing is defined in Section 24-32-703(3) of the Colorado Revised Statutes, shall be exempt from taxation under this Chapter 3.01, except that the entire purchase price in any subsequent sale of a mobile home, as such vehicle is defined in Section 42-1-102(82)(b) of the Colorado revised statutes, after such mobile home has been subject to the payment of sales tax by virtue of Section 3.01.120(8), shall be exempt from taxation under this Chapter 3.01.

(27) The purchase price of electric-powered automotive vehicles, including both the original and all subsequent purchases of such vehicles, and the purchase of batteries and controls required for the operation and maintenance of such vehicles.

(28) In any case in which a sales tax has been imposed under this Chapter 3.01 on lubricating oil used other than in automotive vehicles, the purchase thereof shall be entitled to a refund equal to the amount of the sales tax paid on that portion of the sale price thereof which is attributable to the federal excise tax imposed on the sale of such lubricating oil. The refund allowed under this subsection (28) shall be paid by the Finance Director upon receiving evidence that the purchaser has received under Section 6425 of the Internal Revenue Code of 1954, as amended, a refund of the federal excise tax paid on the sale of such lubricating oil. The claim for a refund shall be made upon forms furnished by the Finance Department.

(29) All sales and purchases of refractory materials and carbon electrodes used by a person manufacturing iron and steel for sale or profit and all sales and purchases of inorganic chemicals used in the processing of vanadium-uranium ores.

(30) All sales and purchases of newsprint and printer's ink for use by publishers of newspapers and commercial printers and all sales and purchases of newspapers.

(31) Meals provided to employees of the places described in Section 3.01.120(5)(b) at no charge or at a reduced charge and which

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are considered as part of their salary, wages or income.

(32) All sales of tangible personal property purchased or sold within the City if delivered outside the City to the purchaser.

(33) All sales and purchases of food, as specified in 7 U.S.C. section 2012(g), as such section existed on October 1, 1987, or is thereafter amended, which is purchased with food stamps pursuant to the federal food stamp program, or sales and purchases of food, as specified in 42 U.S.C. section 1786, as such section existed on October 1, 1987, or is thereafter amended, which is purchased with WIC vouchers or checks pursuant to the federal special supplemental program for women, infants, and children. (Ord. 0-93-26 § 5, 1993; Ord. 0-91-61 §§ 47 — 57, 74, 1991; Ord. 0-86-104 §§ 14, 15, 1986; Ord. 0-85-137 § 1 (part), 1985).

3.01.190 [RESERVED].

3.01.200 MAP OR LOCATION GUIDE OF CITY BOUNDARIES. The Finance Department shall make available to any requesting vendor a map or location guide showing the boundaries of the City. The requesting vendor may rely on such map or location guide and any update thereof available to such vendor in determining whether to collect a sales or use tax or both. No penalty shall be imposed or action for deficiency maintained against a vendor who in good faith complies with the most recent map or location guide available to such vendor. (Ord. 0-93-26 § 6, 1993; Ord. 0-85-137 § 1 (part), 1985).

IV. USE TAX

3.01.210 PROPERTY AND SERVICES TAXED. There is hereby imposed and shall be collected from every person in this City a use tax at the rate of two percent (2%) for the privilege of storing, using, or consuming in the City any articles of tangible personal property or taxable services purchased at retail. Such use tax shall be computed in accordance with schedules or systems set forth in

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the rules and regulations prescribed therefor. (Ord. 0-91-61 § 75, 1991; Ord. 0-86-104 § 17, 1986; Ord. 0-85-137 § 1 (part), 1985).

3.01.220 COLLECTION OF USE TAX. (1) (a) Except as otherwise provided in this Section 3.01.220, every person who uses, stores, or consumes tangible personal property or service, which property or service is purchased either inside or outside the City and is subject to the use tax imposed pursuant to Section 3.01.210, and who has not paid the sales or use tax imposed by this Chapter 3.01 to a retailer, shall make a return and remit the use tax imposed by Section 3.01.210 to the Finance Director for the preceding period covered by the remittance on forms prescribed by the Finance Director, showing in detail the tangible personal property or service stored, used or consumed by such person within the City in the preceding period covered by the remittance and on which property the sales or use tax has not been paid. Every person subject to the provisions of Section 3.01.210 shall maintain monthly records of the amount of use tax due. Such person shall make a return and remit the use tax due before the twentieth (20th) day of the following month.

(b) Any such return shall be subscribed by the Taxpayer or his authorized agent and shall contain a written declaration that it is made under the penalties of perjury.

(2) Except as otherwise provided in this section 3.01.220, every retailer doing business in this City and making sales of tangible personal property for the storage, use, or consumption in the City which are not exempt from taxation as provided in Section 3.01.230, shall, at the time of making such sales or taking the orders therefor, or if the storage, use or consumption of such tangible personal property is not then taxable under Section 3.01.210, then at the time that such storage, use, or consumption becomes taxable under Section 3.01.210, collect the tax imposed by Section 3.01.210 from the purchaser and give the purchaser a receipt therefor, which receipt

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shall identify the property taxed, the date that such property was sold or ordered, and the amount of tax collected and paid. The tax required to be collected by such retailer from such purchaser shall be displayed separately from the advertised price listed on the forms or advertising matter on all sales checks, orders, sales slips, or other proof of sales. The tax required to be collected by any retailer or his authorized agent shall be remitted to the City in like manner as otherwise provided in this Chapter 3.01 for the remittance of sales taxes collected by retailers, and all such retailers or agents collecting the use tax imposed by Section 3.01.210 shall make returns on forms provided by the Finance Director at such times and in such manner as is provided for the making of returns in the payment of the sales tax imposed pursuant to Section 3.01.120. The procedure for assessing and collecting use taxes from such retailers or agents, or from the use when not paid to a retailer or agent, shall be the same as provided in this Chapter 3.01 for the collection of sales tax imposed pursuant to Section 3.01.120.

(3) (a) If the owner of an automotive vehicle for which registration, licensing or titling is required by the State pursuant to Section 42-6-137(2) of the Colorado Revised Statutes is required to register, license or obtain a certificate of title for such automotive vehicle at an address located within the City, then the use tax imposed pursuant to Section 3.01.210 shall be collected by the authorized agent of the Department of Revenue in the County pursuant to an agreement or agreements entered into between the City and the authorized agent of the Department of Revenue in the County. The proceeds of such use tax shall be paid to the City periodically in accordance with such agreement or agreements. If the authorized agent of the Department of Revenue in the County fails to collect any use tax imposed pursuant to Section 3.01.210, then the Finance Director shall collect such use tax in the manner set forth in Section 3.01.260.

(b) The Mayor and the City Clerk are authorized to enter into

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and execute on behalf of the City any agreement or agreements necessary for the administration and enforcement of this Section, and the form of such agreement or agreements shall be approved by the City, the City Attorney and the Finance Director.

(4) (a) For construction materials, the use tax imposed pursuant to Section 3.01.210 shall be collected by the Finance Director as hereinafter provided in this subsection (4) and shall be collected in the amount of two percent (2%) of the sale value of the construction materials. For purposes of this subsection (4), fifty percent (50%) of the estimated general contract costs and/or fifty percent (50%) of the estimated mechanical contract costs shall be deemed to be the sale value of such construction materials.

(b) Any person who shall build, construct or improve any building, dwelling or other structure or improvement to realty whatsoever, including underground improvements, within the City, and who shall purchase the necessary lumber, fixtures, materials or any other supplies needed therefor from any source inside or outside the corporate limits of the City shall keep and preserve all invoices and statements from both the general and subcontractors along with a summary sheet showing such purchases and shall on or before the tenth (10th) day of each succeeding month following the start of such construction file a return with the Finance Director to which he shall attach such statements and invoices from both the general and subcontractors along with a summary sheet for the lumber, fixtures, materials and other supplies purchased the previous month and shall thereupon pay to the Finance Director the full amount of the use tax due thereon for the preceding month or months. Any failure to preserve such statements and invoices and to make such return and payment of such use tax shall be deemed a violation of this Chapter 3.01, and any offending persons shall be subject to the penalties and punishment provided in this Chapter 3.01. It shall be the duty of the City Building Inspector and the contractors and subcontractors who are hired to construct any such improvement to

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furnish the finance Director with such information as he may require as to any purchase of lumber, fixtures, materials and supplies for such improvements which were obtained from sources inside and outside the City. The full amount of any use tax due and not paid for lumber, fixtures, materials and supplies purchased from such inside or outside sources, together with penalties and interest thereon as herein provided, shall be and constitute a lien upon the real property benefitted by such improvements, and the Finance Director is hereby authorized to file a notice of such lien with the County Clerk and Recorder.

(c) Any person who shall build, construct or improve any building, dwelling or other structure or improvement to realty whatsoever, including underground improvements, within the City, and who shall purchase the necessary lumber, fixtures, material or any other supplies needed therefor from any source either within or without the corporate limits of the City, may at such person's election remit a deposit to the City prior to the issuance of any building permit, such deposit to insure and indemnify the City for the amount of use tax due within three (3) years from the date of issuance of the certificate of occupancy for the project or the date of the final inspection of the project by the City. The amount of the deposit shall be based upon an estimate of the use tax to be payable on the lumber, fixtures, materials and supplies needed therefor at the time that the respective building permit is obtained. The estimate of the cost of such lumber, fixtures, materials and supplies for a particular project structure shall be determined by the City Building Official, and this estimate shall be subject to adjustment if the actual cost of such lumber, fixtures, materials or supplies needed for the project is either less than or greater than such estimate. If the Taxpayer elects this basis for estimating the use tax and providing a deposit to insure the use tax payment when due, then the

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provisions of paragraph (b) of this subsection (4) which provide for the filing of a tax return supported by related invoices shall be waived. Upon payment of such deposit to the Finance Director, which is computed on the basis of two percent (2%) of fifty percent (50%) of the estimated general contract costs and/or fifty percent (50%) of the estimated mechanical contract costs, the Taxpayer shall be issued a receipt identifying the property that is the subject of this deposit and the building permit number. Within three (3) years from the date of issuance of the certificate of occupancy for the project or the date of the final inspection by the City of the project, if it is determined by the City that the actual cost of the lumber, fixtures, materials, and supplies needed for the project is greater than the estimate therefor and that the amount of the use tax deposit is not sufficient to provide for full payment of the use tax, then the additional use tax due must be received by the Finance Director within thirty (30) days of such determination. If it is determined by the City that the deposit is sufficient to pay for the use tax due, then the deposit shall be used to pay the amount of the use tax due, and any excess amount of the deposit shall be returned by mail to the person who made the deposit within thirty (30) days of such determination. If the Taxpayer purchases such lumber, fixtures, materials, or supplies from City vendors possessing a valid City retail sales tax license, then he may submit invoices or statements reflecting the purchase therefor and make application to the Finance Director within sixty (60) days directly following the determination by the City of the use tax due, which determination shall be made within three (3) years from the date of issuance of the certificate of occupancy for the project or date of the final inspection by the City of the project, for credit or refund of any amount paid as sales taxes to the City, in which event it shall be the duty of the person making such application to furnish all

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necessary bills and invoices evidencing the payment of the tax. If the Finance Director is satisfied that there has been such payment, then he shall either credit the account of the Taxpayer if the use tax has not been levied or refund the amount if the use tax levy has been paid through such deposit within sixty (60) days after such application shall have been received by the Finance Director. The amount of any use tax due and not paid constitutes a lien upon the real property benefitted by the use of such lumber, fixtures, materials, or supplies.

(5) The City'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 sales or use tax of another statutory or home rule municipality legally imposed on the purchaser or user equal to or in excess of the use tax required to be paid pursuant to Section 3.01.210. A credit shall be granted against the City's use tax with respect to the person's storage, use or consumption in the City of tangible personal property, the amount of the credit to equal 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 the amount of the use tax required to be paid pursuant to Section 3.01.210. (Ord. 0-91-61 §§ 58, 59, 76 — 78, 1991; Ord. 0-86-104 §§ 18, 19, 1986; Ord. 0-85-137 § 1 (part), 1985).

3.01.230 EXEMPTIONS. The use tax imposed pursuant to Section 3.01.210 is declared to be supplementary to the sales tax imposed pursuant to Section 3.01.120 and shall not apply:

(1) To the storage, use, or consumption of any tangible personal property, the sale of which is subject to the sales tax imposed pursuant to Section 3.01.120.

(2) To the storage, use, or consumption of any tangible

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personal property purchased for resale in the City, either in its original form or as an ingredient of a manufactured or compounded product, in the regular course of a business.

(3) To the storage, use or consumption of gasoline which is taxed under the provisions of Part 1, Article 27, Title 39 of the Colorado Revised Statutes and all gasoline which is taxed under such provisions and for which the tax is refunded, and to the storage, use or consumption of special fuels, as defined in Section 39-27-201(8) of the Colorado Revised Statutes, used for the operation of farm vehicles when the same are being used on farms or ranches.

(4) To the storage, use, consumption, or loan of tangible personal property brought into the City by a nonresident thereof for his own storage, use, or consumption while temporarily within the City.

(5) To the storage, use, consumption, or loan of tangible personal property by or to the United States government, the State, or its institutions, or its political subdivisions in their governmental capacities only, or any charitable organizations in the conduct of its regular charitable functions and activities.

(6) (a) To the storage, use, or consumption of tangible personal property by a person engaged in the business of manufacturing, compounding for sale, profit, or use, any article, substances, 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.

(b) As used in subparagraph (a) of this paragraph (6) with regard to food products, tangible personal property enters into the processing of such products and, therefore, is exempt from taxation when:

I. It is intended that such property become an integral or

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constituent part of a food product which is intended to be sold ultimately at retail for human consumption; or

II. Such property, whether or not it becomes an integral or constituent part of a food product: (A) is a chemical, solvent, agent, mold, skin casing, or other material; (B) is used for the purpose of producing or inducing a chemical or physical change in a food product or is used for the purpose of placing a food product in a more marketable condition; and (C) is directly utilized and consumed, dissipated, or destroyed, to the extent that it is rendered unfit for further use, in the processing of a food product which is intended to be sold ultimately at retail for human consumption.

(7) To the storage, use or consumption of electricity, coal, coke, fuel oil, nuclear fuel, or gas for use in mining, refining, irrigation, building construction, telecommunication services and street and railroad transportation services.

(8) To the storage and use of cattle, sheep, lambs, swine, and goats within the City, or to the storage and use within the City of mares and stallions kept, held and used for breeding purposes only.

(9) To the storage, use or consumption of newsprint and printer's ink for storage, use or consumption by publishers of newspapers and commercial printers and to the storage, use or consumption of newspapers, as such term is defined in Section 24-70-102 of the Colorado Revised Statutes.

(10) To the storage, use or consumption of cigarettes.

(11) The storage, use, or consumption of tangible personal property acquiring residency.

(12) To the storage or use of an automotive vehicle for which registration, licensing or titling is required by the State pursuant to Section 42-6-137(2) of the Colorado Revised Statutes if the owner is or was, at the time of purchase, a nonresident of the City, and he purchased such automotive vehicle outside the City for use outside the City, and actually so used it for a substantial and primary purpose for which it was acquired, and he registered, licensed and titled such automotive vehicle outside the City.

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(13) To the storage, use or consumption of a mobile home, as such vehicle is defined in Section 42-1-102(82)(b) of the Colorado Revised Statutes, after such mobile home has been subject to the payment of use tax by virtue of Section 3.01.220(3).

(14) To the storage or use of a new or used trailer, semi-trailer, truck, truck-tractor or truck body manufactured within the City if such vehicle is purchased from the manufacturer for use exclusively outside the City or in interstate commerce and is delivered by the manufacturer to the purchaser within the City, if the purchaser drives or moves such vehicle to any point outside the City within thirty (30) days after the date of delivery, and if the purchaser furnishes an affidavit to the manufacturer that such vehicle shall be permanently licensed and registered outside the City and shall be removed from the City within thirty (30) days after the date of delivery.

(15) To the storage or use of a new or used trailer, semi-trailer, truck, truck-tractor or truck body if such vehicle is purchased for use exclusively outside the City or in interstate commerce and is delivered by the manufacturer or licensed dealer to the purchaser within the City, if the purchaser drives or moves such vehicle to any point outside the City within thirty (30) days after the date of delivery, and if the purchaser furnishes an affidavit to the seller that such vehicle shall be permanently licensed and registered outside the City and shall be removed from the City within thirty (30) days after the date of delivery.

(16) To the storage, use or consumption of tangible personal

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property which is thereafter transferred to a vendee located outside the City without consideration (other than the purchase, sale, or promotion of the transferor's product) for use outside of the City in selling products normally sold at wholesale by the person storing, using, or consuming such property.

(17) To the testing, modification, inspection, or similar type activities of tangible personal property acquired for ultimate use outside the City in manufacturing or similar type of activities if the test, modification, or inspection period does not exceed ninety (90) days.

(18) To the storage, use, or consumption of any article by a retailer or vendor of food, meals, or beverages, which article is to be furnished to a consumer or user for use with articles of tangible personal property purchased at retail, if: (A) a separate charge is not made for the article to the consumer or user; (B) such article becomes the property of the consumer or user, together with the food, meals, or beverages purchased; and (C) a tax is paid on the retail sale as required by Section 3.01.120 (1) or (5).

(19) To the storage, use, or consumption of any container or bag by a retailer or vendor of food, meals, or beverages, which container or bag is to be furnished to a consumer or user for the purpose of packing or bagging articles of tangible personal property purchased at retail, if: (A) a separate charge is not made for the container or bag to the consumer or user; (B) such container or bag becomes the property of the consumer or user, together with the food, meals, or beverages purchased; and (C) a tax is paid on the retail sale as required by Section 3.01.120 (1) or (5).

(20) To the storage, use or consumption of food or meals that are provided to employees of the places described in Section 3.01.120(5) if such food or meals are provided to such employees at no charge or at a reduced charge and are

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considered as part of their salary, wages, or income.

(21) To the storage, use, or consumption by a contractor or subcontractor of construction and building materials for use in the building, erection, alteration, or repair of structures, highways, roads, streets, and other public works owned and used by:

(a) The United States government, the State, its departments and institutions, and the political subdivisions thereof in their governmental capacities only;

(b) Charitable organizations in the conduct of their regular charitable functions and activities; or

(c) Schools, other than schools held or conducted for private or corporate profit.

(22) To the storage, use or consumption of aircraft used or purchased for use in interstate commerce by a commercial airline.

(23) To the storage of construction materials.

(24) The City's use tax shall not be imposed with respect to the use or consumption of tangible personal property within the City which occurs more than three (3) years after the most recent sale of the property if, within the three (3) years following such sale, the property has been significantly used within the State for the principal purpose for which it was purchased.

(25) To the storage, use or consumption of food, as specified in 7 U.S.C. section 2012(g), as such section existed on October 1, 1987, or is thereafter amended, which is purchased with food stamps pursuant to the federal food stamp program, or the storage, use or consumption of food, as specified in 42 U.S.C. section 1786, as such section existed on October 1, 1987, or is thereafter amended, which is purchased with WIC vouchers or checks pursuant to the federal special supplemental program for women, infants, and children. (Ord. 0-93-26 § 7, 1993; Ord. 0-91-61 §§ 60 — 63, 1991; Ord. 0-86-104 §§ 20, 21, 1986; Ord. 0-85-137 § 1 (part), 1985).

3.01.240 PRORATION OF USE TAX FOR CERTAIN CONSTRUCTION EQUIPMENT. (1) Construction equipment that is

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located within the boundaries of the City for a period of more than thirty (30) consecutive days shall be subjected to the full applicable use tax of the City. (2) Construction equipment that is located within the boundaries of the City for a period of thirty (30) consecutive

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days or less shall be subjected to the City's use tax in an amount that does not exceed the amount calculated as follows: the purchase price of the equipment shall be multiplied by a fraction, the numerator of which is one (1) and the denominator of which is twelve (12), and the result shall be multiplied by the amount of the use tax imposed pursuant to Section 3.01.210.

(3) Where the provisions of subsection (2) of this Section are utilized, the credit provisions of Section 3.01.220(5) shall apply at such time as the aggregate sales and use taxes legally imposed by and paid to other statutory and home rule municipalities on any such equipment equal the amount of the use tax imposed pursuant to Section 3.01.210.

(4) In order to avail himself of the provisions of subsection (2) of this Section, the Taxpayer shall comply with the following procedure:

(a) Prior to or on the date that the equipment is located within the boundaries of the City, the Taxpayer shall file with the Finance Director an equipment declaration on a form provided by the Finance Director. Such declaration shall state the dates on which the Taxpayer anticipates that the equipment shall be located within and removed from the boundaries of the City, shall include a description of each such anticipated piece of equipment, shall state the actual or anticipated purchase price of each such anticipated piece of equipment and shall include such other information as reasonably deemed necessary by the City.

(b) The Taxpayer shall file an amended equipment declaration with the City reflecting any changes in the information contained in any previous equipment declaration no less than once every ninety (90) days after the equipment is brought into the boundaries of the City or, for equipment that is brought into the boundaries of the City for a project of less than ninety (90) days' duration, no later than ten (10) days after substantial completion of such project.

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(c) The Taxpayer need not report on any equipment declaration any equipment for which the purchase price was under \$2,500.

(5) If the equipment declaration is given as provided in subsection (4) of this Section, then as to any item of construction equipment for which the customary purchase price is less than \$2,500 that was brought into the boundaries of the City temporarily for use on a construction project, it shall be presumed that the item was purchased in a jurisdiction having a local sales or use tax as high as the use tax imposed pursuant to Section 3.01.210 and that such local sales or use tax was previously paid. In such case, the burden of proof in any proceeding before the City, the executive director of the Department of Revenue or the District Court shall be on the City to prove that such local sales or use tax was not paid.

(6) If the Taxpayer fails to comply with the provisions of subsection (4) of this Section, then the Taxpayer may not avail himself of the provisions of subsection (2) of this Section and shall be subject to the provisions of subsection (1) of this Section. Substantial compliance with the provisions of subsection (4) of this Section shall allow the Taxpayer to avail himself of the provisions of subsection (2) of this Section. (Ord. 0-91-61 § 79, 1991; Ord. 0-85-137 § 1 (part), 1985).

V. REFUNDS

3.01.250 REFUNDS. (1) A refund shall be made, or a credit allowed, for the sales or use tax so paid under dispute by any purchaser or user who claims an exemption pursuant to Section 3.01.180 or 3.01.230. Such refund shall be made by the Finance Director after compliance with the following conditions precedent: Applications for refund shall be made within sixty (60) days after the purchase, storage, use or consumption of the goods or services whereon an exemption is claimed and must be supported by the affidavit of the purchaser or user accompanied by the original paid

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invoice or sales receipt and certificate issued by the seller and shall be made upon such forms as shall be prescribed therefor.

(2) Upon receipt of an application, the Finance Director shall examine the same with due speed and shall give notice to the applicant by order in writing of his decision thereon. Aggrieved applicants, within twenty (20) days after such decision is mailed to them, may petition the Finance Director for a hearing on the claim in the manner provided in Section 3.01.330(1) and may either appeal to the District Court in the manner provided in Section 3.01.340 or to the Department of Revenue in the manner provided in Section 3.01.350. The right of any person to a refund under this Chapter 3.01 shall not be assignable, and except as provided in subsection (4) of this Section, such application for refund must be made by the same person who purchased the goods or services and paid the tax thereon as shown in the invoice of the sale thereof.

(3) A refund shall be made or a credit allowed by the Finance Director to any person entitled to an exemption where such person establishes that: (i) a tax was paid by another person, the purchaser, on a purchase made on behalf of the person entitled to an exemption; (ii) a refund has not been granted to such purchaser; and (iii) the person entitled to the exemption paid or reimbursed such purchaser for such tax. The burden of proving that sales, services, and commodities on which tax refunds are claimed are exempt from taxation under this Chapter 3.01 or were not at retail shall be on the person making such claim under such reasonable requirements of proof as set forth in the rules and regulations prescribed therefor. No such refund shall be made or credit allowed in an amount greater than the tax paid less the expense allowance on such purchase retained by the vendor pursuant to Section 3.01.130 (1)(a).

(4) Such application for refund under subsection (3) of this Section shall be made on forms furnished by the Finance Department. Upon receipt of such application and proof of the matters contained therein, the Finance Director shall give notice to the

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applicant by order in writing of his decision thereon. Aggrieved applicants, within twenty (20) days after such decision is mailed to them, may petition the Finance Director for a hearing on the claim in the manner provided in Section 3.01.330(1) and may either appeal to the District Court in the manner provided in Section 3.01.340 or to the Department of Revenue in the manner provided in Section 3.01.350. Any applicant for a refund under the provisions of this subsection (4), or any other person, who makes any false statement in connection with an application for a refund of any taxes is guilty of a violation of this Chapter 3.01 and shall be punished in the manner provided by State law.

(5) Claims for tax moneys paid in error or by mistake shall be made within three (3) years after the date of purchase, storage, use or consumption of the goods or services for which the refund is claimed and shall be processed for refund in accordance with the rules and regulations prescribed therefor under subsection (4) of this Section, except that the proceeds of any such claim for a refund shall first be applied by the Finance Department to any tax deficiencies or liabilities existing against the claimant before allowance of such claim by the Finance Department, and further except that if such excess payment of tax moneys in any period is discovered as a result of an audit by the Finance Department, and deficiencies are discovered and assessed against the Taxpayer as a result of such audit, then such excess moneys shall be first applied against any deficiencies outstanding to the date of the assessment but shall not be applied to any future tax liabilities.

(6) If any person is convicted under the provisions of this Section, such conviction shall be prima facie evidence that all refunds received by such person during the current year were obtained unlawfully, and the Finance Director is empowered to bring appropriate action for recovery of such refunds. A brief summary statement of the above-described penalties shall be printed on each form application for a refund. (Ord. 0-91-61 §§ 64, 65, 1991; Ord. 0-85-137 § 1 (part), 1985).

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VI. ENFORCEMENT

3.01.260 RECOVERY OF TAXES, PENALTY AND INTEREST. (1) All sums of money paid by the purchaser to the retailer as taxes imposed by this Chapter 3.01 shall be and remain public money, the property of the City, in the hands of such retailer, and he shall hold the same in trust for the sole use and benefit of the City until paid to the Finance Director, and for failure to so pay to the Finance Director, such retailer shall be punished as provided herein.

(2) (a) If a person neglects or refuses to make a return in payment of the sales tax or to pay any sales tax as required by this Chapter 3.01, then the Finance Director shall make an estimate, based upon such information as may be available, of the amount of taxes due for the period for which the Taxpayer is delinquent and shall add thereto a penalty equal to the sum of fifteen dollars (\$15) for such failure or ten percent (10%) thereof and interest on such delinquent taxes at the rate imposed under Section 3.01.290 plus one-half percent ($\frac{1}{2}\%$) per month from the date when due, not exceeding eighteen percent (18%) in the aggregate.

(b) If a person neglects or refuses to make a return in payment of the use tax or to pay any use tax as required by this Chapter 3.01, then the Finance Director shall make an estimate, based upon such information as may be available, of the amount of taxes due for the period for which the Taxpayer is delinquent and shall add thereto a penalty equal to ten percent (10%) thereof and interest on such delinquent taxes at the rate imposed under Section 3.01.290, plus one-half percent ($\frac{1}{2}\%$) per month from the date when due.

(2) (c) Promptly thereafter, the Finance Director shall give to the delinquent Taxpayer written notice of such estimated taxes, penalty, and interest, which notice shall be sent by first-class mail directed to the last address of such person on file with the Finance Department. Such estimate shall thereupon become a notice of deficiency. Within twenty (20) days after the notice of deficiency is mailed, the

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Taxpayer may petition the Finance Director for a hearing in the manner provided in Section 3.01.330(1) and either may appeal to the District Court as provided in Section 3.01.340 or to the Department of Revenue as provided in Section 3.01.350.

(3) (a) If any taxes, penalty, or interest imposed by this Chapter 3.01 and shown due by returns filed by the Taxpayer or as shown by assessments duly made as provided in this Section are not paid within five (5) days after the same are due, then the Finance Director shall issue a notice, setting forth the name of the Taxpayer, the amount of the tax, penalties and interest, the date of the accrual thereof, and that the City claims a first and prior lien therefor on the real and tangible personal property of the Taxpayer except as to preexisting claims or liens of a bona fide mortgagee, pledgee, judgment creditor, or purchaser whose rights have attached prior to the filing of the notice as provided in this Section on property of the Taxpayer, other than the goods, stock in trade, and business fixtures of such Taxpayer.

(b) Said notice shall be on forms furnished by the Finance Department and shall be verified by the City Manager or by the

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Finance Director or any duly qualified agent of the City Manager or the Finance Director, whose duties are the collection of such tax, and may be filed in the office of the county clerk and recorder in which the Taxpayer owns real or tangible personal property, and the filing of such notice shall create a lien on such property in that county and constitute notice thereof. After said notice has been filed, or concurrently therewith, or at any time when taxes due are unpaid, whether such notice shall have been filed or not, the Finance Director may issue a warrant directed to any duly authorized revenue collector, or to the sheriff of the county, commanding him to levy upon, seize, and sell sufficient of the real and personal property of the amount due together with interest, penalties, and costs, as may be provided by law, subject to valid pre-existing claims or liens.

(4) Such revenue collector or the sheriff shall forthwith levy upon sufficient of the property of the Taxpayer or any property used by such Taxpayer in conducting his retail business, except property made exempt from the tax lien pursuant to the provisions of Section 3.01.270(1)(b), and said property so levied upon shall be sold in all respects with like effect and in the same manner as is prescribed by law with respect to executions against property upon judgment of a court of record, and the remedies of garnishment shall apply. The sheriff shall be entitled to such fee in executing such warrants as are allowed by law for similar services.

(5) Any lien for taxes as shown on the records of the county clerks and recorders as provided in this Section, upon payment of all taxes, penalties, and interest covered thereby shall be released by the Finance Director in the same manner as mortgages and judgments are released.

(6) (a) The Finance Director may also treat any such taxes, penalties, or interest due and unpaid as a debt due the City

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from the vendor. The return of the Taxpayer or the assessment made by the Finance Director, as provided in this Chapter 3.01, shall be prima facie proof of the amount due.

(b) To recover such taxes, penalties or interest due, the Finance Director may bring an action in attachment, and a writ of attachment may be issued to the sheriff. In any such proceedings, no bond shall be required of the Finance Director, nor shall any sheriff require of the Finance Director an indemnifying bond for executing the writ of attachment or writ of execution upon any judgment entered in such proceedings. The Finance Director may prosecute appeals in such cases without the necessity of providing bond thereof. It is the duty of the City Attorney, when requested by the Finance Director, to commence action for the recovery of taxes due under this Chapter 3.01, and this remedy shall be in addition to all other existing remedies or remedies provided in this Chapter 3.01.

(7) In any action affecting the title to real estate or the ownership or rights to possession of personal property, the City may be made a party defendant for the purpose of obtaining an adjudication or determination of its lien upon the property involved therein. In any such action, service of summons upon the Finance Director or any person in charge of the office of the Finance Director shall be sufficient service and shall be binding upon the City.

(8) The Finance Director is authorized to waive, for good cause shown, any penalty assessed as provided in this Chapter 3.01, and any interest imposed in excess of the rate determined pursuant to subsection (2) of this Section shall be deemed a penalty.

(9) If a Taxpayer pays for any tax imposed pursuant to this Chapter 3.01 by check for which there are insufficient funds to cover such check, then the Finance Director may assess a penalty against such Taxpayer as follows: (i) ten dollars

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(\$10.00) for the first violation; (ii) twenty-five dollars (\$25.00) for the second violation; and (iii) fifty dollars (\$50.00) for each additional violation. If a penalty of twenty-five dollars (\$25.00) or more has been assessed against a Taxpayer by the Finance Director, then the Finance Director may require such Taxpayer to pay all tax payments, whether due or to be due in the future, by certified funds, cashier's check or cash. The penalty imposed by this Section 3.01.260(9) is in addition to all other penalties imposed pursuant to this Chapter 3.01.

(10) The City is a participant in the intergovernmental agreement with other cities in Colorado concerning intercity claims for the recovery of sales and use taxes paid to the wrong taxing jurisdiction as authorized by City resolution 90-134. The intent and procedure for filing a "Claim for Recovery" is set forth in the City Sales and Use Tax Rules and Regulations, Section 3.01.260(10).

(11) The Finance Director may issue Summons and Complaints for violations of this Chapter 3.01 as set forth in the Lakewood Municipal Code. (Ord. 0-91-61 §§ 66 — 68, 1991; Ord. 0-86-104 § 22, 1986; Ord. 0-85-137 § 1 (part), 1985).

3.01.270 TAX LIEN; EXEMPTION FROM LIEN. (1) (a) The sales tax imposed pursuant to Section 3.01.120 shall be a first and prior lien upon the tangible personal property and business fixtures of or used by any retailer under lease, title retaining contract, or other contract arrangement, excepting stock of goods sold or for sale in the ordinary course of business and shall take precedence on all such property over other liens or claims of whatsoever kind or nature. The use tax imposed by Section 3.01.210 shall be a first and prior lien on the tangible personal property stored, used, or consumed, subject only to any valid mortgage or other liens of record on and prior to the recording of notice as set forth in Section 3.01.260(3)(b), which lien shall have precedence over all other liens of whatsoever kind or nature, except as to preexisting claims or liens

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of a bona fide mortgagee, pledgee, judgment creditor, or purchaser whose rights have attached prior to the filing of the notice on such tangible personal property.

(b) The real or personal property of an owner who has made a bona fide lease to a retailer or to any Taxpayer owing a use tax shall be exempt from the lien created in paragraph (a) of this subsection (1) if such property can reasonably be identified from the lease description, and if the lessee is given no right to

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become the owner of the leased property. This exemption shall be effective from the date of the execution of the lease if the lease is recorded with the county clerk and recorder of the county where the property is located or based or if a memorandum of the lease is filed with the Finance Department within ten (10) days after the execution of the lease. Motor vehicles which are properly registered in the City, showing the lessor as the owner thereof, shall be exempt from the lien created in paragraph (a) of this subsection (1), except that said lien shall apply to the extent that the lessee has an earned reserve, allowance for depreciation not to exceed fair market value, or similar interest which is or may be credited to the lessee. Where the lessor and the lessee are blood relatives or relatives by law or have twenty-five percent (25%) or more common ownership, a lease between such lessee and such lessor shall not be considered as bona fide for purposes of this Section.

(c) Any retailer who is in possession of property under the terms of a lease, which property is exempt from the tax lien as provided in this Section, may be required by the Finance Director to remit taxes collected at more frequent intervals than monthly, but no more frequently than semimonthly, or may be required to furnish security for the proper payment of taxes whenever the collection of taxes appears to be in jeopardy.

(d) Any retailer who sells out his business or stock of goods, or quits business, shall be required to make out the return as provided in this Chapter 3.01, within ten (10) days after the date he sold his business or stock of goods, or quit business, and his successor in business shall be required to withhold sufficient purchase money to cover the amount of said taxes due and unpaid until such time as the former owner produces a receipt from the Finance Director showing that the taxes have been paid or a certificate that no taxes are due.

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(e) If the purchaser of a business or stock of goods fails to withhold the purchase money as provided in paragraph (d) of subsection (1), and the taxes are due and unpaid after the ten (10) day period allowed, he, as well as the vendor, shall be personally liable for the payment of the taxes unpaid by the former owner. Likewise, anyone who takes any stock of goods or business fixtures of or used by any retailer under lease, title retaining contract, or other contract arrangement, by purchase, foreclosure sale, or otherwise, takes the same subject to the lien for any delinquent sales taxes owned by such retailer and shall be liable for the payment of all delinquent sales taxes of such prior owner, not, however, exceeding the value of property so taken or acquired.

(2) Whenever the business or property of any Taxpayer subject to this Chapter 3.01 shall be placed in receivership, bankruptcy, or assignment for the benefit of creditors, or seized under distraint for property taxes, all taxes, penalties, and interest imposed by this Chapter 3.01 and for which said retailer is in any way liable under the terms of this Chapter 3.01 shall be a prior and preferred claim against all the property of said Taxpayer, except as to preexisting claims or liens of a bona fide mortgagee, pledgee, judgment creditor, or purchaser whose rights shall have attached prior to the filing or the notice as provided in Section 3.01.260(3)(b) on the property of the Taxpayer, other than the goods, stock in trade, and business fixtures of such Taxpayer. No sheriff, receiver, assignee, or other officer shall sell the property of any person subject to this Chapter 3.01 under process or order of any court without first ascertaining from the Finance Director the amount of any taxes due and payable under this Chapter 3.01, and if there are any such taxes due, owing, or unpaid, it is the duty of such officer to first pay the amount of said taxes out of the proceeds of said sale before making payment of any moneys to any judgment

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creditor or other claims of whatsoever kind or nature, except the costs of the proceedings and other preexisting claims or liens as provided in this Section. For the purposes of this sub-section (2), "Taxpayer" includes "retailer." (Ord. 0-85-137 § 1 (part), 1985).

3.01.280 TAX DEFICIENCY. If the deficiency in payment of the sales or use tax occurs without intent to defraud, there shall be added ten percent (10%) of the total amount of the deficiency, and interest in such case shall be collected at the rate imposed under Section 3.01.300 on the amount of such deficiency from the time the return was due, from the person required to file the return, which interest and addition shall become due and payable twenty (20) days after written notice and demand to such person by the Finance Director. If any part of the deficiency is due to fraud with the intent to evade the tax, then there shall be added one hundred percent (100%) 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 twenty (20) days after written notice and demand by the Finance Director, and an additional three percent (3%) per month on said amount shall be added from the date that the return was due until paid. (Ord. 0-91-61 § 69, 1991; Ord. 0-85-137 § 1 (part), 1985).

3.01.290 INTEREST RATE ON DELINQUENT TAXES. When interest is required or permitted to be charged under Sections 3.01.260(2), 3.01.280, 3.01.300(1), or 3.01.310, the annual rate of interest shall be that rate of interest established by the State commissioner of banking pursuant to Section

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39-21-110.5 of the Colorado Revised Statutes. (Ord. 0-85-137 § 1 (part), 1985).

3.01.300 INTEREST ON UNDERPAYMENT, OVERPAYMENT, NONPAYMENT OR EXTENSIONS OF TIME FOR PAYMENT OF TAX. (1) If any amount of sales or use tax is not paid on or before the last date prescribed for payment, then interest on such amount at the rate imposed under Section 3.01.290 shall be paid for the period from such last date to the date paid. The last date prescribed for payment shall be determined without regard to any extension of time for payment and shall be determined without regard to any notice and demand for payment issued, by reason of jeopardy, prior to the last date otherwise prescribed for such payment. In the case of a tax in which the last date for payment shall be deemed to be the date that the liability for the tax arises, and in no event shall such date be later than the date that notice and demand for the tax is made by the Finance Director.

(2) Interest prescribed under this Section and Sections 3.01.260(2), 3.01.280 and 3.01.310 shall be paid upon notice and demand and shall be assessed, collected, and paid in the same manner as the tax to which such interest is applicable.

(3) If any portion of a tax is satisfied by credit of an overpayment, then no interest shall be imposed under this Section on the portion of the tax so satisfied for any period during which, if the credit had not been made, interest would have been allowed with respect to such overpayment.

(4) Interest prescribed under this Section and Sections 3.01.260(2), 3.01.280 and 3.01.310 on any sales or use tax may be assessed and collected at any time during the period within which the tax to which such interest relates may be assessed and collected. (Ord. 0-85-137 § 1 (part), 1985).

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3.01.310 PENALTY INTEREST ON UNPAID USE TAX. Any use tax due and unpaid shall be a debt to the City and shall draw interest at the rate imposed under Section 3.01.290, in addition to the interest provided by Section 3.01.300, from the time when due until paid. (Ord. 0-85-137 § 1 (part), 1985).

3.01.320 OTHER REMEDIES. No provision of this Chapter 3.01 shall preclude the City from utilizing any other lawful penalties or other remedies applicable to the collection of sales or use taxes. The Finance Director shall have the authority to make a compromise settlement of any claim for sales or use tax due under this Chapter 3.01. (Ord. 0-91-61 § 80, 1991; Ord. 0-85-137 § 1 (part), 1985).

VII. HEARINGS AND APPEALS

3.01.330 HEARINGS BY FINANCE DIRECTOR. (1) If any person contests any deficiency notice or denial of refund received from the Finance Director, then he may apply to the Finance Director by petition in writing within twenty (20) days after such deficiency notice or denial of refund is mailed to him for a hearing and a correction of the amount of the tax so assessed or refund requested, in which petition he shall set forth the reasons why the amount by which such tax should be reduced or the amount of the refund requested should be granted. The Finance Director shall notify the petitioner in writing of the time and place fixed by him for such hearing. After such hearing, the hearing officer shall make such order in the matter as is just and lawful and shall furnish a copy of such order to the petitioner.

(2) Every decision of the hearing officer shall be in writing, and notice thereof shall be mailed to the petitioner within twenty (20) days after such hearing, and all such decisions shall become final and all amounts due shall be paid upon the expiration of thirty (30) days after notice of such decision shall have been mailed to the petitioner, unless proceedings are begun within such time for review

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thereof as provided in Section 3.01.340 or Section 3.01.350. (Ord. 0-91-61 § 70, 1991; Ord. 0-86-104 § 23, 1986; Ord. 0-85-137 § 1 (part), 1985).

3.01.340 REVIEW BY DISTRICT COURT. If the petitioner or if an applicant for a refund is aggrieved at the final decision of the hearing officer, then he may proceed to have same reviewed by the District Court. The procedure of review may be in accordance with Colorado Rules of Civil Procedure 106 or by the method of appeals set forth in Section 29-2-106, Colorado Revised Statutes, as amended. (Ord. 0-93-26 § 8, 1993; Ord. 0-91-61 § 81, 1991; Ord. 0-85-137 § 1 (part), 1985).

3.01.350 ALTERNATIVE REVIEW BY DEPARTMENT OF REVENUE. In lieu of the procedure provided for in Section 3.01.340, the Taxpayer may elect to appeal to the Executive Director of the Department of Revenue as set forth in Section 29-2-106, Colorado Revised Statutes, as amended. (Ord. 0-93-26 § 9, 1993; Ord. 0-91-61 § 82, 1991; Ord. 0-85-137 § 1 (part), 1985).

Chapter 3.02

INCORRECT REGISTRATION OF A MOTOR VEHICLE

Sections:

- 3.02.010 Definitions.
- 3.02.020 Registration of motor vehicle.
- 3.02.030 Penalty for incorrect registration of motor vehicle.

3.02.010 DEFINITIONS. As used in this Chapter, the following terms shall have the following meanings:

- (1) "Finance Director" means the finance director of the City.

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(2) "Motor vehicle" has the meaning set forth in Section 42-6-102(7) of the Colorado Revised Statutes.

(3) "Penalty assessment notice" means the written notice of the Finance Director's determination that a violation of Section 42-6-137(2) of the Colorado Revised Statutes has occurred and assessment and demand for the payment of the civil penalty provided for in Section 3.02.030 hereof.

(4) "Notice of deficiency" means the notice issued by the Finance Director pursuant to Section 3.01.260 of the City Sales and Use Tax Ordinance for failure, neglect or refusal to pay any sales or use tax due or any penalties or interest thereon. (Ord. 0-86-105 § 1 (part), 1986).

3.02.020 REGISTRATION OF MOTOR VEHICLE. No person shall register a motor vehicle in violation of the provisions of Section 42-6-137(2) of the Colorado Revised Statutes. (Ord. 0-86-105 § 1 (part), 1986).

3.02.030 PENALTY FOR INCORRECT REGISTRATION OF MOTOR VEHICLE. A person who registers a motor vehicle in violation of the provisions of Section 42-6-137(2) of the Colorado Revised Statutes shall be subject to a \$500 civil penalty pursuant to the authority granted in Section 42-6-137 (4) of the Colorado Revised Statutes. The procedure for the assessment of such civil penalty shall be as follows:

(1) When the Finance Director determines on such information as is available that a person has registered a motor vehicle in violation of the provisions of Section 42-6-137(2) of the Colorado Revised Statutes, then the Finance Director shall provide to such person a penalty assessment notice. If the Finance Director also has determined pursuant to Section 3.01.260 of the City Sales and Use Tax Ordinance that sales or use taxes are due to the City on such motor vehicle, then such

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penalty assessment notice shall be included in the notice of deficiency.

(2) Such person shall pay such civil penalty within the same time period provided pursuant to Section 3.01.260 of the City Sales and Use Tax Ordinance for payment of any amounts due pursuant to the notice of deficiency, unless such person files a written protest pursuant to subsection (3) of this Section.

(3) If such person desires to protest the penalty assessment notice, such person shall file a written protest with the Finance Director within the time period provided pursuant to Section 3.01.330(1) of the City Sales and Use Tax Ordinance for protesting a notice of deficiency. The protest shall set forth the facts which show that a violation of Section 42-6-137(2) of the Colorado Revised Statutes did not occur. The Finance Director shall issue a written decision affirming or withdrawing such penalty assessment notice within the same time period and in the same manner as provided pursuant to Section 3.01.330(2) of the City Sales and Use Tax Ordinance on a protest on a notice of deficiency. If the decision affirms the penalty assessment notice, then such person shall pay such civil penalty within the time period provided for payment of a final assessment pursuant to Section 3.01.330(2) of the City Sales and Use Tax Ordinance.

(4) Such person may seek judicial review of the Finance Director's decision pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. No such judicial review shall be available if a written protest was not timely filed in the manner provided for in subsection (3) of this Section.

(5) In lieu of judicial review pursuant to subsection (4) of this Section, such person may elect a hearing before the executive director of the Colorado Department of Revenue or a delegate thereof on the Finance Director's decision in the same manner provided in Section 3.01.350 of the City Sales and Use Tax Ordinance.

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(6) The Finance Director may enforce collection of the civil penalty provided for in this Section in the same manner provided in Section 3.01.260 of the City Sales and Use Tax Ordinance for the collection of unpaid sales or use taxes, penalties, or interest.

(7) Nothing in this Section shall be deemed to preclude the collection of any tax, fee, penalty, or interest thereon provided by law or the imposition of any other civil or criminal penalty provided by law. (Ord. 0-86-105 § 1 (part), 1986).

Chapter 3.03

HOTEL/MOTEL ACCOMMODATIONS TAX

Sections:

- 3.03.010 Title.
- 3.03.020 Legislative intent.
- 3.03.030 Purpose.
- 3.03.040 Definitions.
- 3.03.050 Levy of tax.
- 3.03.060 Payment of tax.
- 3.03.070 Administration.
- 3.03.080 Incorporation by reference of certain provisions of city's sales and use tax ordinance.

3.03.010 TITLE. The ordinance codified in this Chapter shall be known as the Hotel/Motel Accommodations Tax Ordinance. (Ord. 0-86-89 § 1 (part), 1987).

3.03.020 LEGISLATIVE INTENT. The City Council intends to levy upon the purchasers, consumers, or users of Hotel/Motel Facilities the tax imposed by this chapter upon

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such purchasers, consumers, or users for the privilege of renting or leasing a Lodging Room in the City. This tax is in addition to and does not replace or repeal the sales tax on hotel/motel rooms imposed by Chapter 3.01 of the City Code. (Ord. 0-87-89 § 1 (part), 1987).

3.03.030 PURPOSE. The purpose of this tax shall be to raise revenues to be used by the City to promote economic development within the City. (Ord. 0-87-89 § 1 (part), 1987).

3.03.040 DEFINITIONS. As used in this Chapter, unless the context otherwise requires, the following terms shall have the following meanings:

(1) "Hotel/Motel Facility" means a hotel, motel, or other similar facility which: (i) has Lodging Rooms; (ii) is located within the City; and (iii) the rental period is less than thirty (30) consecutive days.

(2) "City Manager" means the manager of the City.

(3) "Finance Department" means the finance department of the City.

(4) "Finance Director" means the finance director of the City.

(5) "Lodging Room" is a regular sleeping room or unit which is part of a hotel or motel, or similar facility for which a charge is made for its use.

(6) "Purchaser, "consumer," or "user" is that person who for a consideration uses, possesses, or has the right to use or possess any room in a hotel, motel, or similar facility for a period less than thirty (30) consecutive days. (Ord. 0-87-89 § 1 (part), 1987).

3.03.050 LEVY OF TAX. On and after January 1, 1988, there is hereby levied an excise tax of three percent (3%) upon

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the entire amount charged to any person for a Lodging Room, and said tax shall be collected and paid by each owner of a Hotel/Motel Facility to the City. (Ord. 0-87-89 § 1 (part), 1987).

3.03.060 PAYMENT OF TAX. Before the twentieth (20th) day of each April, July, October, and January, commencing January 1, 1988, every owner of a Hotel/Motel Facility shall make a return to the Finance Director for the preceding calendar quarter and remit to the Finance Director an amount equal to three percent (3%) of the entire amount charged to all persons for Lodging Room(s) during the preceding calendar quarter. Such returns shall be furnished by the Finance Department. (Ord. 0-87-89 § 1 (part), 1987).

3.03.070 ADMINISTRATION. The City Council may adopt rules and regulations in conformity with this Chapter for the proper administration and enforcement of this Chapter. The administration of this Chapter is vested in and shall be exercised by the City Manager. The Finance Director shall assist the City Manager in the administration of this Chapter to the extent provided herein and in the rules and regulations promulgated hereunder. (Ord. 0-87-89 § 1 (part), 1987).

3.03.080 INCORPORATION BY REFERENCE OF CERTAIN PROVISIONS OF CITY'S SALES AND USE TAX ORDINANCE. Unless the context otherwise requires, the following provisions of the City Sales and Use Tax Ordinance set forth in Chapter 3.01 of the City of Lakewood Municipal Code, including all amendments thereto, are hereby incorporated by reference into this Chapter with the following modifications as if fully set forth herein:

(1) Sections 3.01.020, 3.01.030, 3.01.060, 3.01.065,

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3.01.100, 3.01.130 through 3.01.190, and 3.01.210 through 3.01.350, inclusive.

(2) Any reference therein to "Chapter 3.01" shall be deemed to refer to this Chapter.

(3) Any reference therein to "sales tax," "use tax," or "tax" shall be deemed to refer to the tax imposed pursuant to this Chapter.

(4) Any reference therein to "Taxpayer" shall be deemed to refer to an owner of a Hotel/Motel Facility.

(5) Any reference therein to "retailer" or "vendor" shall be deemed to refer to an owner of a Hotel/Motel Facility.

In the event of a conflict between this Chapter and Chapter 3.01, the provisions of this Chapter shall control. (Ord. 0-93-26 § 21, 1993; Ord. 0-87-89 § 1 (part), 1987).

Chapter 3.04

PURCHASING POLICIES

Sections:

- 3.04.010 Purchasing manager.
- 3.04.020 Procedures.
- 3.04.030 Competitive bidding and exceptions.
- 3.04.040 Exempted purchases—Approval.
- 3.04.050 Purchases under five thousand dollars.
- 3.04.060 Purchases between five thousand dollars and fifty thousand dollars.
- 3.04.070 Purchases over fifty thousand dollars.
- 3.04.080 Purchases reported to city council.
- 3.04.090 Unbudgeted purchases over fifteen thousand dollars.
- 3.04.100 Bid requirements.
- 3.04.110 Sealed bids upon recommendations of the City Manager.
- 3.04.120 Successful bids.
- 3.04.130 Emergency procedures.
- 3.04.140 Contracts for public improvements.

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- 3.04.150 Execution of contracts.
- 3.04.160 Debarment and suspension.
- 3.04.170 Protested solicitations or awards.

3.04.010 **PURCHASING MANAGER.** The Director of Finance is authorized to designate a Purchasing Manager on behalf of the City. Purchases made by the Purchasing Manager shall be in accordance with certain policies and procedures as hereinafter set forth in this chapter. (Ord. 0-88-6 § 1, 1988).

3.04.020 **PROCEDURES.** In enforcing and administering purchasing procedures the Purchasing Manager shall:

(1) Establish and enforce specifications with respect to supplies, materials and equipment required by the city. In developing specifications, the Purchasing Manager shall consult with the various departments concerned in determining the quality of the goods to be purchased;

(2) Supervise the inspection of all deliveries of supplies, materials and equipment and determine their quality, quantity and conformity with specifications;

(3) Have authorization to transfer between offices or other city departments surplus or unused materials;

(4) Procure materials and supplies at the lowest cost consistent with quality. (Ord. 0-88-6 § 2, 1988).

3.04.030 **COMPETITIVE BIDDING AND EXCEPTIONS.** Before the City makes any purchase, and subject to the provisions hereinafter set forth, there shall be given ample opportunity for competitive bidding subject to such exemptions as the City Council, may upon recommendation of the City Manager and Director of Finance, prescribe by ordinance or resolution.

The following items are exempted from competitive bidding:

(1) Purchases made cooperatively with other units of government such as the state of Colorado and governmental cooperative groups utilizing extended awards from other governmental agencies; the City

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may, when deemed appropriate, extend its awards to other governmental agencies;

(2) Services of individuals possessing a high degree of professional skill. Architectural and engineering services over fifteen thousand dollars (\$15,000.00) shall be selected through the City's formal registration process;

(3) Departments are encouraged to use a formal selection process whenever possible for all types of professional services;

(4) Purchases from federal, state or other local government units;

(5) Purchases made through other governmental entities as may be authorized by ordinance or statute;

(6) Magazines, books or periodicals;

(7) Energy fuels, including gasoline and diesel fuel;

(8) Clean up and disposal of hazardous materials;

(9) Items or products purchased by the City for retail sale to the public;

(10) Supplies, products, or services indispensable to the City which are obtainable, for practical purposes, only from a single source, as identified by the Purchasing Manager using the procedure set out in the Finance Department administrative regulations. The Purchasing Manager is authorized to negotiate with the sole source regarding pricing, delivery, and other relevant factors. (Ord. 0-93-4 § 1, 1993; Ord. 0-88-6 § 3, 1988).

3.04.040 EXEMPTED PURCHASES — APPROVAL. Exempted purchases shall require approval in accordance with the authorization limits stated herein. (Ord. 0-88-6 § 4, 1988).

3.04.050 PURCHASES UNDER FIVE THOUSAND DOLLARS. Any purchase costing under five thousand dollars (\$5,000.00) shall require approval by the department head or his designee; however City departments are authorized to use field purchase orders as defined in Finance Department regulations for purchases costing not more than three hundred fifty dollars (\$350.00). (Ord. 0-93-4 § 2, 1993; Ord. 0-88-6 § 5, 1988).

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3.04.060 PURCHASES BETWEEN FIVE THOUSAND DOLLARS AND FIFTY THOUSAND DOLLARS. Any purchase costing at least five thousand dollars (\$5,000.00) but less than fifty thousand dollars (\$50,000.00) shall require approval by the department head or his designee, Director of Finance, and the City Manager or his designee. Any purchase not containing the signatures of all the required parties shall require approval by City Council. (Ord. 0-88-6 § 6, 1988).

3.04.070 PURCHASES OVER FIFTY THOUSAND DOLLARS. Any purchase costing fifty thousand dollars (\$50,000.00) or more shall require approval by the department head, Director of Finance, the City Manager and City Council. (Ord. 0-88-6 § 7, 1988).

3.04.080 PURCHASES REPORTED TO CITY COUNCIL. Any purchase costing more than twenty-five thousand dollars (\$25,000.00) shall be reported to City Council by the Purchasing Division as part of the regular financial report. (Ord. 0-88-6 § 8, 1988).

3.04.090 UNBUDGETED PURCHASES OVER FIFTEEN THOUSAND DOLLARS. Any unbudgeted purchase or any purchase with a change in funding source that is over fifteen thousand dollars (\$15,000.00) shall require approval by the City Council. (Ord. 0-88-6 § 9, 1988).

3.04.100 BID REQUIREMENTS. (1) Whenever possible, the Purchasing Manager or his designee shall solicit a minimum of two verbal bids on any purchase costing at least one thousand dollars (\$1,000.00) but less than seven thousand five hundred dollars (\$7,500.00).

(2) Whenever possible, the Purchasing Manager or his designee shall solicit a minimum of three informal written bids on purchases

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costing at least seven thousand five hundred dollars (\$7,500.00) but less than fifteen thousand dollars (\$15,000.00).

(3) Any purchase costing fifteen thousand dollars (\$15,000.00) or more shall require formal written sealed bids unless otherwise exempted herein. Formal sealed bids may, at the discretion of the Purchasing Manager, include multi-step bid procedures, total cost or life-cycle cost procedures, or formal competitive proposals as set out in the Finance Department administrative regulations. The multi-step process may include pre-qualification of a product, a contractor, or a vendor based on specifications or experience prior to the submission of cost bids. After pre-qualification, only the products, contractors, or vendors that meet the specifications or experience will be permitted to submit cost bids. The total cost or life-cycle cost procedure may include analysis of factors such as maintenance costs, salvage value, and availability of parts. Such factors may be considered as part of the cost of the product as well as the actual purchase price. Formal competitive proposals may be used when the cost of a product or service is not the primary selection factor and where it is not possible to directly compare a product or a service to another.

(4) Notwithstanding anything in this chapter to the contrary, written bids for the purchase of energy fuels, including gasoline and diesel fuel, and cleanup and disposal of hazardous materials, shall not be required.

(5) Annual service and product contracts may be renewed by the Purchasing Manager and department head up to four times based on satisfactory performance and price stability. (Ord. 0-93-4 §§ 3, 4, 1993; Ord. 0-88-6 § 10, 1988).

3.04.110 SEALED BIDS UPON RECOMMENDATIONS OF THE CITY MANAGER. Notwithstanding any of the provisions above, upon recommendation of the Director of Finance, the City Manager may require sealed bids on any purchase costing less than fifteen thousand dollars (\$15,000.00). (Ord. 0-88-6 § 11, 1988).

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3.04.120 SUCCESSFUL BIDS. (1) Bids shall be awarded to the lowest responsive, responsible, and qualified bidder as determined by the City. Factors to be considered in evaluating the lowest responsive, responsible, and qualified bidder may include the quality, availability, and delivery of the product, qualifications of the contractor or vendor, and any special requirements relevant to the subject matter of the bid as determined by the Purchasing Manager.

(2) The Purchasing Division of the City of Lakewood will solicit Lakewood firms to submit bids to the City through local advertising, and other suitable methods. Where all award factors are equal, a bid will be awarded to the bidder with its principal place of business located in the City of Lakewood. (Ord. 0-93-4 § 5, 1993; Ord. 0-88-6 § 12, 1988).

3.04.130 EMERGENCY PROCEDURES. Notwithstanding any of the provisions above, when by reason of emergency or immediate public necessity, it is not feasible or practicable to follow the bidding procedures herein set forth or to obtain Council approval, and it is necessary to authorize the purchase of equipment, supplies or services, or emergency repair or maintenance work costing more than fifty thousand dollars (\$50,000.00), without sealed or other bidding procedures, the City Manager or his designee shall first notify the Council President, or in the absence of the Council President or in the event of the Council President's inability to act, the Mayor Pro Tem, is authorized on behalf of the City Council to grant authority for such purchase of equipment, supplies, or services in the event of emergency or immediate public necessity deemed to exist by the Council President or Mayor Pro Tem. Whenever possible, the Director of Finance or his designee shall solicit the bids for the emergency purposes, and shall make certain that whenever possible the lowest responsive, responsible, and qualified bidder has been selected. (Ord. 0-93-4 § 6, 1993; Ord. 0-88-6 § 13, 1988).

3.04.140 CONTRACTS FOR PUBLIC IMPROVEMENTS. (1) Contracts for public improvements shall be let in accordance with

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City of Lakewood bidding procedures. These contracts are subject to approval in accordance with the authorization limits stated herein.

(2) When a contract for public improvements is awarded in excess of fifty thousand dollars (\$50,000.00), the following bonds or security shall be delivered to the City and shall become binding on the parties upon execution of the contract:

(a) A performance bond satisfactory to the City, executed by a surety company authorized to do business in the State of Colorado or otherwise secured in a manner satisfactory to the City, in an amount equal to one hundred percent of the price specified in the contract; and

(b) A payment bond satisfactory to the City, executed by a surety company authorized to do business in the State of Colorado or otherwise secured in a manner satisfactory to the City, for the protection of all persons supplying labor and material to the contractor or its subcontractors for the performance of the work provided for in the contract. The bond shall be in an amount equal to one hundred percent of the price specified in the contract.

(3) Nothing in this section shall be construed to limit the authority of the City to require a performance bond or other security in addition to those bonds or in circumstances other than those specified in subsection (2) of this section. (Ord. 0-93-4 § 7, 1993; Ord. 0-88-6 § 14, 1988).

3.04.150 EXECUTION OF CONTRACTS. Unless otherwise authorized or directed by City Council, all contracts obligating the City may be executed on behalf of the City by the Mayor or the City Manager and attested by the City Clerk, after approval of the form of the contract by the City Attorney. (Ord. 0-88-6 § 15, 1988).

3.04.160 DEBARMENT AND SUSPENSION. (1) (a) After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the Director of Finance or the Purchasing Manager, after consultation with the City Attorney, shall have the authority to debar a person or firm for any reason set forth in sub-

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section (2) of this section from consideration of award of contracts. The period of debarment shall be determined by the Director of Finance or the Purchasing Manager on a case by case basis.

(b) The Director of Finance or the Purchasing Manager, after consultation with the City Attorney, shall have the authority to debar a person or firm from consideration for award of contracts if there is probable cause to believe such person or firm has engaged in activities that may lead to debarment. The period of debarment shall be determined by the Director of Finance or the Purchasing Manager on a case by case basis.

(c) Debarment and suspension procedures shall be set out in the Finance Department administrative regulations.

(2) A person may be debarred for any of the following reasons:

(a) Conviction of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract or in the performance of such contract or subcontract;

(b) Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, or receiving stolen property;

(c) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;

(d) Failure without good cause to perform in accordance with the terms of any contract or unsatisfactory performance of any contract; or

(e) Debarment by another governmental entity for any of the above reasons. (Ord. 0-93-4 § 8, 1993)

3.04.170 PROTESTED SOLICITATIONS OR AWARDS.

(1) Any actual or prospective bidder, contractor, vendor who is aggrieved in connection with the solicitation or award of a contract may protest to the Purchasing Manager, the City Manager, or the City Council as set out in this section. The protest shall be submitted in writing within seven working days after such aggrieved person knows or should have known of the facts giving rise thereto.

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(a) Protests in connection with the solicitation or award of a contract involving an amount less than five thousand dollars (\$5,000.00) shall be filed with and determined by the Purchasing Manager.

(b) Protests in connection with the solicitation or award of a contract involving an amount of at least five thousand dollars (\$5,000.00) but less than fifty thousand dollars (\$50,000.00) shall be filed with and be determined by the City Manager.

(c) Protests in connection with the solicitation or award of a contract involving an amount of fifty thousand dollars (\$50,000.00) or more shall be filed with and determined by the City Council.

(2) The Purchasing Manager, City Manager, or City Council as set out in subsection (1) of this section, shall have the authority to settle and resolve a protest of an aggrieved bidder, contractor, or vendor, actual or prospective, concerning the solicitation or award of a contract. A written decision regarding the protest shall be rendered within thirty working days after the protest is filed. This authority shall be exercised in accordance with the Finance Department administrative regulations. (Ord. 0-93-4 § 9, 1993).

Chapter 3.08

SALE OF PERSONAL PROPERTY BY CITY

Sections:

- 3.08.010 Sales agent.
- 3.08.020 Procedures.
- 3.08.030 Manner of disposition.
- 3.08.040 Property in excess of five thousand dollars in value.
- 3.08.050 Property of less than five thousand dollars value.
- 3.08.055 Negotiated sales.
- 3.08.060 Repair and reconditioning.
- 3.08.070 City employees.

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- 3.08.080 Notice of intent.
- 3.08.090 Proceeds of sale.

3.08.010 SALES AGENT. The City Manager or his designee is authorized to act as sales agent on behalf of the

SALE OF PERSONAL PROPERTY BY CITY

city. Sales of personal property made by the City Manager or his designee shall be in accordance with certain policies and procedures as hereinafter set forth in this chapter. (Res. 71-30 § 1, 1971).

3.08.020 PROCEDURES. In enforcing and administering sales procedures the City Manager or his designee shall:

(1) Establish policies, standards and procedures not inconsistent with the provisions of this chapter with respect to declaring personal property of the city to be surplus or excess property, and determining the manner of disposition of such property;

(2) Dispose of personal property declared to be excess or surplus in a manner reasonably calculated to bring the highest price to the city, or in such other manner as is consistent with the city's best interests. (Res. 71-30 § 2, 1971).

3.08.030 MANNER OF DISPOSITION. Property may be sold, or property may be traded or exchanged, if such trade or exchange would benefit the city. Property having little or no value, or the sale or exchange of which is impractical, or for which no market exists, may be destroyed, donated or abandoned. (Res. 71-30 § 3, 1971).

3.08.040 PROPERTY IN EXCESS OF FIVE THOUSAND DOLLARS IN VALUE. Property having a value in excess of five thousand dollars per item shall be sold at public sale, either upon written, sealed bids or public auction, as may be determined by the City Manager or his designee, to be advertised by notice placed in at least one issue of a newspaper of general circulation published in the city not less than seven days, nor more than fourteen days prior to such sale. Nothing herein contained shall prevent the placement and giving of such additional notice as may be determined to be desirable by the

SALE OF PERSONAL PROPERTY BY CITY

City Manager or his designee. (Ord. 0-93-26 § 22, 1993; Res. 71-30 § 4, 1971).

3.08.050 PROPERTY OF LESS THAN FIVE THOUSAND DOLLARS VALUE. Property having a value of less than five thousand dollars per item may be sold in the open market at public or private sale without bid advertisement and without observing the procedure prescribed by Section 3.04.040 relating to written, sealed bids, in the discretion of the City Manager or his designee. (Res. 71-30 § 5, 1971).

3.08.055 NEGOTIATED SALES. Notwithstanding any other provision of this Chapter 3.08, any management or computer program developed by the city for city use, which also may be of benefit to another public or private entity, may be sold through negotiated sales, provided such sales are authorized by the city council after finding that such sales are consistent with the city's best interest. (Ord. 0-83-100 § 1, 1983).

3.08.060 REPAIR AND RECONDITIONING. The City Manager or his designee shall have the authority to expend funds to repair or recondition property declared to be excess or surplus when there is a reasonable expectation that such expenditures will enhance the value above the amount of funds so expended. (Res. 71-30 § 6, 1971).

3.08.070 CITY EMPLOYEES. No official or employee of the city, or any member of their immediate family, as defined in city personnel regulations, or anyone on their behalf, shall purchase or otherwise receive surplus or excess property of the city except by public sale upon written sealed bids or by sale at public auction. Notice of any such sale shall be published in the city in a newspaper of general circulation not less than seven days or more than fourteen days prior to the

SALE OF PERSONAL PROPERTY BY CITY

sale. Property that is sold by the city to the public on a proprietary basis in connection with those activities or services generally provided by the city or for the purpose of promoting the economic well-being of the city, may be purchased by city officials, employees or members of their families at the fair market value of such property as offered to the public. (Ord. 0-83-100 § 2, 1983; Res. 71-30 § 7, 1971).

3.08.080 NOTICE OF INTENT. Before any property declared to be excess or surplus is sold, the purchasing agent shall cause to be published, in a newspaper of general circulation, published in the city, not less than seven and no more than fourteen days prior to sale, a notice of intent to dispose of property. Such notice shall list and describe the items to be sold and indicate that any interested party may contact

SALE AND DISPOSAL OF ABANDONED PROPERTY

the purchasing agent and shall contain the address and telephone number of the office of the purchasing agent. (Res. 71-30 § 8, 1971).

3.08.090 PROCEEDS OF SALE. All proceeds of sale of surplus and excess property shall be allotted to the city's general fund. (Res. 71-30 § 9, 1971).

Chapter 3.10

SALE AND DISPOSAL OF LOST, STOLEN, CONFISCATED, OR ABANDONED PROPERTY

Sections:

- 3.10.010 Sales agent.
- 3.10.020 Disposal of unclaimed property.
- 3.10.030 Reclaiming property.
- 3.10.040 Failure to claim property.
- 3.10.050 Proceeds of sale.

3.10.010 SALES AGENT. The City Manager or a designee thereof is hereby authorized to act as sales agent for the sale or disposal of lost, stolen, confiscated, or abandoned property as such property remains unclaimed and is delivered to the City Manager or a designee thereof by the Chief of Police for sale or disposal pursuant to the provisions of Chapter 9.02 of this code. The sale or disposal of lost, stolen, confiscated, or abandoned property by the City Manager or a designee thereof shall be in accordance with the policies and procedures as hereinafter set forth in this chapter. (Ord. 0-93-26 § 23, 1993; Ord. 0-76-85 § 2 (part), 1976).

3.10.020 DISPOSAL OF UNCLAIMED PROPERTY. Upon delivery by the Chief of Police and receipt by the City Manager or a designee thereof, lost, stolen, confiscated, or abandoned property, and such other property as may be unclaimed, shall be disposed of by the sales agent as follows:

SALE AND DISPOSAL OF ABANDONED PROPERTY

(1) Upon receipt of such property from the Chief of Police, the sales agent shall, within thirty days of receipt, cause to be published in a newspaper of general circulation in the city a public notice describing generally by category or classification those articles of property of an estimated current retail value of less than one hundred dollars. Those articles of property of an estimated current retail value of one hundred dollars or more shall be described specifically. Such public notice shall state that any person who claims to be an owner of or claims any interest in any such property may appear at a location designated by the sales agent and reclaim such property upon presentation of satisfactory proof of identity and ownership.

(2) Any such property may be sold at public sale, provided that the sales agent shall cause to be published in a newspaper of general circulation in the city, a public notice setting forth the time, date and place of sale.

(3) Bicycles, tricycles, articles made for use by children, or clothing may be sold at public sale, or may, in the alternative, be given to poor, needy, or institutionalized persons, as the sales agent may order, by making the same available for distribution to religious, charitable, civic, or other organizations or institutions.

(4) Such property that consists of jewelry, gems, watches, precious metals, or other property having a unique value, or which in the judgment of the sales agent may bring a higher price if sold on sealed bids, may, in the discretion of the sales agent, be sold either a public sale as heretofore provided, or to the highest bidder after solicitation of sealed bids from at least three regular dealers in the particular type of property. Any person desiring to submit a sealed bid may do so. Such bids shall be opened and the property sold to the highest bidder at the time and place specified in such notice, provided, however, that the right to reject any and all bids shall be reserved, and any and all bids may be rejected if deemed too low, or for any other reason.

(5) The city may retain for its own use and benefit that property not claimed. Property of little or no apparent value may be destroyed by the sales agent. When any property of an estimated retail value of fifty dollars or more is retained by the city as provided for in this

SALE AND DISPOSAL OF ABANDONED PROPERTY

section, it shall be added to the city's capital assets inventory. (Ord. 0-93-26 § 24, 1993; Ord. 0-76-85 § 2 (part), 1976).

3.10.030 RECLAIMING PROPERTY. All such property may be reclaimed by the lawful owner upon proof of identity and ownership satisfactory to the sales agent if claimed before donation or sale thereof. (Ord. 0-76-85 § 2 (part), 1976).

3.10.040 FAILURE TO CLAIM PROPERTY. Failure to make claim of ownership within the time limit prescribed in this chapter and Chapter 9.02 and before sale or donation of any article shall forever bar the owner or any person claiming ownership by, through, or under the owner for making any subsequent claim of ownership. (Ord. 0-76-85 § 2 (part), 1976).

3.10.050 PROCEEDS OF SALE. All proceeds of sale shall be paid to the City Treasurer who shall deposit the same in the general fund of the city. (Ord. 0-76-85 § 2 (part), 1976).

SALE AND DISPOSAL OF UNCLAIMED VEHICLES

Chapter 3.11

SALE AND DISPOSAL OF UNCLAIMED VEHICLES

Sections:

- 3.11.010 Notice of impoundment.
- 3.11.020 Sale of unclaimed vehicles—Proceeds.

3.11.010 NOTICE OF IMPOUNDMENT. Whenever a police agent or employee of the City removes a vehicle from a public right of way or private property to the Official Police Garage, the police department shall report the impoundment to the Colorado Department of Revenue, Motor Vehicle Division within three (3) working days of the date the vehicle was impounded. Within five (5) working days after the Colorado Department of Revenue notifies the police department of the last known owner of the vehicle and any lienholder shown in its records, the police department shall send a written notice, by certified mail, to the owner of record and any lienholder. If a vehicle has no license plates affixed thereto, or has out-of-state license plates affixed thereto, and Colorado Department of Revenue has no record of the last known owner of such vehicle, the police department shall contact the state that issued the license plates to determine the last known owner, if any, or shall use the computer resources available to the police department to determine the last known owner, if any, and such person shall be sent a written notice, by certified mail. The notice shall contain the following:

1. The location from which the vehicle was towed and the date of impoundment;
2. The reason for towing and impoundment;
3. The storage location of the impounded vehicle;
4. That failure to claim the vehicle and pay the costs of

SALE AND DISPOSAL OF UNCLAIMED VEHICLES

recovery, towing, and/or storage within thirty (30) days from the date the notice was sent to the owner and any lienholder may result in sale or disposal of the vehicle by the city. (Ord. 0-90-41 § 1 (part), 1990).

3.11.020 SALE OF UNCLAIMED VEHICLES – PROCEEDS. (a) When a vehicle has been stored at the Official Police Garage for a period of thirty (30) days after notice to the owner and any lienholder and no claim of ownership has been made, no right to possession thereof has been established, and no suit or action to determine possession is pending, the City Manager or his designee may dispose of such vehicle as set forth herein.

(b) Any vehicle appraised by the City at a value of less than \$1,000.00 shall become the property of the Official Police Garage in full satisfaction of the costs of recovery, towing, and/or storage for that vehicle and shall discharge the City from further responsibility in connection with the vehicle. Any vehicle valued at \$200.00 or less that becomes the property of the Official Police Garage shall be used only for parts or scrap, and the Official Police Garage shall not be entitled to apply for a title to the State of Colorado for any such vehicle. Any vehicle which becomes the property of the Official Police Garage shall be sold or otherwise disposed of within thirty (30) days after receipt from the City Manager or his designee of a Bill of Sale of Abandoned or Towed Vehicles.

(c) Any vehicle appraised by the City at a value of \$1,000.00 or more shall be sold by the City Manager or his designee at a public auction. The City Manager or his designee may contract with a private firm to conduct such public auction.

(d) After thirty (30) days from the date of the notice mailed to the owner and any lienholder, the City Manager or his designee shall cause a notice of sale to be published describing the

SALE AND DISPOSAL OF UNCLAIMED VEHICLES

vehicle to be sold, the names of all persons, if any, known to claim an interest in the vehicle, and the time and place of the sale. The notice of sale shall be published at least once in a newspaper of general circulation within the City. The sale shall be held not less than ten (10) days from the date of the first publication.

(e) All reasonable costs of recovery, towing, and/or storage, and expenses of notice and sale incurred by the City shall be recovered from the proceeds of the sale. The balance of the proceeds, if any, shall be paid into the general fund of the City.

(f) The City Manager or his designee shall issue a written bill of sale without warranty to the purchaser of a vehicle.

(g) When any vehicle is offered for sale at public auction and no bid is offered for the vehicle, the City Manager or his designee shall declare the vehicle to be sold to the City for the amount of the costs to the City for recovery, towing, storage, notice and sale of such vehicle. The vehicle shall then become the property of the city for the sole benefit and use of the City.

(h) There shall be no right to redemption from any sale made pursuant to the terms of this section, nor shall the City or any officer, agent or employee thereof be liable for failure to deliver such vehicle to any person other than the purchaser at such sale. (Ord. 0-90-41 § 1 (part), 1990).

SPECIAL IMPROVEMENT DISTRICT

Chapter 3.16

SPECIAL IMPROVEMENT DISTRICT ASSESSMENT POLICIES

Sections:

- 3.16.010 General.
- 3.16.020 Criteria for use.
- 3.16.030 Criteria for initiation.
- 3.16.040 Initiation—Method.
- 3.16.050 Notice and hearing procedures.
- 3.16.060 Polls—Purpose and effect.
- 3.16.070 Assessment calendar—Effect.
- 3.16.080 Cost responsibilities—Guidelines—General.
- 3.16.090 Cost responsibilities—City participation—Criteria.
- 3.16.100 Cost responsibilities—Street improvements.
- 3.16.110 Cost responsibilities—Paved street rebuild.
- 3.16.120 Cost responsibilities—Drainage improvements.

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- 3.16.130 Cost responsibilities—Sidewalks and bikepaths.
- 3.16.140 Cost responsibilities—Street lighting.
- 3.16.150 Cost responsibilities—Miscellaneous improvements.
- 3.16.160 Cost responsibilities—Guideline use.
- 3.16.170 Cost apportionment.
- 3.16.180 Payment—Methods.
- 3.16.190 Bond requirements—Surplus and deficiency fund establishment.
- 3.16.200 Hardship situations—Relief.
- 3.16.210 Design and construction standards—Compliance required.

3.16.010 GENERAL. The city shall follow the policies and procedures set out in this chapter in establishing special assessment improvement districts within the community. (Res. 76-235 § 1 (part), 1976).

3.16.020 CRITERIA FOR USE. (a) A special improvement district may be considered as a means of financing all, or any designated portion of, the cost of any public improvement authorized by statute where special benefits accrue to certain properties as a result of the proposed improvement.

(b) The portion of the cost of any public improvement to be assessed to specially benefited properties shall be proportionate to the special benefit received by those properties. (Res. 76-235 § 1(I), 1976).

3.16.030 CRITERIA FOR INITIATION. (a) A special improvement district may be considered for initiation when any of the following conditions are evident:

- (1) There is an expressed desire for the improvement by owners of assessable properties;
- (2) There is a history of excessive maintenance costs or

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requirements that could be eliminated or reduced by the proposed improvement;

(3) A nuisance or hazard exists which could be corrected by the proposed improvement;

(4) The proposed improvement would provide for a logical extension of existing or proposed public improvements and avoid the creation of conditions as referred to in (2) and (3) above.

(b) No specific percentage of support or opposition is required to initiate or terminate a special improvement district. The City Council will make a determination in this respect based on a review of the above factors as may pertain to each proposed special improvement district along with input as may be received from owners of the affected properties. (Res. 76-235 § 1(II), 1976).

3.16.040 INITIATION – METHOD. (a) All special improvement districts will be initiated by resolution of City Council in accordance with Section 31-25-503(1)(d) of the Colorado Revised Statutes 1973 (1975 Supp.)

(b) Special improvement districts shall not be initiated through the petitioning process as provided in Section 31-25-503(1)(b) of the Colorado Revised Statutes 1973 (1975 Supp.) (Res. 76-235 § 1(III), 1976).

3.16.050 NOTICE AND HEARING PROCEDURES. (a) Notice and public hearing for each proposed special improvement district shall be held in accordance with Part 5 of Article 25 of Title 31 of the Colorado Revised Statutes 1973 (1975 Supp.). The following is the procedure to be taken before the City Council:

(1) Adoption of resolution of intent to create special improvement districts.

(2) Public hearing on proposed creation of special

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improvement districts.

(3) Adoption of ordinance creating special improvement districts.

(4) Award of contract for construction.

(5) Adoption of bond sale resolution and ordinance.

(6) Adoption of resolution accepting improvements.

(7) Public hearing on proposed assessment levies.

(8) Adoption of ordinance levying assessments.

Public notice of each of these actions will be made when statutorily required by placement of such public notice in a newspaper of general circulation.

(b) It is the intent of the city that owners of all properties potentially affected by a special improvement district be given full and adequate notice of all relevant proceedings associated with the proposed project. Toward this end, each property owner of record within a proposed special improvement district will receive advance notice by first class mail of proceedings referred to in items 1, 2, 3, 6, 7, and 8 above along with pertinent information relative to these items.

(c) In addition to subsection (a) of this section, informal public meetings will be held with owners of all properties potentially affected by a special improvement district prior to the initiation of formal proceedings. Where possible, advance mailings and public advertisement will also be made of these meetings. (Res. 76-235 § 1(IV), 1976).

3.16.060 POLLS – PURPOSE AND EFFECT. Polls will be made by first class mail and public notice prior to the public hearing on the creation of each special improvement district in order to determine opposition to the proposed project by owners of affected properties. Such polls are for informational purposes only and have no binding effect on the creation or noncreation of a special improvement district. (Res. 76-235 § 1(V), 1976).

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3.16.070 ASSESSMENT CALENDAR – EFFECT. Administrative requirements and minimum bonding limitations necessitate the initiation and implementation of special improvement districts on a group basis according to an annual calendar. On the basis of this calendar, a special improvement district must be initiated by introduction of an ordinance creating the district on first reading no later than October in order for construction to take place the following summer. An annual assessment calendar will be maintained for this purpose and all special improvement districts will be required to follow such calendar requirements. Special improvement districts falling outside the calendar requirements must be held over until a new annual calendar is initiated. (Res. 76-235 § 1(VI), 1976).

3.16.080 COST RESPONSIBILITIES – GUIDELINES – GENERAL. (a) To the extent practical, the City Council will apply guidelines on cost responsibilities for all improvements accomplished through special improvement districts.

(b) The intent of these cost responsibility guidelines is to:

(1) Insure consistent and equitable treatment of assessed properties among various special improvement districts for like improvements;

(2) Provide for specially benefitted properties to be assessed proportionately to benefit received. (Res. 76-235 § 1(VII)(A), (B), 1976).

3.16.090 COST RESPONSIBILITIES – CITY PARTICIPATION – CRITERIA. City participation in the cost of special improvement districts will be considered only where:

(1) General benefit to the community at large will accrue from the improvement;

(2) Sufficient budgeted funds exist to allow such participation;

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(3) Such funds are not needed for a project of greater general benefit to the community at large. (Res. 76-235 § 1 (VII)(C), 1976).

3.16.100 COST RESPONSIBILITIES – STREET IMPROVEMENTS. Cost responsibilities for street improvements accomplished through special improvement districts shall be as follows:

Functional Classification	EXISTING DEVELOPMENT		NEW DEVELOPMENT*	
	Property Owner	City	Property Owner	City
Local Streets				
All Zoning Categories	100%	0%	100%	0%
Major and Collector Streets:				
R-1, R-1A, R-1B, R-2, C-0, A-1, A-2, Zoning Categories	0%	100%	100% up to Collector Street Equivalent**	Excess over Collector Street Equivalent
All Other Zoning Categories	Up to 100% Collector Street Equivalent*	Excess	100% up to Collector Street Equivalent***	Excess over Collector Street Equivalent

*New Development encompasses areas where special improvement districts are initiated as a result of the land subdivision, or building permit and construction process.

**This is an optional assessment dependent upon an evaluation of benefit; factors such as overall impact, access and so forth will be taken into consideration in determining assessments to these properties.

***All rights-of-way must be provided by the developer and will not be included in cost sharing computations.

(Res. 76-235 § 1(VII)(D), 1976).

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3.16.110 COST RESPONSIBILITIES – PAVED STREET REBUILD. Where an existing paved street facility or portion thereof must be rebuilt in connection with a special improvement district, the cost of the portions rebuilt may be shared equally between the city and assessed properties up to the equivalent of the facility that existed prior to such rebuild for R-1, R-1A, R-1B, R-2, C-O, A-1, and A-2 zoning categories with the remaining improvements being assessable in accordance with Section 3.16.100 of this chapter. For all other zoning categories all rebuild costs normally will be assessed in accordance with Section 3.16.100 of this chapter. (Res. 76-235 § 1(VII)(E), 1976).

3.16.120 COST RESPONSIBILITIES – DRAINAGE IMPROVEMENTS. Cost responsibilities for drainage improvements accomplished through special improvement districts shall be as follows:

Functional Classification	EXISTING DEVELOPMENT		NEW DEVELOPMENT	
	Property Owner	City	Property Owner	City
Local	100%	0%	100%	0%
Major and Trunk*	100% up to local facility equivalent*	Excess	100%	0%*

*Local facility equivalents shall be determined by an evaluation of tributary flows within the area to be assessed as compared to outside the area to be assessed; with the city bearing a pro rata cost equivalent of tributary flows outside the assessed area; cost responsibilities for off-area extensions necessary for flow accommodation purposes shall be made on this same basis.

(Res. 76-235 § 1(VII)(F), 1976).

3.16.130 COST RESPONSIBILITIES – SIDEWALKS AND BIKEPATHS. Where special improvement districts are used to

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finance sidewalk and bikepath improvements, standard sidewalk widths shall be one hundred percent assessable. Where extra width is required for combination sidewalks and bikeways, the city shall be responsible for a pro rata share of the cost of the extra width, except for new developments where the entire cost will be assessed. (Res. 76-235 § 1(VII)(G), 1976).

3.16.140 COST RESPONSIBILITIES – STREET LIGHTING. Where special improvement districts are used to finance street lighting, costs for underground wiring and ornamental poles will be one hundred percent assessable. (Res. 76-235 § 1(VII)(H), 1976).

3.16.150 COST RESPONSIBILITIES – MISCELLANEOUS IMPROVEMENTS. The city may define cost responsibility guidelines for other types of special improvement district projects from time to time. (Res. 76-235 § 1(VII)(I), 1976).

3.16.160 COST RESPONSIBILITIES – GUIDELINE USE. It is the intent of the city that all property-assessable costs associated with a special improvement district be included for assessment purposes according to the guidelines set out in Sections 3.16.100 through 3.16.150 of this chapter. (Res. 76-235 § 1(VIII), 1976).

3.16.170 COST APPORTIONMENT. (a) Assessment costs are to be apportioned among assessable properties on the basis of proportionate benefits to the property received from an improvement.

(b) It is the intent of the city to arrive at an apportionment formula which best fits the conditions of a special improvement district under consideration while accomplishing the apportionment required by subsection (a) of this section. This

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will require various methods of apportionment to be used from time to time.

(c) Normally assessment apportionments will be based on one of the following criteria:

- (1) Abutting footage,
- (2) Area within the special improvement district boundaries,
- (3) Lots or units within the special improvement district boundaries,
- (4) Combinations of the above. (Res. 76-235 § 1(IX), 1976).

3.16.180 PAYMENT – METHODS. (a) Providing bonds are utilized, property assessments may be paid on an installment basis over a period of up to twelve years.

(b) Full assessments may be paid on a lump sum basis at any time with appropriate interest adjustments.

(c) Full assessments paid within thirty days of final publication of the assessing ordinance will receive a discount of five percent. (Res. 76-235 § 1(X), 1976).

3.16.190 BOND REQUIREMENTS – SURPLUS AND DEFICIENCY FUND ESTABLISHMENT. (a) All special improvement district improvements will be funded through the sale of special assessment bonds with the exception of city cost-sharing monies.

(b) The minimum amount of funding required for bonding purposes will be one hundred fifty thousand dollars.

(c) Where a special improvement district does not involve at least one hundred fifty thousand dollars in assessable costs, it must be joined with another special improvement district or special improvement districts. Individual special improvement districts will not be created until this minimum funding amount is achieved.

(d) A surplus and deficiency fund is to be established to insure coverage for assessment bond defaults. This fund is to be

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sustained by rounding special assessment bond interest rates upward to the nearest one-half percent; or, if less than one-fourth percent increase is involved, to the nearest one-fourth percent providing for a minimum of one-fourth percent increase over the interest rate paid on the special assessment bonds; such surpluses to be earmarked for this fund. (Res. 76-235 § 1(XI), 1976).

3.16.200 **HARDSHIP SITUATIONS – RELIEF.** It is the intent of the city to offer relief to hardship situations brought about by the creation of special improvement districts and subsequent assessment levies on property owners with low incomes. Such relief is to be provided through an assessment rebate procedure wherein qualifying property owners may be reimbursed for their assessments on an annual basis. Qualifications are to be based on applications outlining asset levels and matched with a sliding rebate schedule adopted annually by the city. Low income assistance shall be made available on an annual installment basis only and not for lump sum payments. (Res. 76-235 § 1(XII), 1976).

3.16.210 **DESIGN AND CONSTRUCTION STANDARDS – COMPLIANCE REQUIRED.** All public improvements accomplished through special improvement districts shall be designed and constructed in full accordance with the city's applicable minimum design standards. These guidelines set forth minimum standards required to allow such facilities to function in a safe and proper manner and without undue maintenance and operating costs or requirements accruing to the city. The fact that they are being provided through the special improvement district process does not remove the need for adequate design in this respect. (Res. 76-235 § 1(XIII), 1976).

FUNDS

Chapter 3.24

FUNDS

Sections:

- 3.24.010 Investment authority.
- 3.24.020 Self-insurance funds established.
- 3.24.030 Self-insurance funds—Funding.
- 3.24.040 Self-insurance funds—Expenditure.
- 3.24.050 Self-insurance fund—Compromise, settlement authority.
- 3.24.051 Self-insurance reserve fund—Fund transfer authority.
- 3.24.052 Self-insurance reserve fund—Fund transfer authority.
- 3.24.054 Self-insurance reserve fund—Payment of claims.
- 3.24.055 Self-insurance reserve funds—Claims payment accounts.
- 3.24.056 Self-insurance reserve funds—Personnel.
- 3.24.057 Self-insurance reserve fund—Safety program.
- 3.24.060 Water acquisition fund—Established.
- 3.24.070 Water acquisition fund—Expenditure.
- 3.24.080 Water acquisition fund—City Manager's responsibility.

3.24.010 INVESTMENT AUTHORITY. (a) The City Treasurer is authorized to invest municipal funds coming into his possession in bonds and other obligations of the following federal agencies:

Federal National Mortgage Association,
Federal Home Loan Banks,
Federal Land Banks,
Farm Credit Administration,
Banks for Cooperatives,
Intermediate Credit Banks.

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(b) In investing municipal funds in such agencies, the City Treasurer shall comply in all respects with the applicable statutes of the state of Colorado. (Res. 76-174 §§ 1, 2, 1976).

3.24.020 SELF INSURANCE FUNDS ESTABLISHED. The City shall maintain two funds as part of the overall self-insurance program. These funds are entitled the "Property Casualty Self-Insurance Fund" and the "Workers' Compensation Self-Insurance Fund." The purpose of these Funds shall include, but not be limited to, payment of claims, administrative expenses, legal expenses and payment for prevention efforts. (Ord. 0-92-12 § 1, 1992).

3.24.030 SELF-INSURANCE FUNDS — FUNDING. Upon direction of the City Manager, through the budgeting process, the Finance Director is authorized to transfer from the General Fund the budget amounts to the Property and Casualty and Workers' Compensation Self-Insurance Funds. (Ord. 0-92-12 § 2, 1992).

3.24.040 SELF-INSURANCE FUNDS — EXPENDITURE. The Finance Director, is authorized to make such payments from the self-insurance funds as may be necessary to pay premiums, claims, judgements, settlements, legal fees and any other self-insurance related program expenses, at the direction of the City Manager. (Ord. 0-92-12 § 3, 1992).

3.24.050 SELF-INSURANCE FUND — COMPROMISE, SETTLEMENT AUTHORITY. The City Manager, in consultation with appropriate staff, is authorized to approve compromises and settlements not to exceed the property and casualty program self-insured retention. The City Manager has the authority to delegate portions of this settlement authority to the Risk Manager, and Director of Employee Relations as appropriate. (Ord. 0-92-12 § 4, 1992).

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3.24.051 SELF-INSURANCE RESERVE FUND — FUND TRANSFER AUTHORITY. The City Manager is authorized to transfer funds from the General Fund to the Self-Insurance Reserve Fund for Workers' Compensation, as per the approved budget. (Ord. 0-92-12 § 5, 1992).

3.24.052 SELF-INSURANCE RESERVE FUND — FUND TRANSFER AUTHORITY. The City Manager is authorized to transfer funds from the general fund to the Self-Insurance Reserve Fund. (Ord. 0-86-91 § 2, 1986).

3.24.054 SELF-INSURANCE RESERVE FUND — PAYMENT OF CLAIMS. Claims shall be paid out of the city's Self-Insurance Reserve Fund as provided for under the Colorado Workmen's Compensation Act, C.R.S. 8-40-101, et seq., without need of authorization of City Council. Claims shall be paid to claimants by the third-party claims administrator from a Claims Payment Account established for that purpose. The third-party claims administrator shall have the authority to pay any claim up to and including two thousand five hundred dollars. Claims between two thousand five hundred one dollars and ten thousand dollars shall be paid by the third-party claims administrator after receiving approval from the Director of the Department of Employee Relations. Claims above ten thousand one dollars shall be paid by the third-party claims administrator after approval of the City Manager. (Ord. 0-93-26 § 26, 1993; Ord. 0-86-91 § 5, 1986).

3.24.055 SELF-INSURANCE RESERVE FUNDS — CLAIMS PAYMENT ACCOUNTS. The City Manager is authorized to establish claims payment accounts with designated third-party administrators as required for the timely payment of claims against the City. (Ord. 0-92-12 § 6, 1992).

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3.24.056 SELF-INSURANCE RESERVE FUNDS — PERSONNEL. The City Manager is authorized to employ necessary personnel to administer the City's self-insurance program and the reserve funds that are part of that program. (Ord. 0-92-12 § 7, 1992).

3.24.057 SELF-INSURANCE RESERVE FUND — SAFETY PROGRAM. The City Manager is authorized to establish a safety program to aid in decreasing the number of job-related injuries and hazards to the employees of the city of Lakewood. (Ord. 0-86-91 § 8, 1986).

3.24.060 WATER ACQUISITION FUND —

FUNDS

ESTABLISHED. There is established a water acquisition fund, for the purpose of acquiring, whether by lease, purchase or otherwise, water and water rights for municipal purposes and for the payment of incidental and necessary expenses in and in connection with such acquisitions, including but not limited to brokers' commissions, attorneys' and engineers' fees, and other costs and expenses. (Ord. 0-82-84 § 1, 1982; Ord. 0-76-63 § 1, 1976).

3.24.070 WATER ACQUISITION FUND – EXPENDITURE. The City Manager is authorized to expend such sums from the water acquisition fund as may be necessary or proper, in his judgment, to acquire water and water rights, whether by lease, purchase or otherwise, from time to time, and for the payment of necessary and incidental expenses in or in connection therewith, including but not limited to engineering fees and costs, attorneys' fees, brokerage fees and commissions, and such other costs and expenses of acquisition as may seem to him necessary or proper in connection therewith. The Treasurer and Director of Finance are authorized to make payments, from time to time, from the fund for such purposes at the direction of the City Manager. (Ord. 0-76-63 § 3, 1976).

3.24.080 WATER ACQUISITION FUND – CITY ADMINISTRATOR'S RESPONSIBILITY. The City Council finds and declares that in the acquisition of water and water rights it is not always possible, desirable or feasible to take all title curative and other steps which might be necessary to assure the complete perfection of title, nor is it always possible to be certain of the amount of water available for application to a changed use or at a different place, without jeopardizing the ability to acquire the same. The City Manager is therefore authorized to use his best judgment to determine the extent to

ECONOMIC DEVELOPMENT INCENTIVE FUND

which the perfection of title, or completeness of title examination, or assurance of title, or assurance of convertibility of acquired water rights in terms of consumptive use factor and applicability to a changed use or in a changed location may be assured, and to acquire water and water rights upon such basis as a reasonably prudent man acquiring rights for himself would act. In so doing, the City Manager is relieved from any liability for title failure, mistake in judgment, or responsibility for any erroneous assessment of the convertibility of the acquired right or rights to the uses of the city, when he has acted in good faith upon the best advice available to him at the time, and in the exercise of his best judgment. (Ord. 0-76-63 § 4, 1976).

Chapter 3.26

ECONOMIC DEVELOPMENT INCENTIVE FUND

Sections:

- 3.26.010 Establishment and purpose.
- 3.26.020 Definitions.
- 3.26.030 Funding.
- 3.26.040 Authorized expenditures.
- 3.26.050 Procedural rules and regulations.
- 3.26.060 Criteria.

3.26.010 ESTABLISHMENT AND PURPOSE. (a) There is hereby established a Special Fund to be known as the Economic Development Fund ("EDF"). The purpose of said Fund shall be to provide funds from the City to further the economic development goals of the City by providing financial assistance to projects attracting enterprises that City Council

ECONOMIC DEVELOPMENT INCENTIVE FUND

determines will further the accomplishment of the City's economic goals. The economic development goals of the program include efforts to expand the City's tax base, promote development that will enhance the physical and economic environment of the City, provide permanent jobs and skilled labor availability, services, and products within the City thereby improving employment opportunities for the residents of the City of Lakewood, foster revitalization of physically deteriorating areas, promote development that will have a net positive impact on City revenues, and produce a positive impact upon the community as a whole.

(b) The granting of financial assistance is determined to be a public purpose. Specifically, such assistance protects the public welfare by promoting and fostering the growth of the City's economic base which in turn has positive effects by generating jobs, increasing the tax base, services and products produced by the private sector, encouraging and providing for the vitality of residential areas and of commercial and industrial businesses within the City, as well as providing increased opportunities for employment for the residents of the City and enabling the City to carry forward its functions in the preservation of the health, safety and welfare of the citizens and residents of the City, all of which have a net positive impact on City revenues, and, in general, improve the quality of life in the City.

(c) The City Council specifically finds and determines that creation of the Economic Development Fund is consistent with the City's powers as a home rule municipal corporation and that exercise of said powers in the manner set forth herein is in furtherance of the public health, safety and welfare. Notwithstanding any provisions hereof, the City shall never be a joint venture in any private entity or activity which participates in the Economic Development Fund, and the City shall never be liable or responsible for any debt or obligation of any participant

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in the Economic Development Fund. The City Council hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City of Lakewood, that it is promulgated for the health, safety and welfare of the public, and that the ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained. (Ord. 0-89-58 § 1, 1989: Ord. 0-85-54 § 1 (part), 1985).

3.26.020 DEFINITIONS. For the purpose of this chapter, the following words and terms shall be defined as follows:

(1) "City Engineer" means the City Engineer, or his designee;

(2) "City Manager" means the City Manager, or his designee;

(3) "Fund" means the Economic Development Fund created herein; and

(4) "Department of Economic Development" means the department of the City created to assist the City Council and the City Manager to develop and implement programs for the promotions of economic development in the City. (Ord. 0-89-58 § 2, 1989: Ord. 0-85-54 § 1 (part), 1985).

3.26.030 FUNDING. (a) The Fund shall be funded by transfer of revenues derived from the tax levied on hotel and motel accommodations within the City.

(b) The Fund may also be supplementally funded by City Council at its discretion. (Ord. 0-89-58 § 3, 1989: 0-85-54 § 1 (part), 1985).

3.26.040 AUTHORIZED EXPENDITURES. (a) Money from the Fund shall be used to provide financial assistance

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to business enterprises located or to be located within the corporate limits of the City of Lakewood, whose proposals for financial assistance have been approved by the City Council.

(b) Such assistance shall be granted under such terms and conditions as may be authorized by the City Council, pursuant to procedures described in Section 3.26.050 herein.

(c) For projects which involve the construction of physical public improvements, the amount of financial assistance shall be related to the costs of constructing public improvements as determined necessary pursuant to Chapter 14.13 of the Lakewood Municipal Code, to support the development project the applicant is undertaking. The City may pay for all, or only a portion, of said public improvements, at its complete discretion. The maximum amount of financial assistance, however, shall be less than or equal to the estimate of the cost of public improvements, said estimate to be provided by a Professional Engineer registered in the State of Colorado, retained by the applicant and satisfactory to the City Engineer.

(d) For projects which involve the revitalizations of physically deteriorating areas, the amount of financial assistance shall be related to the actual costs of renovation and enhancement. The City may provide financial assistance for some or all of said costs at its complete discretion. The maximum amount of financial assistance, however, shall be less than or equal to the estimate of such actual costs, said estimate to be provided by a Professional Engineer registered in the State of Colorado, retained by the applicant and satisfactory to the City Engineer.

(e) For projects described in Sections 3.26.040(c) and (d), moneys from the Fund shall be strictly limited to uses which are public or public-related in nature. For purposes of the Fund, public or public-related purposes shall mean public improvements, including but not limited to streets, sidewalks, curbs, gutters, pedestrian malls, street lights, drainage facilities,

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landscaping, decorative structures, statuary, fountains, identification signs, traffic safety devices, bicycle paths, off-street parking facilities, benches, restrooms, information booths, public meeting facilities, and all necessary, incidental, and appurtenant structures and improvements, together with the relocation and improvement of existing utility lines, and any other improvements of a similar nature which are specifically approved by the City Council upon the City Council's finding that said improvements are public or public-related improvements.

(f) For projects which involve the creation of new jobs for the residents of the City through relocation of new businesses or industries or the expansion of existing firms, the amount of financial assistance shall be related to the actual costs of job-specific, start-up training programs necessary to provide job-applicants with the specific job skills appropriate to the newly-created employment opportunities. The City may provide financial assistance for some or all of said costs at its complete discretion. The maximum amount of financial assistance, however, shall be less than or equal to the verification of such actual costs, said verification to be determined by guidelines promulgated by the City Manager.

(g) Money from the Fund shall be used to support operations and staff salaries for the office of Economic Development under an operational budget and guidelines promulgated by the City Manager and approved by the City Council in the manner for budgetary approval provided in the Municipal Code.

(h) The City Council may authorize expenditures from the Fund for the promotion of tourism and other services or programs related to attracting visitors to the City of Lakewood.

(i) The City Council may, in its discretion, accomplish the purposes outlined in this chapter in cooperation with other

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local, state or federal entities or agencies through direct or participatory funding mechanisms approved by the City Council.

(j) In addition to the projects specifically identified in this Chapter, the City Council may authorize expenditures from the Fund for projects which, in its judgment, advance the economic development goals of the City. Such projects may include, but are not limited to, economic studies, engineering studies, studies concerning the design and construction of public and public-related improvements and studies and activities related to the promotion of tourism and attraction of new businesses and industries into the City. (Ord. 0-89-58 § 4, 1989; Ord. 0-87-78 § 1, 1987; Ord. 0-87-65 § 1, 1987; Ord. 0-85-54 § 1 (part), 1985).

3.26.050 PROCEDURAL RULES AND REGULATIONS.

The following procedure shall be followed in considering requests for assistance from the Fund:

(1) The City Manager shall analyze the request for conformance with the criteria established pursuant to this Chapter.

(2) The City Manager shall forward the request to the City Council together with a recommendation regarding financial assistance for the project, which shall include suggested terms of participation.

(3) The City Council may subsequently direct the City Manager to develop an agreement between the applicant and the City or a cooperating local, state or federal entity or agency which embodies such terms and conditions as the City Council deems appropriate for the disbursement of moneys from the Fund.

(4) The Council may authorize, by resolution, the City Manager to execute such agreement on behalf of the City.

(5) The City Manager is authorized to promulgate

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administrative regulations to implement provisions contained herein applicable to the Economic Development Fund. (Ord. 0-89-58 § 5, 1989; Ord. 0-85-54 § 1 (part), 1985).

3.26.060 CRITERIA. In addition to criteria established elsewhere in this Chapter, all requests for assistance from the Fund shall be evaluated according to criteria related to the City's economic development goals as promulgated by the City Manager. (Ord. 0-89-58 § 6, 1989; Ord. 0-85-54 § 1 (part), 1985).

MEDICAL DISABILITY BENEFIT TRUST FUND

Chapter 3.28

LAKWOOD MEDICAL AND WEEKLY DISABILITY BENEFIT TRUST FUND

Sections:

- 3.28.010 Established.
- 3.28.020 Authority.
- 3.28.030 Transfer of funds.
- 3.28.040 Payments.

3.28.010 ESTABLISHED. The City Council establishes the Lakewood medical and weekly disability benefit trust fund and designates the City Manager, the City Treasurer and Director of Finance as trustees for the purpose of transferring, holding, and expending the contributions of the city and its eligible employees under the medical and weekly disability benefit program. (Ord. 0-78-124 § 1, 1978).

3.28.020 AUTHORITY. The City Manager, the Director of Finance and City Treasurer are authorized to enter into a trust agreement in form approved by the City Attorney for the purpose of safeguarding the funds contributed thereto and making such payments from the Lakewood medical and weekly disability benefit trust fund as may be necessary to pay claims, actuarial consultant's fees, legal fees, administration fees, and other related expenses involved in this self-funded program. (Ord. 0-78-124 § 2, 1978).

3.28.030 TRANSFER OF FUNDS. The City Treasurer is authorized and directed to transfer from the general fund of the city to the Lakewood medical and weekly disability benefit trust fund a monthly amount to be determined by the City

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Manager. Funding of the city's contribution to the medical and weekly disability benefit program in subsequent years shall be pursuant to budget and appropriation. (Ord. 0-78-124 § 3, 1978).

3.28.040 PAYMENTS. The City Treasurer is authorized and directed to pay over to the Lakewood medical and weekly disability benefit trust fund all contributions by the city's employees attributable to the medical and weekly disability benefit program. (Ord. 0-78-124 § 4, 1978).

Chapter 3.29

ANNEXATION IMPROVEMENTS FUND

Sections:

- 3.29.010 Establishment.
- 3.29.020 Purpose.
- 3.29.030 Definitions.
- 3.29.040 Eligibility to receive monies.
- 3.29.050 Public purpose.
- 3.29.060 Annual disbursements.
- 3.29.070 Accounting system.
- 3.29.080 Approval by city council—Criteria.

3.29.010 ESTABLISHMENT. There is hereby established a special fund of the City of Lakewood to be known as the Annexation Improvements Fund. (Ord. 0-90-46 § 1 (part), 1990).

3.29.020 PURPOSE. The Annexation Improvements Fund shall be a special fund consisting of no revenue other

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than a portion of the sales taxes generated and collected from certain Annexed Property. The Fund shall be used to reimburse an Annexor for all or part of the public or public-related improvements constructed by an Annexor as specifically set out in an Annexation Agreement with an Annexor. The City Council specifically finds and determines that creation of the Annexation Improvements Fund is consistent with the City's powers as a home rule municipal corporation, and that exercise of said powers in the manner set forth herein is in furtherance of the public health, safety and welfare. Notwithstanding any provision hereof, the City shall never be a joint venturer in any private entity or activity which participates in the Annexation Improvements Fund, and the City shall never be liable or responsible for any debt or obligation of any Annexor participating in the Annexation Improvements Fund. (Ord. 0-90-46 § 1 (part), 1990).

3.29.030 DEFINITIONS. (a) As used in this Chapter 3.29, and all sections thereof, the following phrases shall have the following meanings: (i) "Administrative Costs" means all engineering, legal, financing and other reasonable costs of a similar nature associated with the construction or installation of public or public-related improvements; (ii) "Annexation Agreement" means an agreement between the City of Lakewood and an Annexor setting forth the terms and conditions by which an Annexor's Property is or was annexed to the City; (iii) "Annexed Property" means that property annexed to the City of Lakewood pursuant to an Annexation Agreement; (iv) "Annexor" means a person or persons or entity that has entered into an Annexation Agreement with the City of Lakewood; and (v) "Fund" means the Annexation Improvements Fund created by the provisions of this Chapter 3.29. (Ord. 0-90-46 § 1 (part), 1990).

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3.29.040 ELIGIBILITY TO RECEIVE MONIES. Eligibility to receive monies from the Fund shall be based upon approval by the City Council, exercising its legislative discretion in good faith. Any Annexor of a retail sales tax generating business or location, or the Annexor of property where a proposed retail sales tax generating business will be located, may receive monies from the Fund for constructing public or public-related improvements only if such agreement is specifically stated in an Annexation Agreement and sales tax revenues are generated from the Annexed Property. (Ord. 0-90-46 § 1 (part), 1990).

3.29.050 PUBLIC PURPOSE. The uses to which the monies from said Fund may be put by an Annexor shall be strictly limited to those which are public or public-related in nature. Excess monies in the Fund may be transferred by the City from time to time to the City's General Fund. In this Chapter 3.29, public or public-related improvements shall mean improvements, including but not limited to streets of all types, sidewalks, curbs, gutters, asphalt pavement, concrete pavement, survey monuments, pavement striping, rights-of-way, easements, access rights, construction plans, medians, bridges, pedestrian malls, street lights, on-site and off-site drainage facilities, water lines, sanitary sewer lines, landscaping, decorative structures, statuaries, fountains, identification signs, traffic safety devices, pedestrian/bicycle paths, off-street parking facilities, benches, restrooms, information booths, public meeting facilities, parks, open space, hazardous waste cleanup, historic renovation, facades, demolition, excavation, and renovation of public or public-related improvements, and all necessary, incidental, and appurtenant structures and improvements, together with the relocation and improvement of existing utility lines, and Administrative Costs (provided that the reimbursement of such

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Administrative Costs shall be limited to twenty percent (20%) of the total cost of the project), and any other improvements of a similar nature which are specifically approved by the City Council upon a finding by the Council that the improvements are public or public-related improvements, and that such improvements shall enhance the competitive position of the Annexor within the Denver metropolitan area marketplace. (Ord. 0-90-46 § 1 (part), 1990).

3.29.060 ANNUAL DISBURSEMENTS. Disbursements to the Annexor from the Fund shall be determined on an annual basis for actual expenditures for improvements unless otherwise provided in the Annexation Agreement. Payment of the annual amount shall be due on February 15 of the year following the year within which such expenditures were made unless otherwise provided in the Annexation Agreement. Except for Administrative Costs, as a condition precedent to reimbursement from the Fund the Annexor must submit copies of at least three (3) bids and certify to the City that the work was performed by the lowest responsible bidder. Then, upon presentation to the City of receipts or proof of payment in form satisfactory to the City evidencing payment for authorized public improvements, the Annexor shall be eligible for reimbursement from the Fund. (Ord. 0-90-46 § 1 (part), 1990).

3.29.070 ACCOUNTING SYSTEM. The City Council has determined that existing sources of city sales tax revenues shall not be used, impaired, or otherwise affected by the Fund. It shall be the affirmative duty of the Director of Finance of the City of Lakewood to collect all sales taxes generated from the Annexed Property and deposit all but those portions of such taxes expressly excluded by the Annexation Agreement in the

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Annexation Improvements Fund as a special fund apart from the sales tax generated by and collected from other sales tax generating uses and businesses within the City. The Director of Finance shall provide an accounting system which accomplishes the purpose of this Section. It is conclusively stated by the City Council that this Chapter 3.29 would not be adopted or implemented but for the provisions of this Section 3.29.070. Should the registered electors of the City vote to increase the City sales tax, such increase may not be deposited in the Annexation Improvements Fund for any property annexed prior to such increase. (Ord. 0-90-46 § 1 (part), 1990).

3.29.080 APPROVAL BY CITY COUNCIL – CRITERIA.

(a) The City Council shall consider the following criteria in determining whether to approve participation in the Fund by an Annexor:

(1) The amount of sales tax which is reasonably expected to be derived by the City through new retail sales tax generating business within the Annexed Property;

(2) The public benefits which are provided by the Annexor, including, but not limited to, additional public or public-related improvements, additional employment for residents, and other identifiable public benefits;

(3) The amount of expenditures on public improvements which may be deferred by the City based upon public or public-related improvements to be constructed by the Annexor;

(4) Conformance of the Annexation Agreement with the requirements of Section 3.29.090. (Ord. 0-90-46 § 1 (part), 1990).

3.29.090 ANNEXATION AGREEMENT – CONTENTS.

(a) An Annexation Agreement may describe public or public-related improvements to be constructed by the Annexor and

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the amount the Annexor may be reimbursed for such construction from the sales tax derived from the Annexed Property; provided, however, that the Annexor may use said amount only for the public or public-related improvements which are expressly stated in the Annexation Agreement. If the City Council approves the use of Fund monies for construction of public or public-related improvements contained in an Annexation Agreement, a separate public improvements agreement between the Annexor and the City may still be required in conformance with the ordinances and procedures of the City. Each Annexation Agreement shall at a minimum contain:

(1) A list of those public or public-related improvements for which the Annexor shall receive reimbursement from the Fund, and the amount which the Annexor shall receive as reimbursement from the Fund for such public or public-related improvements;

(2) The maximum amount of sales taxes to be shared, and the maximum time during which sharing shall continue, it being expressly understood that any such agreement to share shall expire and be of no further force and effect upon the occurrence of the earlier to occur of the lapse of the maximum time of the agreement (whether or not the maximum amount to be shared has been reached) or the expenditure of the maximum amount to be shared (whether or not the maximum time set forth has expired); and

(3) An affirmative statement that the obligations, benefits, and/or provisions of said agreement may not be assigned in whole or in any part without the express authorization of the City Council and further that no third party shall be entitled to rely upon or enforce any provision of the agreement.

(b) An Annexation Agreement may provide for a service extension charge to the Annexor for costs incurred in extending

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municipal services to the Annexed Property. In the event such a service extension is established, sales taxes received from the property must exceed the amount of the service extension charge before reimbursement may be made for the public or public-related improvements.

(c) Any Annexation Agreements entered into prior to July 1, 1990, shall be given full force and effect notwithstanding any noncompliance with the provisions of this chapter. (Ord. 0-90-46 § 1 (part), 1990).

Title 4
(RESERVED)

BUSINESS LICENSES AND REGULATIONS

Title 5

BUSINESS LICENSES AND REGULATIONS*

Chapters:

- 5.08 Christmas Tree Sales
- 5.16 Explosives
- 5.20 Fireworks Permits—Sale and Display
- 5.24 Pawnbrokers
- 5.28 Solicitors and Peddlers
- 5.32 Utilities—B & O Tax
- 5.38 Lakewood Liquor Licensing Authority
- 5.39 Optional Premises Liquor Licenses
- 5.40 Lakewood Fermented Malt Beverage Authority
- 5.44 Cable Communications Systems
- 5.45 Cable Television Customer Service Standards
- 5.46 Amusement Devices
- 5.47 Adult Businesses
- 5.48 Alarm Systems
- 5.50 Electric and Gas Franchise
- 5.52 Massage Parlors

* For regulations governing kennel licenses, see Chapter 6.32 of this code; for regulations governing contractor's licenses, see Chapter 14.08 of this code; for regulations governing sign contractor's licenses, see the zoning regulations.

CHRISTMAS TREE SALES

Chapter 5.08

CHRISTMAS TREE SALES

Sections:

- 5.08.010 Required.
- 5.08.020 Application—Fee—Contents.
- 5.08.030 Letter to accompany application.
- 5.08.040 Investigation upon receipt of application.
- 5.08.050 Issuance of license—Fee.
- 5.08.060 Separate license for each location.
- 5.08.070 Transfer prohibited.
- 5.08.080 Term of license.
- 5.08.090 Licensee's additional rights.
- 5.08.100 Electrical wiring.
- 5.08.110 Buildings to conform to building code.
- 5.08.120 Posting license.
- 5.08.130 Return of deposit.
- 5.08.140 Setback.
- 5.08.150 Time for application.
- 5.08.160 Revocation.
- 5.08.170 False statements in application.
- 5.08.180 Retail nursery defined.

5.08.010 **REQUIRED.** It is unlawful for any person, firm or corporation, except one operating a retail nursery, as defined in Section 5.08.180, to sell or engage in the business of selling severed fir or evergreen trees (commonly called Christmas trees) at retail or wholesale, in the city without first obtaining a license therefor as provided in this chapter. (Ord. 0-84-125 § 1, 1984; Ord. 0-70-117 § 1, 1970).

5.08.020 **APPLICATION – FEE – CONTENTS.** Any

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person, firm or corporation desiring a license to sell severed fir or evergreen trees within the city shall make application therefor to the City Clerk upon an application form to be furnished by the Clerk, and each such application shall be accompanied by a nonrefundable application fee in the amount of fifty dollars. Each application shall contain the following information, as well as such additional information as may be required by the City Clerk:

- (1) Applicant's name, address and telephone number;
- (2) The location and description of the premises where the said trees are to be offered for sale;
- (3) The name of the owner (or lessee) of the property where the trees are to be offered for sale;
- (4) Such other, further and additional information as may be required by the City Clerk. (Ord. 0-81-19 § 2, 1981; Ord. 0-70-117 §2, 1970).

5.08.030 LETTER TO ACCOMPANY APPLICATION. Each such application shall also be accompanied by a letter, contract or lease from the property owner or lessee of the premises where the sales are to be conducted, granting the use of the premises and permission to use the same. (Ord. 0-70-117 § 3, 1970).

5.08.040 INVESTIGATION UPON RECEIPT OF APPLICATION. The City Clerk shall refer the application to the Department of Planning, Permits and Public Works, which shall advise the Clerk as to whether the premises are properly zoned and have sufficient setback space for the sales proposed to be made. (Ord. 0-91-59 § 4, 1991; Ord. 0-70-117 § 4, 1970).

5.08.050 ISSUANCE OF LICENSE — FEE. If the City Clerk receives a report from the Department of Planning, Permits and Public Works that the zoning and space available for setback on the premises is appropriate for the sale of Christmas trees, and if the

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application is otherwise in order and the application fee has been paid, the City Clerk shall issue a Christmas tree sales license to the applicant for sales to be made at the location described in the application upon the payment of an additional fifty dollars as a license fee, and the deposit of fifty dollars in cash, or by certified check, cashier's check or money order. (Ord. 0-91-59 § 4 (part), 1991; Ord. 0-81-19 § 3, 1981; Ord. 0-70-117 § 5, 1970).

5.08.060 SEPARATE LICENSE FOR EACH LOCATION. A separate license shall be required for each location designated by the applicant where trees are to be offered for sale. (Ord. 0-70-117 § 6, 1970).

5.08.070 TRANSFER PROHIBITED. No license issued under this chapter shall be transferred from one firm, person or corporation or location to another firm, person, corporation or location. (Ord. 0-70-117 § 7, 1970).

5.08.080 TERM OF LICENSE. The license shall be issued to be effective beginning the day following Thanksgiving and shall expire as of December 31st of each year. (Ord. 0-93-64 § 1, 1993; Ord. 0-70-117 § 8, 1970).

5.08.090 LICENSEE'S ADDITIONAL RIGHTS. Any person holding a license to sell trees as aforesaid shall also have the right to sell foliage therefrom or parts of fir or evergreen trees without securing a separate license. (Ord. 0-70-117 § 9, 1970).

5.08.100 ELECTRICAL WIRING. All electrical wiring at each location shall conform with the requirements of the City building code (Chapters 14.02 and 14.06), and must be installed by a registered electrical contractor. The building official shall not issue a permit for electrical installation at a location for the sale of Christmas trees without a showing that a Christmas tree license has been issued for such location, where such license is required. (Ord. 0-93-64 § 2, 1993; Ord. 0-70-117 § 10, 1970).

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5.08.110 BUILDINGS TO CONFORM TO BUILDING CODE. All buildings moved onto or constructed upon any Christmas tree sales lot shall in all respects conform to the requirements of the building code of the city or such regulations as may be promulgated by the Building Official. (Ord. 0-70-117 § 11, 1970).

5.08.120 POSTING LICENSE. The Christmas tree sales license for each location must be posted in a conspicuous place at each location at all times. (Ord. 0-70-117 § 12, 1970).

5.08.130 RETURN OF DEPOSIT. The deposit of each applicant for each location will be returned in the event that all debris, trees, temporary buildings, and trash have been removed from the location and all sales taxes have been paid in full on or before January 15th of the year succeeding the year in which sales are made. In the event of failure to remove such debris, trees, temporary buildings, or trash, or to pay all sales taxes in full, the deposit will be forfeited. (Ord. 0-93-64 § 3, 1993; Ord. 0-70-117 § 13, 1970).

5.08.140 SETBACK. No fence, wiring, Christmas trees, stands, tents or structures shall be located on any lot or premises unless there is at least a twenty-foot setback from the curb line of the street or streets facing the same. No license shall be issued for any location where such setback is physically impossible. (Ord. 0-70-117 § 15, 1970).

5.08.150 TIME FOR APPLICATION. No application shall be accepted in any year prior to the first of November, or after the fifteenth day of December. (Ord. 0-70-117 § 16, 1970).

5.08.160 REVOCATION. If it appears to the City Clerk during the existence of any license authorized in this chapter that a licensee or its agents, servants or representatives are in any way violating any of the ordinances of the city or the terms of the license, the City Clerk may issue a cease and desist order, and may summarily

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suspend the license of the licensee if there is not compliance with such cease and desist order within twenty-four hours after the service thereof. Notice and opportunity for hearing shall be afforded to such licensee within one business day following the date of suspension. The Clerk may revoke any license following such hearing if it appears that there has been any such violation and failure to comply with a cease and desist order. (Ord. 0-70-117 § 17, 1970).

5.08.170 FALSE STATEMENTS IN APPLICATION. The making of any false statement in the application of any licensee is unlawful, and is good cause for the revocation of the license of such licensee. (Ord. 0-70-117 § 18, 1970).

5.08.180 RETAIL NURSERY DEFINED. A "retail nursery" is any person, firm or corporation which sells nursery stock, not limited to the sale of fir or evergreen trees. (Ord. 0-93-64 § 4, 1993; Ord. 0-84-125 § 2, 1984).

EXPLOSIVES

Chapter 5.16

EXPLOSIVES*

Sections:

- 5.16.010 Definitions.
- 5.16.020 Blasting restrictions.
- 5.16.030 Each detonation deemed separate violation.
- 5.16.040 Uses deemed exempt.
- 5.16.050 Applications for permits.
- 5.16.060 Filing.
- 5.16.070 Information required on application.
- 5.16.080 Evidence valid permit is held required.
- 5.16.090 Insurance certificates.
- 5.16.100 Application fee.
- 5.16.110 Referral of application to director.
- 5.16.120 Examination of application by director.
- 5.16.130 Referral of application to other officials.
- 5.16.140 Denial of application.
- 5.16.150 Appeals—Decision.
- 5.16.160 Issuance.
- 5.16.170 Terms of permit.
- 5.16.180 Amendment of terms.
- 5.16.190 Promulgation of rules.
- 5.16.200 Unlawful acts.
- 5.16.210 Filing regulations.
- 5.16.220 Revocation — Suspension.
- 5.16.250 City not to be held liable.
- 5.16.260 Interpretation of liability.
- 5.16.270 Injunction — Remedy not exclusive.

*For statutory provisions regarding explosives generally, see C.R.S. 53-1-1 et seq.; for provisions authorizing cities to legislate regarding explosives, see C.R.S. 139-3-1(54).

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5.16.010 **DEFINITIONS.** As used in this chapter the following terms shall be taken to have the meanings hereinafter set forth:

(1) "Blasting" or "blasting operations" includes the practice of breaking up heavy masses (as of rock) by means of explosives and explosions;

(3) "Director" means the Director of the Department of Planning, Permits and Public Works of the city or his designee;

(4) "Division" means the Division of Labor in the Department of Labor and Employment of the state of Colorado;

(5) "Explosives" or "explosive device" means any material or container containing a chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion, and that contains any oxidizing and combustible materials or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, but shall not mean the components for handloading rifle, pistol and shotgun ammunition and/or rifle, pistol, and shotgun ammunition.

(Class A Explosives are presently defined as possessing detonating or otherwise maximum hazard, such as dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, black powder, blasting caps and detonating primers),

(Class B Explosives are presently defined as possessing flammable hazard, such as propellant explosives, including some smokeless propellants), and

(Class C Explosives are presently defined as including certain types of manufactured articles which contain Class A or Class B explosives or both, as components, but in restricted quantities). (Ord. 0-93-64 §§ 5, 6, 1993; Ord. 0-91-59 § 15 (part), 1991; Ord. 0-71-69 § 1, 1971).

5.16.020 **BLASTING RESTRICTIONS.** It is unlawful for any person, firm or corporation to detonate any explosive or cause the detonation of any explosive to occur within the city or within one

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mile beyond the city limits, or for any person, firm or corporation to conduct any blasting or blasting operations or to cause any blasting or blasting operations to be conducted within the city or within one mile beyond the city limits, unless:

(1) Such person, firm, or corporation shall then have a valid and effective permit issued by the Division of Labor in the Department of Labor and Employment of the State of Colorado, under the provisions of article 7, title 9, Colorado Revised Statutes, as amended, which permit shall not have expired; and

(2) Such person, firm or corporation, shall have a permit duly issued by the city pursuant to the terms of this chapter authorizing the detonation of explosives for the specific purpose and at the specific place where explosives are detonated by or caused to be detonated by such person, firm or corporation, which permit shall not have expired or been suspended or revoked pursuant to the terms of this chapter; and

(3) Such detonation of explosives is conducted in full and complete compliance with the regulations of the division promulgated, in accordance with the provisions of section 24-4-103, Colorado Revised Statutes, as amended, as such regulations shall then be in force and effect; and

(4) Such detonation of explosives and blasting operations are conducted in full and complete compliance with the regulations promulgated by the director pursuant to the terms of this ordinance, as amended, as the same shall then be in force and effect. (Ord. 0-93-64 §§ 7—9, 1993; Ord. 0-71-69 § 2, 1971).

5.16.030 EACH DETONATION DEEMED SEPARATE VIOLATION. Each separate detonation of explosives caused by any person, firm or corporation in violation of the terms and provisions of this chapter, shall be and constitute a separate violation of this chapter. (Ord. 0-71-69 § 3, 1971).

5.16.040 USES DEEMED EXEMPT. The terms and provisions of this chapter shall not apply to the following uses of explosives:

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(1) The use of military explosives by the Armed Forces of the United States and the State Militia, or National Guard of the state of Colorado;

(2) The use of explosives or blasting agents in the normal and emergency operations of agencies of the Government of the United States, such as the Bureau of Mines, the Federal Bureau of Investigation, or the Secret Service;

(3) Explosives in the forms prescribed by the official United States Pharmacopeia;

(4) Components for hand loading rifle, pistol, and shotgun ammunition;

(5) The use of pyrotechnics, commonly known as fireworks; including signalling devices such as flares, fuses and torpedoes;

(6) The use of explosives and blasting agents in the laboratories of government agencies, technical institutions, colleges, universities and similar institutions, when and only when confined to the purposes of scientific or technical research, provided that every detonation shall be under the supervision of an experienced and competent supervisor, and not more than fifteen pounds of explosives or blasting agents shall be kept on hand at any time in any such laboratory.

Nothing contained in this chapter shall affect or render inapplicable any otherwise applicable provision of any ordinance of the city. (Ord. 0-71-69 § 4, 1971).

5.16.050 APPLICATIONS FOR PERMITS. Every person, firm or corporation desiring to conduct any blasting operations or to detonate any explosive within the City or within one mile beyond the city limits, may make application for a permit. Such application shall be filed with the City Clerk on a form or forms to be furnished by the City Clerk. (Ord. 0-93-64 § 10, 1993; Ord. 0-71-69 § 5, 1971).

5.16.060 FILING. Such application shall be filed not more than thirty days before the proposed commencement of blasting operations or detonation of explosives and not less than five working days prior

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to the proposed commencement of such operations or detonation. (Ord. 0-71-69 § 6, 1971).

5.16.070 INFORMATION REQUIRED ON APPLICATION. Such application for permit shall contain the following information, together with such additional information as may be required by the director:

- (1) The name, address and telephone number of the applicant;
- (2) Whether the applicant is an individual, partnership or corporation;
- (3) The name, telephone number and address of the person who will actually conduct or supervise the detonation of the explosives;
- (4) A brief statement of the qualifications, training and experience of such person in detonating and supervising the detonation of explosives;
- (5) The location and number of the proposed detonations;
- (6) The type of detonation material to be utilized;
- (7) The reason for detonation;
- (8) The date the detonations are proposed to be made;
- (9) The approximate time that the detonations are proposed to be made. (Ord. 0-71-69 § 7, 1971).

5.16.080 EVIDENCE VALID PERMIT IS HELD REQUIRED. Each such permit application shall be accompanied by evidence that the applicant has a valid permit from the Colorado State Department of Labor and Employment for the use of explosives. (Ord. 0-93-64 § 11, 1993; Ord. 0-71-69 § 8, 1971).

5.16.090 INSURANCE CERTIFICATES. Each such application shall be accompanied by a certificate or certificates of insurance executed by an insurance company or authorized agent thereof, stating that the applicant has in force and effect the kinds, type and amounts of insurance, required for a municipal contractor by the building code of the city (Title 14), and that such insurance will continue in full force and effect during the time of the detonation of explosives proposed by the applicant and that the same will not

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be canceled or changed in any manner without ten days notice to the director. (Ord. 0-71-69 § 9, 1971).

5.16.100 APPLICATION FEE. The application shall be accompanied by a nonrefundable application fee in the amount of one hundred fifty dollars. (Ord. 0-93-64 § 12, 1993; Ord. 0-81-19 § 4, 1981; Ord. 0-71-69 § 10, 1971).

5.16.110 REFERRAL OF APPLICATION TO DIRECTOR. Upon receipt of such an application, containing the information required by the terms of this chapter and such additional information as may be required by the director, together with an insurance certificate or certificates as required by this chapter and evidence that the applicant has a valid permit from the Department of Labor and Employment, and the applicant fee, the City Clerk shall refer such application to the director. (Ord. 0-71-69 § 11, 1971).

5.16.120 EXAMINATION OF APPLICATION BY DIRECTOR. Upon receipt of any application made for a permit under this chapter from the City Clerk, the director shall examine the application to determine whether the same is sufficient and meets the requirements of this chapter and the regulations of the director promulgated pursuant to this chapter. (Ord. 0-71-69 § 12, 1971).

5.16.130 REFERRAL OF APPLICATION TO OTHER OFFICIALS. If the director finds that the application is sufficient in form and that the applicant is qualified to conduct blasting or blasting operations or to detonate explosives, and if, and only if, the application contains the name and address of a person determined by the director to be qualified to conduct or supervise blasting operations or the detonation of explosives for or on behalf of the applicant, the director shall refer the application to the Chief of Police and Building Official of the city and to the Chief of the Fire Department or the fire protection district in which the property is located upon which the operations are to be conducted or the detonations made, with a request for expression of approval or disapproval by the Fire

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Chief, Building Official and the Chief of Police. (Ord. 0-93-64 § 13, 1993; Ord. 0-71-69 § 3, 1971).

5.16.140 DENIAL OF APPLICATION. If the Chief of Police, the Building Official or the Chief of the Fire Department or the fire protection district within which the operations are to be conducted or explosives detonated, or all or any of them, express disapproval, upon any reasonable grounds related to the protection of persons or property from the adverse or deleterious effects of the proposed detonations, the application for permit shall be denied, subject to the provisions hereinafter set forth. Any such expression of disapproval shall state the reasons for such disapproval. (Ord. 0-93-64 § 14, 1993; Ord. 0-71-69 § 14, 1971).

5.16.150 APPEALS—DECISION. If the application is disapproved and permit denied because of disapproval by the chief of a fire protection district, the Building Official or the Chief of Police, or all or any of them, such denial may be appealed to the Director of Planning, Permits and Public Works or his designee by notice in writing filed with the director not more than ten days following denial. In the event of such timely filed appeal, the director shall determine, following a hearing to be held, upon notice, within two weeks after the date of receipt of such appeal, whether the permit should be denied upon the recommendation of the Fire Chief, Building Official or the Chief of Police; and if the director finds as a result of such hearing that the grounds stated by the Fire Chief or Building Official or by the Chief of Police, or all or any of them, are insufficient to justify denial of the application and refusal of a permit, the permit shall issue if the director himself shall authorize issuance of the permit pursuant to the provisions of Section 5.16.160. (Ord. 0-93-64 § 15, 1993; Ord. 0-91-59 § 15 (part), 1991; Ord. 0-71-69 § 15, 1971).

5.16.160 ISSUANCE. If the permit application is approved by the Fire Chief, the Building Official and the Chief of Police if the director finds insufficient grounds for denial by reason of the recom-

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mendations of the Building Official, Chief of Police or Fire Chief, or any of them, pursuant to provisions of Section 5.16.150, then and in such event the director shall himself determine whether the permit should be issued, taking into consideration the requirements of his own regulations promulgated pursuant to this chapter, and the public health, safety and welfare, with particular reference to the qualifications of the person who will conduct or supervise the detonation or detonations for the applicant, the location and number of proposed detonations, the type of detonation material to be used, the reason for the detonations, the date and time when the detonations are to be made, and the prospective effect, if any, upon persons or property within this City.

If the director finds that the application is in order and that the public health, safety and welfare do permit the issuance of the permit, the director shall inform the Clerk, who shall issue the permit to the applicant. (Ord. 0-93-64 § 16, 1993; Ord. 0-71-69 § 16, 1971).

5.16.170 TERMS OF PERMIT. Any permit so issued by the City Clerk shall be issued for the detonation of explosives only by or under the supervision of the person named in the application, at the specific location of the proposed detonations set forth in the application, for the number of detonations proposed in the application, using the type of detonation material named in the application and on the date and at the time the detonations are proposed to be made in the application. (Ord. 0-93-64 § 17, 1993; Ord. 0-71-69 § 17, 1971).

5.16.180 AMENDMENT OF TERMS. The terms and conditions of any permit issued pursuant to this chapter may be amended upon application in writing to and only by the director. The director shall be under no obligation to amend any such permit once issued, but may do so if he deems such amendment to be within the intent and purport of this chapter and of the director's regulations promulgated pursuant to this chapter. (Ord. 0-71-69 § 18, 1971).

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5.16.190 PROMULGATION OF RULES. The director is authorized and directed to promulgate reasonable rules and regulations to implement the provisions of this chapter, not in conflict with applicable state law or regulation or federal laws or regulations, and to amend the same from time to time, the purpose of which regulations shall be to protect property; and to protect the persons using explosives under any permit issued pursuant hereto, all persons in proximity to the detonation of explosives under the permit, and to protect the citizens, residents and inhabitants of the City and persons within the City from adverse effect, injury or death which might otherwise be suffered or caused by reason of the detonation of such explosives within the City or within one mile beyond the boundaries of the City. (Ord. 0-71-69 § 19, 1971).

5.16.200 UNLAWFUL ACTS. (a) It is unlawful for any person, firm or corporation to detonate any explosives within the City or within one mile beyond the boundaries of the City or to cause the detonation of explosives under any permit issued by the City, in any manner not in strict conformity with the terms and provisions of the permit, in violation of any regulation of the director, or at any place, time, or date, or in any number other than stated in the permit.

(b) It is unlawful for any person, firm or corporation to detonate any explosive or cause the detonation of any explosive within the City or within one mile beyond the boundary of this City following the issuance of a stop order by the director or his designee or after suspension or revocation of a permit held by such person, firm or corporation which shall detonate such explosive or cause such detonation. (Ord. 0-93-64 § 18, 1993; Ord. 0-71-69 § 20, 1971).

5.16.210 FILING REGULATIONS. The regulations promulgated by the director, and as the same shall be amended from time to time, shall be kept on file in the offices of the director and of the City Clerk, and shall be available for inspection by the public during working hours. (Ord. 0-71-69 § 21, 1971).

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5.16.220 REVOCATION—SUSPENSION. Any permit may be revoked or suspended by the director or his designee, upon notice to the permittee, for:

- (1) Violation of any condition of the permit or any provision of this chapter; or
- (2) Violation of any provision of any other ordinance of the City or law relating to the work; or
- (3) Violation of any regulation of the director; or
- (4) Existence of any condition or the doing of any act which may constitute or does constitute or cause a condition endangering life or property.

A suspension or revocation, and a stop order issued by the director or his designee, shall take effect immediately upon the issuance thereof and notice to the person or persons actually causing the detonation of explosives within the City or within one mile beyond the City's boundary.

Any suspension or revocation or stop order by the director or his designee may be appealed by the permittee to the City Manager by filing a written notice of appeal within ten days of the action of the director. The City Manager shall hear such appeal, if written request therefor be timely filed, as soon as practicable and render his decision within a reasonable time following filing of notice of appeal. (Ord. 0-93-64 § 19, 1993; Ord. 0-71-69 § 22, 1971).

5.16.250 CITY NOT TO BE HELD LIABLE. Each permittee of a permit issued under this chapter agrees to save the City, its officer, employees and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of any work performed by permittee, his agents or employees under such permit. The acceptance of a permit hereunder by any permittee shall be and constitutes the agreement of the permittee to save and hold harmless as heretofore expressed. (Ord. 0-93-64 § 22, 1993; Ord. 0-71-69 § 27, 1971).

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5.16.260 INTERPRETATION OF LIABILITY. This chapter shall not be construed as imposing upon this city or any official or employee of this city, any liability or responsibility

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for damages to any person injured by or by reason of the performance of any work within the public way or under a permit issued pursuant to this chapter; nor shall the city or any official or employee of the city be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any work. (Ord. 0-71-69 § 28, 1971).

5.16.270 INJUNCTION – REMEDY NOT EXCLUSIVE. The City Attorney is authorized to bring actions for and in behalf of the city to restrain or enjoin any violation of this chapter and for the costs of such action. No remedy provided for in this chapter shall exclude the applicability of any other remedy under this chapter. No action brought under this chapter shall preclude any prosecution for violation and no charge or conviction of violation shall prevent the bringing of any other action or charges of violation under this chapter. (Ord. 0-71-69 § 29, 1971).

Chapter 5.20

FIREWORKS PERMITS – SALE AND DISPLAY*

Sections:

- 5.20.010 Definitions.
- 5.20.020 Unlawful to sell or use fireworks.
- 5.20.030 Applicability.
- 5.20.040 Public displays.
- 5.20.050 Application for permit.
- 5.20.060 Investigation.

*For statutory provisions regarding fireworks generally, see C.R.S. Art. 53-5; for provisions authorizing regulation of fireworks by municipalities, see C.R.S. § 53-5-7.

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- 5.20.070 Competent fireworks operators.
- 5.20.080 Spectators.
- 5.20.090 Issuance of permit.
- 5.20.100 Conducting displays and prohibition.
- 5.20.110 Transferability.
- 5.20.120 Liability insurance.
- 5.20.140 Sale of display fireworks at retail.
- 5.20.150 Application for permit to sell display fireworks at retail.
- 5.20.160 Investigation.
- 5.20.170 Issuance of license.
- 5.20.180 Limit on location and transferability.
- 5.20.190 Filing application.
- 5.20.200 Insurance for sales at retail.
- 5.20.210 Seizure of fireworks.

5.20.010 **DEFINITIONS.** As used in this chapter unless the context otherwise requires:

(1) "Fireworks" means any combustible or explosive composition, or any substance or combination of substances, or device 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, firecrackers, torpedoes, sky-rockets, Roman candles, dayglo bombs, sparklers or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing an explosive substance, except that the term "fireworks" shall not include any auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.

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(2) “Manufacturer” includes any wholesaler and any person who manufactures, makes, constructs or produces any fireworks article or device.

(3) “Person” includes an individual, partnership, firm, company, association or corporation.

(4) “Retailer” includes any person who sells, delivers, consigns or furnishes fireworks to another person not for resale.

(5) “Wholesaler” includes any person who sells, delivers, consigns, gives or in any way furnishes fireworks to a retailer for resale. (Ord. 0-86-7 § 2, 1986; Ord. 0-81-78 § 2, 1981; Ord. 0-74-38 § 1 (part), 1974).

5.20.020 UNLAWFUL TO SELL OR USE FIREWORKS. Except as provided in Sections 5.20.030 and 5.20.040, it is unlawful in the city for any person to:

- (1) Use or explode any fireworks; or
- (2) Offer for sale, expose for sale or sell any fireworks; or
- (3) Have fireworks in his possession with intent to offer the same for sale. (Ord. 0-74-38 § 1 (part), 1974).

5.20.030 APPLICABILITY. This chapter shall not be construed to prohibit:

(1) Any person, including a manufacturer, who has first obtained a license to sell display fireworks in accordance with the provisions of this chapter, from offering for sale, exposing for sale, selling and having in his possession with intent to offer for sale, or sell display fireworks to any municipality, fair association, amusement park or other organization or group holding a display permit issued as provided in this chapter, or to the Colorado State Fair and Industrial Exposition Commission,

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or to any county or district fair duly organized under the laws of this state;

(2) The manufacture or wholesale of fireworks, or any phase thereof, which area of concern is subject to the sole authority of the Secretary of State of Colorado;

(3) Any person from using or exploding fireworks in accordance with the provisions of any public display permit issued as provided in this chapter, or as part of a supervised public display of any county or district fair organized under the laws of this state;

(4) Any person from using, exploding, selling or offering for sale any fireworks when such is done for a legitimate purpose other than for the purposes of display, exhibition, noise, amusement or entertainment; provided, however, it shall be the burden of those using, exploding or selling fireworks to prove their purpose was a legitimate and permitted one. Such permitted legitimate purposes shall include, but not be limited to, the following:

(A) The explosion of blank cartridges for a show or theater or for signal or ceremonial purposes in organized athletics or sports,

(B) The sale or use of model or educational rockets which utilize a replaceable engine or motor cartridge or nonmetallic construction, containing less than two ounces of propellant and designed to be launched by an electrical ignition system and which contain a parachute or other means for safe recovery of the rocket vehicle,

(C) The importation, purchase, sale or possession of fireworks which are used or to be used solely to prevent damage to crops by animals or birds. (Ord. 0-74-38 § 1 (part), 1974).

5.20.040 PUBLIC DISPLAYS. The city may grant permits within the city boundaries for supervised public displays of fireworks by fair associations, amusement parks or other

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organizations and groups, subject to the rules and regulations hereinafter set forth. (Ord. 0-74-38 § 1 (part), 1974).

5.20.050 APPLICATION FOR PERMIT. Any fair association, amusement park or other organization or group desiring to conduct a supervised public display of fireworks shall apply in writing to the City Clerk for such a permit not less than thirty days in advance of the date of the display. Such application shall be accompanied by a nonrefundable application fee of twenty-five dollars; and such application shall contain the following information:

(1) The name of the organization sponsoring the display, together with the names of persons actually in charge of the display;

(2) The date and time of day at which the display is to be held;

(3) The exact location planned for the display;

(4) The name of the competent fireworks operators who are to supervise discharge of the fireworks;

(5) The type and class of fireworks to be discharged and the number of set pieces, shells (specifying single or multiple break) and other items including experimental or model rockets or missiles;

(6) The manner and place of storage of such fireworks prior to and during the display;

(7) A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways, and the location of all nearby trees, telegraph or telephone lines, or other overhead obstructions;

(8) Proof that satisfactory compensation insurance is carried for all employees;

(9) Proof of public liability insurance with the same limits and coverage as are set forth in Section 5.20.120, protecting the

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city, applicant, manufacturer, wholesaler, seller, supplier and property owner, and operators of the display from liability. (Ord. 0-74-38 § 1 (part), 1974).

5.20.060 INVESTIGATION. On receipt of any such application, the City Clerk shall provide to the Police Department and the Fire Department or fire protection district within which the proposed location lies, a copy of the application together with a request that an investigation of the location of the proposed display be conducted for the purpose of determining if the fireworks will be of such character or so located as to be hazardous to property or dangerous to any person. Before a permit is granted, the location and handling of the display shall be approved, after investigation, by the Chief of Police and the Chief of the Fire Department or the fire protection district in which the display is to be conducted, or their authorized agents. The Chief of Police and the Chief of the Fire Department or fire protection district concerned or their authorized agents shall be requested to report to the City Clerk with respect to the results of their investigations and shall further be requested to make recommendations for the granting or denial of the permit, and recommendations with respect to the prescribing of reasonable conditions for the display, taking into account locations, parking of vehicles, controlling spectators, storage and firing of fireworks, and precautions in general, against danger to life and property from fire, explosion or panic. No permit for public display shall be granted if the operator and the location in the handling of the display are not approved by the Chief of Police and the Chief of the Fire Department or the fire protection district in which such display is to be located or their authorized agents. No permit for public display shall be granted where discharge, failure to fire, faulty firing or fallout from any fireworks or other objects would endanger persons, buildings, structures, woods and trees, brush, parks or other grass-covered land. (Ord. 0-93-64 § 23, 1993; Ord. 0-74-38 § 1 (part), 1974).

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5.20.070 COMPETENT FIREWORKS OPERATORS. No public fireworks display permit shall be granted unless at least two experienced fireworks operators are provided. Both operators shall:

(1) Be responsible for, and have charge of, the display with respect to preparation for transporting, unloading, storing, preparing special effects, set and mechanical pieces, setting mortars and rocket launchers, loading, arming, firing and disposing of all unfired or defective (dud) rockets, missiles and fireworks articles or items;

(2) Be responsible for setting all fireworks including mortars, finale batteries (hedgehogs) and rocket launchers at locations designated by the fire department or fire district, and take into account wind direction and velocity predicted for the firing time in setting the firing angles. Shells, rockets and missiles shall not be permitted to cross or burst above areas occupied by persons;

(3) Be responsible for acts of all persons employed in connection with fireworks for the display. He shall have authority to dismiss or discharge any employee or person, whether remunerated or not, at any time during the operation of the display who, through smoking, drinking, carelessness or negligence or any other act, endangers the safety of himself, any other person or any property. (Ord. 0-93-64 § 24, 1993; Ord. 0-74-38 § 1 (part), 1974).

5.20.080 SPECTATORS. Spectators at public displays of fireworks shall be restrained behind lines or barriers as designated by local authorities. Only authorized persons and those in actual charge of the display shall be allowed inside these lines or barriers during the unloading, preparation or firing of fireworks. (Ord. 0-74-38 § 1 (part), 1974).

5.20.090 ISSUANCE OF PERMIT. If the required approval of the Chief of Police and Chief of the Fire Department (or their authorized agents), or any of them, is not received by the City Clerk, no permit shall issue; however, if such approval is received, the City Clerk shall issue a public fireworks display permit, subject to such reasonable conditions as may be prescribed by the Chief of Police

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or by the Chief of the Fire Department or the fire protection district in which the display is to be conducted, if all requirements of this chapter are met. (Ord. 0-93-64 § 25, 1993: Ord. 0-74-38 § 1 (part), 1974).

5.20.100 CONDUCTING DISPLAYS AND PROHIBITION. The display shall be conducted only at such times, at such places and pursuant to such conditions as may be prescribed by the Chief of Police or the Chief of the Fire Department or the fire protection district in which the display is to be conducted. No public display of fireworks shall be conducted by any person or organization without a duly issued public display permit issued as provided for in this chapter. (Ord. 0-93-64 § 26, 1993: Ord. 0-74-38 § 1 (part), 1974).

5.20.110 TRANSFERABILITY. No public fireworks display permit shall be transferable or assignable. (Ord. 0-74-38 § 1 (part), 1974).

5.20.120 LIABILITY INSURANCE. Each applicant for a public display permit shall file with the City Clerk, prior to the issuance of any such permit, a policy of public liability insurance, in form satisfactory to the City Clerk, with coverage of at least three hundred thousand dollars and a policy of property damage insurance in the amount of at least one hundred thousand dollars, all protecting from liability the applicant, the manufacturer, the supplier, the seller, the buyer, the property owner, the user, and the city. (Ord. 0-89-29 § 1, 1989: Ord. 0-87-33 § 1, 1987: Ord. 0-74-38 § 1 (part), 1974).

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5.20.140 SALE OF DISPLAY FIREWORKS AT RETAIL.

It is unlawful for any person to sell or offer to sell at retail in this city any fireworks which are to be used for display purposes until he first obtains a permit for the sale of display fireworks at retail from the city. (Ord. 0-74-38 § 1 (part), 1974).

5.20.150 APPLICATION FOR PERMIT TO SELL DISPLAY FIREWORKS AT RETAIL. Any person, partnership, association or corporation desiring to obtain a fireworks sale permit shall file an application therefor with the City Clerk, which application shall be accompanied by a nonrefundable application fee of fifty dollars and which shall contain the following:

- (1) Name and address of applicant;
- (2) If applicant is a corporation, the names and addresses of the principal officers of the corporation and the name of the person who will manage, be responsible for and be in charge of the sale of fireworks;
- (3) If the applicant is a partnership, the names and addresses of the partners and the name and address of the person who will

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be in charge of and supervise and manage the sale of display fireworks;

(4) Location where the applicant will sell display fireworks;

(5) The manner and method of proposed sales at retail of display fireworks;

(6) Such other information as the City Clerk may require to make, or aid in, the investigation required by Section 5.20.160. (Ord. 0-74-38 § 1 (part), 1974).

5.20.160 INVESTIGATION. Upon receipt of an application for a permit to sell display fireworks at retail, the City Clerk shall refer the same to the Chief of Police and the Chief of the Fire Department or fire protection district within which the location named in the permit lies with a request that they determine whether the applicant can safely engage in the sale of such fireworks at the location named in the application. (Ord. 0-93-64 § 27, 1993; Ord. 0-87-33 § 3, 1987; Ord. 0-74-38 § 1 (part), 1974).

5.20.170 ISSUANCE OF LICENSE. If the City Clerk receives a report from the Police Department or the Fire Department or fire protection district concerned, approving the issuance of the license on the basis of the criteria set forth in Sections 5.20.150 and 5.20.160, the City Clerk, upon payment of a license fee of twenty-five dollars for each location at which display fireworks shall be sold at retail, shall issue a permit for the sale of display fireworks at retail which shall be valid for a period of twenty months from the date of issuance. Each separate permit issued shall apply and be valid only with respect to the location for which it is issued. If the report of the Police Department or the Fire Department or fire protection district indicates that the criteria set forth in Section 5.20.160 are not met, then, and in that event, no license shall be issued. (Ord. 0-93-64 § 28, 1993; Ord. 0-87-33 § 4, 1987; Ord. 0-74-38 § 1 (part), 1974).

5.20.180 LIMIT ON LOCATION AND TRANSFERABILITY. A fireworks sale permit shall be valid only for the premises or

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location for which it is issued. Such permit or permits shall not be transferable, assignable or renewable. (Ord. 0-74-38 § 1 (part), 1974).

5.20.190 FILING APPLICATION. Each application for a fireworks sale permit shall be filed with the City Clerk on or before June 20th of the calendar year in which the permit is sought. (Ord. 0-74-38 § 1 (part), 1974).

5.20.200 INSURANCE FOR SALES AT RETAIL. Every applicant for a permit to sell display fireworks at retail shall comply within the insurance requirements in the amount set forth in Section 5.20.120. (Ord. 0-93-64 § 29, 1993; Ord. 0-74-38 § 1 (part), 1974).

5.20.210 SEIZURE OF FIREWORKS. The Chief of Police or any authorized agent of the City shall seize, take and remove at the expense of the owner or possessor all stocks of fireworks stored or held in violation of this chapter. (Ord. 0-93-64 § 30, 1993; Ord. 0-74-38 § 1 (part), 1974).

PAWNBROKERS

Chapter 5.24

PAWNBROKERS*

Sections:

- 5.24.010 Definitions.
- 5.24.020 License required.
- 5.24.030 Application.
- 5.24.040 Application fee.
- 5.24.050 Investigation.
- 5.24.060 Denial–Suspension–Revocation.
- 5.24.070 Transferability–Change of ownership–Change of corporate structure.
- 5.24.080 Manager–Change of manager.
- 5.24.090 Expiration and annual renewal.
- 5.24.100 Annual license fee.
- 5.24.110 Bond required.
- 5.24.120 City manager’s approval required.
- 5.24.130 City pawnbroker fee policy and purpose.
- 5.24.140 Books and records.
- 5.24.150 Pawn tickets.
- 5.24.160 Transfer of pawn ticket generally–Transfer to pawnbroker.
- 5.24.170 Loss of pawn ticket.
- 5.24.180 Adverse claims.
- 5.24.190 Altered pawn ticket.
- 5.24.200 Seizure of counterfeit or reportedly lost pawn ticket–Seizure of counterfeit or fraudulent identification.
- 5.24.210 Interest rate–Commission.
- 5.24.220 Intermediate payments–Receipts.

*For statutory provisions regarding the licensing of pawnbrokers by cities see C.R.S. Title 12, Article 56.

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- 5.24.230 Property held—Time limit—Sale of unredeemed articles.
- 5.24.240 Sale of articles represented by pawn tickets transferred to pawnbroker.
- 5.24.250 Hold order.
- 5.24.260 No deficiency or offsets permitted.
- 5.24.270 Unlawful transactions.
- 5.24.280 Unlawful to pawn certain items.
- 5.24.290 Safekeeping—Insurance.
- 5.24.300 Accepting lost or stolen articles.
- 5.24.310 Notice to Lakewood Police Department of stolen items.
- 5.24.320 Liability for pledged property.
- 5.24.330 Removal of place of business.
- 5.24.340 Investigation—Right of entry.

5.24.010 DEFINITIONS. (a) “Contract for purchase” means a contract entered into between a pawnbroker and a customer pursuant to which money is advanced to a customer on the condition that a customer, for a fixed price and within a fixed period of time, not to exceed ninety days, has the option to cancel said contract.

(b) “Fixed price” means that amount agreed upon to cancel a contract for purchase during the option period. Said fixed price shall not exceed one-tenth of the original purchase price for each month plus the original purchase price on amounts of fifty dollars or over, or one-fifth of the original purchase price for each month plus the original purchase price on amounts under fifty dollars.

(c) “Fixed time” means that period of time, not to exceed ninety days, as set forth in a contract for purchase, for an option to cancel said contract.

(d) “Manager” means an individual employee of a

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pawnbroker who directs the business of the pawnbroker and who is in direct control of the pawnbrokering business.

(e) "Option" means the fixed time and the fixed price agreed upon by the customer and the pawnbroker in which a contract for purchase may but does not have to be rescinded by the customer.

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(f) "Pawnbroker" means a person, partnership, or corporation regularly engaged in the business of making contracts for purchase or purchase transactions in the course of his business. The term does not include Secondhand Dealers as defined in and regulated by C.R.S. Section 18-13-114 through C.R.S. Section 18-13-118.

(g) "Pawnbrokering" means the business of a pawnbroker as defined by this section.

(h) "Pledge" or "pledged property" means any tangible personal property deposited with a pawnbroker pursuant to a contract for purchase in the course of his business as defined in this section.

(i) "Pledgor" means a customer who delivers a pledge into the possession of a pawnbroker.

(j) "Purchase transaction" means the purchase by a pawnbroker in the course of his business of tangible personal property for resale, other than newly manufactured tangible personal property which has not previously been sold at retail, when such purchase does not constitute a contract for purchase.

(k) "Tangible personal property" means all personal property other than choses in action, securities, or printed evidences of indebtedness, which property is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of his business in connection with a contract for purchase or a purchase transaction. (Ord. 0-90-8 § 1, 1990; Ord. 0-89-61 § 1 (part), 1989).

5.24.020 LICENSE REQUIRED. It is unlawful for any person, firm or corporation to conduct the business of a pawnbroker within the city limits unless such person, firm or

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corporation shall have first obtained a "pawnbroker's license" from the City. (Ord. 0-89-61 § 1 (part), 1989).

5.24.030 APPLICATION. All applicants for a pawnbroker's license shall file an application for such license with the City Clerk on forms to be provided by the Clerk. Each individual applicant, partner of a partnership, officer, director, and holder of ten percent or more of the corporate stock of the corporate applicant, and all managers, shall be named in each application form, and each of them shall be photographed and fingerprinted by the Lakewood Police Department; and each of them shall furnish three letters of character reference from residents of the city or the surrounding metropolitan area. Each individual applicant, partnership, and corporate applicant shall, in addition, furnish as an attachment to and part of such application evidence that the proposed establishment meets the requirements of the zoning ordinance, proof of the applicant's right to possession of the premises wherein the business of pawnbrokering will be conducted, a Financial Questionnaire, Consent to Release Financial Information, and a current personal financial statement or a balance sheet and income account statement for the preceding twelve-month period prior to the date of the application. Each corporate applicant shall furnish evidence that it is in good standing under the statutes of the State of Colorado, or in the case of a foreign corporation, evidence that it is currently authorized to do business in the State of Colorado. (Ord. 0-89-61 § 1 (part), 1989).

5.24.040 APPLICATION FEE. Each applicant, whether an individual, partnership, or corporation, shall pay an application fee of one hundred fifty dollars at the time of filing an application. Such application fee shall be nonrefundable. (Ord. 0-89-61 § 1 (part), 1989).

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5.24.050 INVESTIGATION. On receipt of a properly completed application, together with all information required in connection therewith, fingerprints and photographs, and the payment of the application and license fees, the City Clerk shall transmit the application to the Lakewood Police Department for investigation of the background, character and financial responsibility of each individual applicant, the partners of a partnership, the officers, directors, and holders of ten percent or more of the stock of a corporation, and each person named as a manager of a proposed pawnbroker's establishment. Each applicant shall pay a nonrefundable investigation fee at the time the application is filed in the amount then charged by the Colorado Department of Public Safety for each person who will be investigated. The Lakewood Police Department shall furnish the results of such investigation to the City Clerk, together with a recommendation with respect to the granting or denial of the license, and reasons therefor. (Ord. 0-90-8 § 2, 1990: Ord. 0-89-61 § 1 (part), 1989).

5.24.060 DENIAL – SUSPENSION – REVOCATION.
(a) The application of any applicant may be denied, or after notice and hearing, an existing license may be suspended or revoked by the City Manager or his designee, if it is shown that the individual applicant, any partner of a partnership, any officer, director, or holder of ten percent or more of the stock of a corporate applicant, or any manager of a pawnbroker's establishment, is not of good moral character as to reasonably assure that the operations of the pawnbroker's establishment will be conducted lawfully and in a manner which will not be detrimental to the public interest or well-being. Having been adjudged in any civil or criminal proceeding to have indulged in business or trade practices prohibited by law, or convicted of any felony or other offense involving moral turpitude and pertinent circumstances connected therewith, shall be considered

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in determining whether, in fact, an individual applicant, partner, director, officer, or holder of ten percent or more of a corporate applicant's stock, or a manager of the pawnbroker's establishment, is a person of good moral character at the time of the application, or time of review for possible suspension or denial.

(b) The fact that an individual applicant, partnership, or corporation is not financially responsible, not in good standing, or not authorized to do business in Colorado, may also be grounds for denial, suspension, or revocation of a pawnbroker's license. As used herein, "financially responsible" means having sufficient income and assets to defray expenses and provide for liabilities of the business as they become due.

(c) Any pawnbroker found to be in violation of any of the provisions of this chapter may have his license suspended or revoked after notice and hearing before the City Manager or his designee. Such suspension or revocation shall be at the direction of the City Manager or his designee, and further, at his discretion, and for good cause shown at a revocation or suspension hearing, the City Manager or his designee may declare the pawnbroker ineligible for relicensing for the purpose of carrying on the business of pawnbrokering within the city limits at any future time. Notwithstanding the above, a pawnbroker may apply for relicensing and present evidence of rehabilitation at an administrative hearing before the City Manager or his designee. A pawnbroker may be granted a new license provided the City Manager or his designee finds adequate evidence of rehabilitation was presented to show the pawnbroker is ready to accept the responsibilities of a law-abiding and productive member of society. (Ord. 0-89-61 § 1 (part), 1989).

5.24.070 TRANSFERABILITY – CHANGE OF OWNERSHIP – CHANGE OF CORPORATE STRUCTURE. Licenses

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issued under this chapter shall not be transferable. Any change in the partners of a partnership or in officers, directors, or holders of ten percent or more of the stock of a corporate licensee holding a pawnbroker's license shall result in termination of the license of the partnership or corporation, unless such licensee within thirty days of any such change, files a written notice of such change with the City Clerk and pays a nonrefundable fee of fifty dollars. Any such change shall be reported on forms provided by the City Clerk and shall require the names of all new partners, officers, directors, and all holders of ten percent or more of the corporate stock who were not previously holders of such amount of stock, all of whom shall be required to furnish, together with such notice, all of the information required from such persons in connection with an original application, three letters of character reference from residents of the city or the surrounding metropolitan area, and each person shall be photographed and fingerprinted. Each person shall then be investigated by the Lakewood Police Department as provided in Section 5.24.050. Grounds for denial of any such transfer of corporate stock ownership, change of corporate structure, partnership, and termination of the license thereon, shall be the same as for denial of the license under Section 5.24.060. (Ord. 0-89-61 § 1 (part), 1989).

5.24.080 MANAGER – CHANGE OF MANAGER. (a) A pawnbroker may employ a manager to operate a pawnbroking business, provided the pawnbroker retains complete control of all aspects of the pawnbroking business, including but not limited to the pawnbroker's right to possession of the premises, his responsibility for all debts, and the pawnbroker must bear all risk of loss or opportunity for profit from the business.

(b) In the event a licensee changes the manager of a pawnbroker establishment, the licensee shall immediately report

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such change and register the new manager on forms provided by the City Clerk within thirty days of such change. The new manager shall be photographed, fingerprinted, and furnish three letters of character reference from residents with the city or within the surrounding metropolitan area, and shall be investigated by the Lakewood Police Department as provided in Section 5.24.050. The licensee shall pay an investigation fee in the amount of twenty-four dollars and a manager registration fee of fifty dollars. Failure of a licensee to report such a change or failure of the manager to meet the standards and qualifications as required in Section 5.24.060 shall be grounds for termination of the license. (Ord. 0-89-61 § 1 (part), 1989).

5.24.090 EXPIRATION AND ANNUAL RENEWAL. Each license issued pursuant to this chapter shall be for a period of one year from the date of issuance, and an application for renewal shall be filed not less than thirty days prior to the expiration of the period for which the license is issued. A late renewal may be approved by the City Manager or his designee if good cause is shown for the late filing of the renewal application. Copies of the pawnbroker's balance sheets and income statements for the preceding twelve-month period shall be submitted with each renewal application. When an application for renewal is received in proper form by the City Clerk, together with a nonrefundable renewal application fee of fifty dollars, the City Clerk shall refer the renewal application to the Lakewood Police Department for investigation and its recommendation with respect to the approval or denial of the renewal application. An investigation shall be made by the Lakewood Police Department unless the Chief of Police, or his designee, in his discretion, deems an investigation unnecessary and elects to recommend approval without such investigation. (Ord. 0-89-61 § 1 (part), 1989).

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5.24.100 ANNUAL LICENSE FEE. The annual license fee for carrying on the business of pawnbrokering shall be four hundred dollars, payable to the City Clerk at the time an initial application for a license is filed or at the time a renewal application is filed. Annual license fees shall be nonrefundable unless an application is denied. (Ord. 0-89-61 § 1 (part), 1989).

5.24.110 BOND REQUIRED. Every applicant for a pawnbroker's license shall furnish a bond with a responsible surety, to be approved by the City Manager or his designee, in the amount of ten thousand dollars, for the benefit of the People of the City, conditioned upon the safekeeping or return of all tangible personal property held by the pawnbroker, as required by law and ordinance, and the due observance of the provisions of this chapter. No license shall be issued or renewed absent such approved bond. Termination or cancellation of an approved bond shall be grounds for summary suspension of the license and for subsequent revocation if a new bond is not furnished within thirty (30) days after demand by the City Manager or his designee. (Ord. 0-89-61 § 1 (part), 1989).

5.24.120 CITY MANAGER'S APPROVAL REQUIRED. The City Manager or his designee shall have final authority to approve or deny any application or application for renewal, and to review any determination of the City Clerk and the Lakewood Police Department made with respect thereto. The City Manager or his designee in his discretion may issue the license or reject the application upon the basis of the criteria heretofore set forth, the recommendations of the Lakewood Police Department, the findings of the City Clerk, and his determination of whether the applicant has made a sufficient showing of good moral character, financial responsibility, experience and general fitness to command the confidence of the public and to warrant

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the belief that the business will be operated lawfully, honestly, and efficiently. (Ord. 0-89-61 § 1 (part), 1989).

5.24.130 CITY PAWNBROKER FEE POLICY AND PURPOSE. (1) The City Council finds, determines and declares that considering the nature of the business of pawnbrokering and the relationship of such business to the municipal welfare, as well as the relationship thereof to the expenditures required of the city, and a proper, just and suitable distribution of the tax burdens within the city and all other matters properly to be considered in relation thereto, the classification of such business as a separate occupation is reasonable, proper, uniform, nondiscriminating and necessary for a just and proper distribution of the tax burdens within the city.

(2) There is levied and assessed for each year an annual city pawnbroker occupation fee upon the business of pawnbrokering in the city in the amount of six hundred dollars. (Ord. 0-89-61 § 1 (part), 1989).

5.24.140 BOOKS AND RECORDS. (a) A pawnbroker shall keep an alphabetical index of the names of customers and a numerical register in which he shall legibly record the following information in the English language, in ink, and contemporaneously with each contract for purchase or purchase transaction:

- (1) The name of the customer;
- (2) The address of the customer;
- (3) The date of birth of the customer;
- (4) The social security number of the customer;
- (5) The number of the customer's valid Colorado driver's license, or one of the following alternative forms of identification:
 - (A) Valid Colorado identification card;

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(B) A valid driver's license, with photograph, issued by another state;

(C) Military identification card;

(D) Valid passport;

(E) Alien registration card;

(F) An identification document with no photograph, issued by the state or federal government, if the pawnbroker obtains a clear imprint of the customer's right index finger;

(6) The date, time and place of the contract for purchase or purchase transaction;

(7) An accurate, detailed account and description of each item of tangible personal property including but not limited to any trademark, identification number, serial number, model number, brand name, or identifying marks on such property; and

(8) The signature of the customer.

(b) The pawnbroker shall obtain a written declaration of the customer's ownership which shall state that the tangible personal property is totally owned by the customer, how long the customer has owned the property, whether the customer or someone else found the property, and if the property was found, the details of the finding. The customer shall sign his name in the register and on the declaration of ownership and receive a copy of the contract for purchase or a receipt of the purchase transaction.

(c) The pawnbroker shall keep the register for at least three years after the date of the last transaction entered in the register. The register shall keep in a place which is reasonably safe from destruction or theft.

(d) Such register and other books and records of the pawnbroker shall be open to the inspection of any Lakewood Police Department agent. Upon the demand of such agent, the pawnbroker shall produce and show any tangible personal property

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given to the pawnbroker in connection with any contract for purchase or purchase transaction. The pawnbroker's books shall list the date on which each contract for purchase was cancelled, whether it was redeemed, or forfeited and sold.

(e) Every pawnbroker shall provide the Lakewood Police Department with records, on forms approved by the Lakewood Police Department, of all tangible personal property accepted by the pawnbroker pursuant to a contract for purchase or a purchase transaction and copies of each customer's declaration of ownership. The form shall contain the same information required to be recorded in the pawnbroker's register pursuant to this section. The required forms shall be mailed to the Lakewood Police Department within seven days of each contract for purchase or purchase transaction. (Ord. 0-90-8 § 3, 1990; Ord. 0-89-61 § 1 (part), 1989).

5.24.150 PAWN TICKETS. At the time of making a contract for purchase or upon the subsequent renewal of any contract for purchase the pawnbroker shall deliver to the customer a pawn ticket from a bound book containing stubs, which book and stubs are correspondingly serially numbered, and which stubs shall contain the following information:

The name and address of the licensee; a description of the pledge sufficient to adequately identify the pledge; the date of the transaction; the amount, duration, and terms of the contract for purchase. Language which represents suitably Sections 5.24.150 through 5.24.170 shall appear on the back of the pawn ticket. The pawnbroker may insert on the pawn ticket any other terms, conditions, and information not inconsistent with the provisions of this chapter. (Ord. 0-89-61 § 1 (part), 1989).

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5.24.160 TRANSFER OF PAWN TICKET GENERALLY – TRANSFER TO PAWNBROKER. The holder of the pawn ticket shall be presumed to be the person entitled to cancel the contract for purchase and except as provided otherwise in this chapter, the pawnbroker shall deliver the pledge to the person presenting the pawn ticket on payment of principal and charges and upon surrender of the pawn ticket. The holder of any pawn ticket may transfer same to the issuing pawnbroker by writing upon the ticket “Transferred to (name of pawnbroker)” and signing same under such writing. The effect of transferring a pawn ticket to the issuing pawnbroker shall be to vest in the pawnbroker such ownership and title to the pawn ticket and the pledged property represented thereby as the holder had. The pawnbroker may thereafter sell the pledged property in accordance with the provisions of Section 5.24.240. Every instance of transference of a pawn ticket to a pawnbroker shall be reported within seven (7) days to the Lakewood Police Department on a form to be approved by the Lakewood Police Department. (Ord. 0-89-61 § 1 (part), 1989).

5.24.170 LOSS OF PAWN TICKET. If a pawn ticket is lost, destroyed, or stolen the customer shall so notify the issuing pawnbroker in writing. Before permitting the cancellation of the contract for purchase or issuing a duplicate pawn ticket, the pawnbroker may, in addition to satisfying himself of the validity of the claim, require the customer to make an affidavit of the alleged loss, destruction, or theft of the ticket. Upon receipt of such affidavit or statement in writing as the case may be, the pawnbroker shall permit the customer to cancel the contract for purchase or the pawnbroker shall deliver to the customer a duplicate ticket and the pawnbroker shall incur no liability for doing so unless he had previously received written notice of an adverse claim. The form of the affidavit shall be substantially as follows:

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“AFFIDAVIT OF LOSS OF PAWN TICKET”

STATE OF COLORADO)
) SS:
COUNTY OF _____)

I, _____, being first duly sworn, do
depose and say:

1. I am the pledgor of a pawn ticket issued by (name of
pawnbroker), numbered _____, (“Unknown” if number
is not known), and dated _____ (“Unknown”
if date is not known).

2. The above-described pawn ticket has not been sold,
negotiated, or transferred in any other manner by me.

3. The above-described pawn ticket was (lost, destroyed,
or stolen) as follows: _____.

4. The pledge represented by this pawn ticket is (descrip-
tion of pledge).

Further affiant sayeth not.

Affiant

Subscribed and sworn to before me this _____ day of
_____, 19____

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Notary Public

My Commission expires: _____

(Ord. 0-89-61 § 1 (part), 1989).

5.24.180 ADVERSE CLAIMS. If more than one person claims the right to cancel a contract for purchase the pawnbroker shall incur no liability for refusing to deliver the pledge until the respective rights of the claimants are adjudicated. If no action is brought against the pawnbroker by either party prior to the expiration of the period for which he is required under Section 5.24.230 to hold the pledge, he may proceed to sell the pledge in accordance with the provisions of this chapter. (Ord. 0-89-61 § 1 (part), 1989).

5.24.190 ALTERED PAWN TICKET. The alteration of a pawn ticket shall not excuse the pawnbroker who issued it from liability to deliver the pledge according to the terms of the ticket as originally issued, but shall relieve him from any other liability to the pledgor of the ticket. (Ord. 0-89-61 § 1 (part), 1989).

5.24.200 SEIZURE OF COUNTERFEIT OR REPORTEDLY LOST PAWN TICKET – SEIZURE OF COUNTERFEIT OR FRAUDULENT IDENTIFICATION. (a) If a ticket is presented to a pawnbroker which purports to be one issued by him but which is found to be counterfeit or which has been reported to him as lost, stolen or destroyed, the pawnbroker may seize and retain the same without any liability whatsoever to the holder thereof. Upon such occasion, the pawnbroker shall immediately notify the Lakewood Police

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Department. The Lakewood Police Department shall then place a hold order on the pawn ticket so seized, as set out in Section 5.24.250, and pledged property shall be held by the pawnbroker until such time as the lawful disposition of the pledged property is either agreed upon, determined by court action, or directed by ordinance or statute.

(b) If a pawnbroker has reason to believe a customer is exhibiting counterfeit or fraudulent identification, the pawnbroker or his employee, acting in good faith and upon probable cause based upon reasonable grounds therefor, may seize such identification without incurring civil or criminal liability as a result of such seizure, provided the pawnbroker immediately gives such identification to the Lakewood Police Department. (Ord. 0-89-61 § 1 (part), 1989).

5.24.210 INTEREST RATE – COMMISSION. No pawnbroker shall ask, demand or receive any greater rate of interest, commission and compensation than the total rate of one-tenth of the original purchase price for each month, plus the original purchase price, on amounts of fifty dollars or over, or one-fifth of the original purchase price for each month, plus the original purchase price, on amounts under fifty dollars. No other charges shall be made by the pawnbroker upon renewal of any contract for purchase or at any other time. In the event any such charges are made, the contract shall be void. Any contract for the payment of commissions by the customer for making a contract for purchase on tangible personal property shall be null and void. (Ord. 0-89-61 § 1 (part), 1989).

5.24.220 INTERMEDIATE PAYMENTS – RECEIPTS. The pawnbroker shall accept intermediate payments, without penalty, upon contracts for purchase which have not yet matured when presented with the pawn ticket, and shall treat

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the amount tendered as a payment upon the existing contract for purchase. A receipt showing the date and the amount of the payment shall be given for all moneys received on account of or in payment of the contract for purchase, and the date and amount of each such payment shall be entered upon the proper serially numbered stub in the bound book required to be kept by Section 5.24.140 at the time of each such payment. The total amount of money presented shall be applied against the amount of indebtedness. In no event shall any late charges, collection fees or other such service charges be deducted from the amount of the payment tendered to the pawnbroker. (Ord. 0-89-61 § 1 (part), 1989).

5.24.230 PROPERTY HELD – TIME LIMIT – SALE OF UNREDEEMED ARTICLES. (a) The pawnbroker shall hold tangible personal property purchased by him through a purchase transaction for thirty days following the date of purchase, during which time such property shall be held separate and apart from any other tangible personal property and shall not be changed in form or altered in any way.

(b) The pawnbroker shall hold all tangible personal property pledged as security on a contract for purchase in his possession during the term of the contract for purchase, plus a period of ten days following the maturity date of the contract for purchase, during which time such goods shall be held separate and apart from any other tangible personal property and shall not be changed in form or altered in any way. The date of maturity of a contract for purchase shall be deemed for purposes of this chapter to be whichever of the following is the later date:

(1) The date on which the contract for purchase is to be repaid if any portions remain unpaid on that date; or

(2) The date on which the last payment has been accepted by the pawnbroker.

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(c) If the pledgor fails or neglects to cancel the contract for purchase by repayment of the balance of the principal and payment of all accrued interest charges, the pawnbroker shall mail a notice to the pledgor after the maturity date of the contract for purchase to the address designated in the books and records. The notice shall give the number of the pawn ticket, a description of the property pledged, and shall notify the pledgor that the contract for purchase must be cancelled within ten days from the date of the notice, and specify the date, and that upon his failure to cancel the contract for purchase by that date, the pledged property shall be deemed forfeited to the pawnbroker and the right of the pledgor to cancel the contract for purchase shall be terminated. Such notice shall be in the form substantially as follows:

Lakewood, Colorado, _____, 19____.

To: _____
(Name)

(Street address)

(City, State, Zip Code)

You are hereby notified to cancel the contract for purchase on or before ten days from the above date, to wit: (Date) , or the pledged property will be forfeited to the pawnbroker under the contract for purchase and your rights to the pledged property will thereafter be terminated. Your pawn ticket is No. _____, the property pledged by you as security is described as follows:

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(general description of property)

(Pawnbroker)

(Pawnbroker's address)

(d) The pawnbroker shall retain in his records the original notice, in its unopened envelope, if returned to the pawnbroker. If notwithstanding the notice the person making the contract for purchase fails to cancel the contract for purchase within the ten-day period designated in the notice, all right, title and interest of the pledgor to the pledged property shall be forfeited to the pawnbroker who shall acquire title to the property, and the debt become satisfied. (Ord. 0-89-61 § 1 (part), 1989).

5.24.240 SALE OF ARTICLES REPRESENTED BY PAWN TICKETS TRANSFERRED TO PAWNBROKER. Any tangible personal property deposited with a pawnbroker as security for a contract for purchase represented by a pawn ticket which has been transferred to the pawnbroker in accordance with Section 5.24.160 may be sold by the pawnbroker thirty days after such transference and appropriate notification to the Lakewood Police Department. (Ord. 0-89-61 § 1 (part), 1989).

5.24.250 HOLD ORDER. Any authorized agent of the Lakewood Police Department may order a pawnbroker to hold any tangible personal property deposited with or in the custody of any pawnbroker for purposes of further investigation by the

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Lakewood Police Department. A hold order shall be effective upon verbal notification to the pawnbroker by an authorized agent of the Lakewood Police Department. Written notice of the hold order shall be provided to the pawnbroker within twenty-four hours of the verbal notification, unless the end of the twenty-four-hour period falls on a Saturday, Sunday or holiday, in which event the written notification of the hold order shall be provided to the pawnbroker on the following Monday or the next business day following a holiday. A hold order shall supersede the provisions of Sections 5.24.230 and 5.24.240, and no sale or other disposition may be made of any tangible personal property deposited with or in the custody of the pawnbroker while the hold order remains in effect. Any sale or other disposition of the property after the pawnbroker has been notified by the Lakewood Police Department of a hold order shall be unlawful and a violation of this provision. (Ord. 0-89-61 § 1 (part), 1989).

5.24.260 NO DEFICIENCY OR OFFSETS PERMITTED. The pawnbroker shall look to the property pledged for payment of the contract for purchase and in no event shall the pawnbroker look to the personal credit of the pledgor. No set-off shall be allowed the pawnbroker against the surplus or deficit arising out of another contract for purchase between the parties. In no event shall any deficiency balances be collected by the pawnbroker and in the event that such an attempt is made, the entire transaction shall be void. (Ord. 0-89-61 § 1 (part), 1989).

5.24.270 UNLAWFUL TRANSACTIONS. (a) It is unlawful for any pawnbroker to make a contract for purchase, acquire a pawn ticket by transfer, or make a purchase transaction with the following:

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- (1) Any person under eighteen years of age;
 - (2) Any person under the influence of alcohol, or any narcotic drug, stimulant or depressant;
 - (3) Any person known to such pawnbroker to have been convicted of a felony involving theft, without first notifying the Lakewood Police Department;
 - (4) Any person appearing to the pawnbroker to be in an abnormal mental state;
 - (5) Any person whose actions would give the pawnbroker probable cause to believe the tangible personal property, which is the subject of a contract for purchase or purchase transaction with that customer was obtained illegally.
- (b) With respect to a contract for purchase, no pawnbroker may permit any customer to become obligated on the same day in any way under more than one contract for purchase agreement with the pawnbroker which would result in the pawnbroker obtaining a greater amount of money than would be permitted if the pawnbroker and customer had entered into only one contract for purchase covering the same tangible personal property.
- (c) No pawnbroker shall violate the terms of any contract for purchase. (Ord. 0-90-8 § 4, 1990; Ord. 0-89-61 § 1 (part), 1989).

5.24.280 UNLAWFUL TO PAWN CERTAIN ITEMS. It is unlawful for any pawnbroker to accept in pledge, buy, sell, or display in his place of business any switchblade knife, any knife whose blade is detachable from its handle, any knife whose blade opens by any mechanical means, any gravity knife, any throwing star, any brass or metallic knuckles or other items commonly used for and designed for the purpose of beating

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or striking others, any nunchaku, blackjack, or billy club, property with missing or altered serial numbers, or any other property which is illegal to possess. (Ord. 0-89-61 § 1 (part), 1989).

5.24.290 SAFEKEEPING – INSURANCE. Any pawnbroker licensed and operating under the provisions of this chapter shall provide a safe place for the keeping of pledged property received by him, and shall have sufficient insurance on the pledged property held by him for the benefit of the pledgor to pay fifty percent of the real value thereof in case of fire, theft, or other casualty loss, which policy shall be deposited with the City Manager or his designee prior to approval of the license. Neither the pawnbroker nor surety shall be relieved from their responsibility by reason of such fire, theft, or other casualty loss, nor from any other cause, save full performance. (Ord. 0-89-61 § 1 (part), 1989).

5.24.300 ACCEPTING LOST OR STOLEN ARTICLES. A pawnbroker who accepts in pledge any tangible personal property as security for a contract for purchase from one who is not the owner thereof, obtains no title in the property either by reason of a pledgor's failure to cancel the contract for purchase or by transference of the pawn ticket to the pawnbroker by the pledgor thereof. Ignorance of the fact that the pledged property was lost or stolen shall not be construed to affect the question of title; and if the pawnbroker shall sell such article to a third person, he shall remain liable to the original owner in any appropriate legal action. The lawful owner may, upon proving his ownership of the lost or stolen property claim the same from the pawnbroker or recover the same by means of any appropriate legal action. (Ord. 0-89-61 § 1 (part), 1989).

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5.24.320 LIABILITY FOR PLEDGED PROPERTY. A pawnbroker shall be liable for the loss of pledged property or part thereof, or for injury thereto, whether caused by fire, theft, burglary, or otherwise, as a result of his failure to exercise reasonable care in regard to it. A pawnbroker shall not be liable, in the absence of an expressed agreement to the contrary, for the loss of or injury to pledged property which could not have been avoided by the exercise of due care. Nothing herein shall affect the right of the pledgor to insurance proceeds on such property. (Ord. 0-89-61 § 1 (part), 1989).

5.24.330 REMOVAL OF PLACE OF BUSINESS. (a) No license shall be valid for any location other than the location for which it is issued, except as hereinafter provided.

(b) Removal of a pawnbroker's place of business shall be permitted under the same license in accordance with the following procedure:

(1) A pawnbroker wishing to move his place of business within the city shall give written notice thereof to the City Clerk no less than thirty days prior to the date of relocation.

(2) The City Clerk shall enter an order permitting the change and amend the license accordingly if she finds the licensee has the right to possession of the proposed location and the location is reasonably accessible to the existing customers. If the City Clerk does not so find, she shall issue an order denying the pawnbroker such permission and notify the pawnbroker of the reason for the denial.

(3) If permission is denied, the pawnbroker may within ten days following notice of denial file a written request for review thereof with the City Clerk. The denial shall then be reviewed by the City Manager or his designee, who shall have authority to affirm or reverse the denial.

(4) In the event the City Clerk approves the relocation, the

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pawnbroker shall mail written notice to each customer with whom the pawnbroker has an existing contract for purchase. Such notices shall be mailed at least fifteen days prior to the date of relocation. Any undelivered notice returned to the pawnbroker shall be retained in the records of the pawnbroker in the unopened envelope. The pawnbroker shall file an affidavit of mailing with the City Clerk together with a sample copy of the notice of relocation. (Ord. 0-89-61 § 1 (part), 1989).

5.24.340 INVESTIGATION – RIGHT OF ENTRY. (a) For the purpose of investigating violations of this chapter, any authorized agent of the Lakewood Police Department may at any reasonable time investigate the business and examine the books, accounts, papers, and records of any licensed pawnbroker or any person, partnership, or corporation which engages in the business of pawnbrokering within the City.

(b) Application for or acceptance of a license by a pawnbroker under the terms and provisions of this chapter shall constitute a continuing consent to entry by any authorized agent of the Lakewood Police Department upon the pawnbroker's premises for the purpose of investigating the business and examining the books, accounts, papers, and records used therein, at any time during the term of the license, during regular business hours or whenever the pawnbroker, his employee, or agent is upon the premises, without compliance with the provisions of Chapter 1.12 of this Code. Willful failure or refusal by the pawnbroker, his agent, or employee to permit entry upon the premises by any authorized agent of the Lakewood Police Department as provided herein, after presentation of credentials and demand for entry, is a violation of this provision and shall be grounds for revocation of the pawnbroker's license. (Ord. 0-89-61 § 1 (part), 1989).

SOLICITORS AND PEDDLERS

Chapter 5.28

SOLICITORS AND PEDDLERS*

Sections:

5.28.010 Notice prohibiting solicitors.

5.28.010 NOTICE PROHIBITING SOLICITORS. Every resident of the city shall have the right to post a notice or notices upon his property, including but not limited to apartments, condominium units and detached residences, to the effect that peddlers, solicitors and hawkers shall not enter the premises or solicit or attempt to solicit orders or sales from the occupant or occupants thereof. Any person who shall go in or upon any place so posted without previous invitation so to do from the occupant or occupants thereof, for the purpose of soliciting orders for the sale of, or selling, goods, wares, merchandise, services, magazines, contracts, policies of insurance, stocks, bonds, rights, or anything of value, is guilty of an unlawful act. (Ord. 0-82-133 § 1, 1982).

*For statutory provisions regarding the power of cities to license, tax, regulate, suppress and prohibit peddlers, see C.R.S. § 139-32-1(63).

UTILITIES—B & O TAX

Chapter 5.32

UTILITIES—B & O TAX

Sections:

- 5.32.010 Levy of fee.
- 5.32.020 Payment of fee.
- 5.32.030 Failure to pay.
- 5.32.040 Inspection of records.
- 5.32.050 Local purpose.
- 5.32.060 Exclusions.

5.32.010 LEVY OF FEE. There is hereby levied on and against utility companies operating within the corporate limits of the City of Lakewood a fee on the occupation and business of maintaining a telephone exchange and lines therewith in the City of Lakewood and of supplying local exchange telephone service to the inhabitants of the City. The amount of fee levied hereby shall be \$716,937.00 for the calendar year 1990 and shall be adjusted each calendar year thereafter based upon the percentage change in the United States Bureau of Labor Statistics Consumer Price Index for Denver - Boulder, all items, all urban consumers, or its successor index. The adjustment shall be based upon the August report of such index and shall be effective on the following January. (Ord. 0-90-55 § 1 (part), 1990: Ord. 0-89-88 § 1 (part), 1989: Ord. 0-88-51 § 1 (part), 1988: Ord. 0-86-120 § 1 (part), 1986: Ord. 0-85-113 § 1 (part), 1985: Ord. 0-84-127 § 1 (part), 1984: Ord. 0-83-173 § 1 (part), 1983: Ord. 0-82-158 § 1 (part), 1982: Ord. 0-81-143 § 1 (part), 1981: Ord. 0-80-111 § 1 (part), 1980: Ord. 0-79-124 § 1 (part), 1979: Ord. 0-78-121 § 1 (part), 1978: Ord. 0-78-9 § 1 (part), 1978: Ord. 0-77-43 § 1, 1977: Ord. 0-77-2 § 1 (part), 1977: Ord. 0-76-51 § 1 (part), 1976: Ord. 5 § 1, 1969 Series).

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5.32.020 PAYMENT OF FEE. Payment of this fee shall be made to the City of Lakewood by the utility company operating in the City in twelve equal installments. Installments are due and payable on the last day of each month commencing in January of each year. Installments shall be remitted to the Treasurer of the City of Lakewood by the utility company. (Ord. 0-90-55 § 1 (part), 1990: Ord. 0-89-88 § 1 (part), 1989: Ord. 0-88-51 § 1 (part), 1988: Ord. 0-86-120 § 1 (part), 1986: Ord. 0-85-113 § 1 (part), 1985: Ord. 0-84-127 § 1 (part), 1984: Ord. 0-83-173 § 1 (part), 1983: Ord. 0-82-158 § 1 (part), 1982: Ord. 0-81-143 § 1 (part), 1981: Ord. 0-80-111 § 1 (part), 1980: Ord. 0-79-124 § 1 (part), 1979: Ord. 0-78-121 § 1 (part), 1978: Ord. 0-78-9 § 1 (part), 1978: Ord. 0-77-2 § 1 (part), 1977: Ord. 0-76-51 § 1 (part), 1976: Ord. 5 § 2, 1969 Series).

UTILITIES—B & O TAX

5.32.030 FAILURE TO PAY. If any utility company subject to the provisions of this chapter fails to pay the taxes as herein provided, the full amount thereof shall be due and collected from such company, and the same together with an addition of ten percent of the amount of taxes due shall be and is declared to be a debt due and owing from such company to the City. The City attorney, upon the direction of the City Manager, shall commence and prosecute to final judgment and determination in any court of competent jurisdiction an action to collect such debt in the name of the City. (Ord. 0-93-64 § 32, 1993; Ord. 0-76-51 § 1 (part), 1976; Ord. 5 § 3, 1969 Series).

5.32.040 INSPECTION OF RECORDS. The city, its officers, agents, or representatives have the right at all reasonable hours and times to examine the books and records of the utility companies which are subject to the provisions of this chapter and to make copies of the entries or contents thereof. (Ord. 0-76-51 § 1 (part), 1976; Ord. 5 § 4, 1969 Series).

5.32.050 LOCAL PURPOSE. The tax in this chapter provided is upon the occupations and businesses in the performance of local functions and is not a tax upon those functions relating to interstate commerce. It is expressly understood that none of the terms of this chapter shall be construed to mean that any utility company is issued a franchise by the city. (Ord. 0-76-51 § 1 (part), 1976; Ord. 5 § 6, 1969 Series).

5.32.060 EXCLUSIONS. The provisions of this chapter shall not apply to any utility owned and operated by the city or to any utility maintaining facilities within the city pursuant to a franchise granted by the city. (Ord. 0-76-51 § 1 (part), 1976; Ord. 5 § 7, 1969 Series).

LAKESWOOD LIQUOR LICENSING AUTHORITY

Chapter 5.38

LAKESWOOD LIQUOR LICENSING AUTHORITY

Sections:

- 5.38.010 Purpose.
- 5.38.020 Definitions.
- 5.38.030 Licensing authority established.
- 5.38.040 Applications for new licenses.
- 5.38.050 Appearance before the licensing authority.
- 5.38.060 Investigation.
- 5.38.070 Public hearing.
- 5.38.080 Decision—New applications.
- 5.38.090 License renewals.
- 5.38.100 Change in management.
- 5.38.110 Special events permits.
- 5.38.120 Procedural rules and regulations.
- 5.38.130 City liquor fee policy and purpose.
- 5.38.140 Fines in lieu of suspension.

LAKWOOD LIQUOR LICENSING AUTHORITY

5.38.010 PURPOSE. In pursuance of the authority conferred by Articles 47 and 48 of Title 12, Colorado Revised Statutes, 1985 Replacement Volume, as amended, and Article IV, Section 4.5 of the Charter for the city, this chapter is enacted for the purpose of promoting the health, safety and welfare of the present and future inhabitants of the city by regulating, controlling and licensing the sale of malt, vinous and spirituous liquors. (Ord. 0-87-7 § 1 (part), 1987).

5.38.020 DEFINITIONS. As used in this chapter, the following words and terms shall be defined as follows:

(1) "Applicant" means and includes:

(A) If an individual, that person making an application for a license under this chapter;

(B) If a partnership, the partners owning ten percent or more of the partnership which is making application for a license under this chapter;

(C) If a corporation, the president, vice-president, secretary, treasurer, the directors, manager and each stockholder owning ten percent or more of the stock of the corporation.

(2) "Authority" or "Licensing Authority" means the Liquor Licensing Authority of the city.

(3) "Inspector" means the Liquor License Inspector as set forth in Section 5.38.030(f).

(4) "Investigator" means a member of the Lakewood Police Department.

(5) "Manager" includes the person or those persons who manage, direct, supervise, oversee and administer the acts, transactions and acts of servants of the establishments governed by this chapter.

All other words and phrases used in this Chapter 5.38 shall have the meanings attached by the Colorado Statutes regulating the sale of liquor, or if not otherwise defined by law, as used

LAKESWOOD LIQUOR LICENSING AUTHORITY

in their common, ordinary and accepted sense and meaning. (Ord. 0-89-35 § 1, 1989; Ord. 0-87-7 § 1 (part), 1987).

5.38.030 LICENSING AUTHORITY ESTABLISHED. (a) There is established a Liquor Licensing Authority, which shall have and is vested with the authority to grant or refuse licenses for the sale at retail of malt, vinous or spirituous liquors, as provided by law, conduct investigations as are required by law, and to suspend or revoke such licenses for cause in the manner provided by law. Such authority shall have all powers of the Local Licensing Authority as set forth in Title 12, Articles 47 and 48, Colorado Revised Statutes, 1985 Replacement Volume.

(b) The Licensing Authority shall consist of five regular members and five alternate members who shall be residents of the city to be appointed by the City Council, one regular and one alternate from each of the five Council Wards, one or more of whom may also be members of the City Council. The terms of office held by persons previously appointed and presently serving as members or alternate members of the Authority shall not be reduced or extended by the adoption of the ordinance codified in this section, but shall continue until their regular expiration date. The the expiration of the current terms of Ward I regular and alternate members and of Ward V regular and alternate members, the City Council shall appoint Ward I regular and alternate members whose terms shall expire on March 31, 1987, or when their successors are appointed if such appointment takes place after March 31, 1987. Thereafter, the City Council shall appoint Ward I and Ward V regular and alternate members on or before March 31st of every third year.

At the expiration of the current terms of the Ward II and Ward III regular and alternate members, City Council shall appoint Ward II and Ward III regular and alternate members whose terms shall expire on March 31, 1988, or when their

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successors are appointed if such appointment takes place after March 31, 1988. Thereafter, the City Council shall appoint Ward II and Ward III regular and alternate members on or before March 31st of every third year.

At the expiration of the current terms of the Ward IV regular and alternate members, the City Council shall appoint Ward IV regular and alternate members whose terms shall expire on March 31, 1987, or when their successors are appointed if such appointment takes place after March 31, 1987. Upon expiration of these terms, City Council shall appoint Ward IV regular and alternate members whose terms shall expire on March 31, 1989, or when their successors are appointed if such appointment takes place after March 31, 1989. Thereafter, the City Council shall appoint Ward IV regular and alternate members on or before March 31st of every third year.

In the event a vacancy occurs in the Licensing Authority, the City Council shall make an appointment for the unexpired term. Any member of the Licensing Authority may be removed by the City Council for nonattendance or other cause.

(c) The regular members of the Licensing Authority shall annually elect a chairman from their number who shall preside over all hearings and proceedings of the Licensing Authority, and who shall also serve as chairman of the Fermented Malt Beverage Licensing Authority. The chairman may designate a member of the authority to assume his duties in his absence. A quorum shall consist of three of the five members, and a decision of a majority of the members of the Licensing Authority shall control. A motion shall be adopted by not less than three affirmative votes. Any hearing may be continued to permit an absent member (or members) to participate in a decision of the Licensing Authority. Any absent member may join in a decision of the Licensing Authority after he has considered the evidence adduced in any hearings or portions of hearings conducted during his absence.

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(d) Each member and alternate member of the Licensing Authority may be reimbursed for actual expenses incurred as such member. The expenses shall be documented to the secretary to the Licensing Authority.

(e) The City Clerk shall receive all applications for licenses, and shall issue all licenses granted by the Licensing Authority, upon receipt of such license fees and occupation fee as are required by law and this chapter. The City Clerk shall serve as the official secretary of the Licensing Authority and shall designate a person or persons to provide the necessary secretarial and reporting services for the Licensing Authority. The City Clerk may attend, but shall not be required to attend, the meetings of the Licensing Authority. All public notice by publication in a newspaper required by the Liquor Code shall be accomplished by the City Clerk.

(f) Such person or persons as the City Clerk shall designate, shall be the Liquor License Inspector, who shall perform those inspection duties set forth in this Chapter 5.38 and such other duties as the Licensing Authority may reasonably direct.

(g) The applicant shall be responsible for posting notice prepared by the City Clerk on the property or premises for new applications and Special Events Permits. The Liquor Inspector shall inspect said posting of notice. (Ord. 0-87-7 § 1 (part), 1987).

5.38.040 APPLICATIONS FOR NEW LICENSES. All applications for new licenses for the sale of alcoholic liquors at retail shall be filed with the City Clerk and shall be subject to the provisions of this chapter and Article 47 of Title 12 of the Colorado Revised Statutes. The City Clerk shall accept no application that is not complete in every detail. If any application is deposited with the City Clerk and found upon examination to contain any omission or error, it shall be returned to the

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applicant for completion or correction without further action either by the Clerk or the Licensing Authority. All licenses granted, except Special Events Permits, shall be valid for a period of one year from the date of their issuance unless revoked or suspended. No application shall be deemed complete unless accompanied by the following:

- (1) All items required by statute.
- (2) Payment in full of the city and state license fees and an additional four hundred fifty dollar fee for the actual and necessary expenses of processing the application, conducting a public hearing, investigating, and for publishing and posting the required notice of such hearing.
- (3) Evidence from the Division of Code Enforcement of the city that the location of the proposed establishment meets the requirements of the zoning ordinance.
- (4) In the event that the application is for a hotel and restaurant license, tavern license, a club license or a beer and wine license, evidence from the Jefferson County Health Department that the applicant is or may be licensed to operate a restaurant.
- (5) Copies of any contract or agreement which confers a power or authority upon any party to manage, operate or supervise the affairs of the proposed establishment and the acts of its servants, whether such a contract or agreement is presently in effect or whether it is intended to become effective following issuance of a license.
- (6) An affidavit stating that the outlet is not located within five hundred feet of any public or parochial school or the principal campus of any college, university or seminary, as computed by direct measurement from the nearest property line of the land used for school purposes to the nearest portion of the building in which the liquor is to be sold, using a route of direct pedestrian access.

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(7) If any petitions signed by parties in interest which demonstrate the needs of the neighborhood and the reasonable requirements of the neighborhood regarding issuance of the license are to be submitted to the Licensing Authority at the public hearing, such petitions shall be submitted to the City Clerk fifteen days prior to the public hearing on the application.

(8) Any other information, document or form which the Licensing Authority deems necessary to carry out its duties as set forth in Title 12, Articles 47 and 48 of the Colorado Revised Statutes, 1985 Replacement Volume, and all applicable regulations.

(9) Other provisions in this section notwithstanding, where an applicant pursuant to a previous application under this chapter or Chapter 5.40 has submitted material and if all such material is complete, current and in the possession of the City Clerk, the City Clerk may waive its resubmission. (Ord. 0-89-35 § 2, 1989; Ord. 0-87-7 § 1 (part), 1987).

5.38.050 APPEARANCE BEFORE THE LICENSING AUTHORITY. (1) Upon acceptance of a completed application the City Clerk shall schedule a public hearing upon the application to be heard not less than thirty days from the date the application is accepted. The date of acceptance of the application by the City Clerk shall be deemed to be the date of filing of the application for the purposes set forth in the Colorado Revised Statutes. No application shall be accepted unless it is complete in all respects.

(2) The applicant and his or her representative, if any, shall attend the public hearing on the application.

(3) The City Clerk shall set the boundaries of the neighborhood considered affected by the proposed location at the time the application is accepted. The applicant shall have the opportunity at that time to give any evidence as to the propriety

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of the proposed boundaries, and to give objections thereto.

(4) The City Clerk shall prepare an official map showing the location of the proposed outlet and all outlets within the defined neighborhood to be presented at the public hearing. (Ord. 0-89-35 §§ 3 – 8, 1989; Ord. 0-87-57 § 1, 1987; Ord. 0-87-7 § 1 (part), 1987).

5.38.060 INVESTIGATION. (1) After the application has been accepted, the Investigator shall proceed with the investigation of the applicant and the Inspector shall proceed with the inspection of the premises.

(2) Within seven days after the application has been accepted by the City Clerk, the following individuals shall present themselves to the Lakewood Police Department to be photographed and fingerprinted:

(A) If the applicant is a natural person, that person;

(B) If the applicant is a partnership, those partners who have a ten percent or more financial interest in the partnership;

(C) If the applicant is a corporation, both the officers and directors, together with any person owning more than ten percent of the stock thereof; and

(D) Irrespective of the identity of the applicant, the manager of the proposed establishment.

The Lakewood Police Department shall make background investigations of the above-named individuals, and for this purpose such individuals shall provide all information necessary for the investigation. Where a partner or corporate officer, director or stockholder lives at such a distance from the City that travel would impose undue expense or inconvenience, the Chief of Police shall have the discretion to make other suitable arrangements in order to obtain the necessary photographs, fingerprints and information. Where a background investigation has been previously made of any individual enumerated in this

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section either by the Lakewood Police Department or another law enforcement agency, the Chief of Police shall have the discretion to employ such investigation and may waive the fingerprinting and photographing required by this section.

(3) The Lakewood Police Department shall acquire additional information as necessary to properly carry out the provisions of Title 12, Articles 47 and 48 of the Colorado Revised Statutes, 1973, as amended, the rules and regulations promulgated thereunder by the Colorado Department of Revenue, the ordinances of the City, and the rules and regulations of the Licensing Authority.

(4) Any reports of the results of any investigation conducted by any department shall be delivered by the respective departments or officials to the City Clerk at least ten days prior to the date of the public hearing. Not less than five days prior to the date of the hearing on the application the report of the findings based on the investigation shall be mailed by the City Clerk to the applicant by certified mail, return receipt requested, and to other interested parties upon request. (Ord. 0-89-35 §§ 9 – 13, 1989; Ord. 0-87-7 § 1 (part), 1987).

5.38.070 PUBLIC HEARING. (1) The Licensing Authority shall establish procedures for all of its public hearings in conformity with the laws of the state and ordinances and resolutions of the city.

(2) The Licensing Authority shall have the power 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 which the Licensing Authority is authorized to conduct. It is unlawful for any person to fail to comply with any subpoena issued by the authority in the proper conduct of its hearings.

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(3) A subpoena shall be served in the same manner as a subpoena issued by the District Court of the state. Upon failure of any witness to comply with such subpoena, the City Attorney shall, at the direction of the authority:

(A) Petition any judge of the Municipal Court of the city, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, that the court after hearing evidence in support of or contrary to the petition, enter its order compelling the witness to attend and testify or produce books, records or other evidence, under penalty of punishment for contempt in case of willful failure to comply with such order of court; or

(B) Petition the District Court in and for the county, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, that the court after hearing evidence in support of or contrary to the petition, enter its order as in other civil actions, compelling the witness to attend and testify or produce books, records or other evidence, under penalty of punishment for contempt in case of willful failure to comply with such order of court. (Ord. 0-87-7 § 1 (part), 1987).

5.38.080 DECISION – NEW APPLICATIONS. Following the public hearing on new applications, the Licensing Authority shall render its decision no later than thirty days thereafter; provided, however, that the Licensing Authority may continue the hearing from time to time as may be required to gather necessary facts and evidence and to permit witnesses to testify, and the time limited herein shall run from the date of conclusion of the hearing, as continued. (Ord. 0-87-7 § 1 (part), 1987).

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5.38.090 LICENSE RENEWALS. All renewal applications for malt, vinous and spirituous liquor licenses shall be submitted to the City Clerk on the prescribed forms no later than forty-five days prior to the date on which the license expires, except that the authority, for good cause, may waive the time requirement set forth in this paragraph. The forms shall be accompanied by all the required fees and such additional materials as the authority deems necessary to carry out the provisions of the Colorado Liquor Code, this chapter, and all applicable regulations. No renewal application shall be accepted by the City Clerk which is not complete in every detail. No renewal shall be granted unless all fees and applicable taxes have been paid by the licensee. (Ord. 0-87-7 § 1 (part), 1987).

5.38.100 CHANGE IN MANAGEMENT. (1) Where any licensee changes or causes to be changed the manager of his establishment and such person has not heretofore been approved as a manager by the Licensing Authority, the licensee shall file the prescribed forms with the City Clerk for a change of management within thirty (30) days of such change and the new manager shall present himself to the Police Department for photographing, fingerprinting and background investigation.

(2) Where any manager or managers are granted their power or authority by way of a contract or other agreement, a copy of such contract or agreement shall be filed with the City Clerk by the licensee with the prescribed forms and the oath as set forth in subsection (1) of this section.

(3) The City Clerk shall administratively approve a change of manager for any licensed establishment unless the Police Department recommends that the proposed manager be disapproved by the Licensing Authority. In that event, the decision

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concerning such manager's application shall be made by the Licensing Authority at a public hearing. (Ord. 0-89-35 §§ 14, 15, 1989; Ord. 0-87-7 § 1 (part), 1987).

5.38.110 SPECIAL EVENTS PERMITS. The Liquor Licensing Authority shall establish a procedure to issue special events permits for sale by the drink only of malt, spirituous or vinous liquors as set forth in Title 12, Article 48 of the Colorado Revised Statutes, 1985 Replacement Volume, and the regulations promulgated thereunder. An application for a special events permit shall be accompanied by payment of all applicable state permit fees as well as a fee of twenty-five dollars to cover the costs to the city of investigation and issuance of a permit. When an event is held on municipal premises, proof of insurance acceptable to the City Attorney and Risk Manager must be filed with the application. (Ord. 0-87-7 § 1 (part), 1987).

5.38.120 PROCEDURAL RULES AND REGULATIONS. The Licensing Authority may promulgate reasonable procedural rules and regulations for carrying out the provisions of this chapter, provided that the rules and regulations are not in conflict with the Colorado Liquor Code and the rules and regulations for the Colorado Liquor Code or any other provision in this chapter. (Ord. 0-87-7 § 1 (part), 1987).

5.38.130 CITY LIQUOR FEE POLICY AND PURPOSE. (1) The City Council finds, determines and declares that considering the nature of the business of selling malt, vinous and spirituous liquors and the relationship of such business to the municipal welfare, as well as the relationship thereof to the expenditures required of the city, and a proper, just and equitable distribution of the tax burdens within the city and all

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other matters properly to be considered in relation thereto, the classification of such business as a separate occupation is reasonable, proper, uniform, nondiscriminating and necessary for a just and proper distribution of the tax burdens within the city.

(2) There is levied and assessed for each year an annual city liquor occupation fee upon the business of selling malt, vinous and spirituous liquors in the city based on the type of license held by the licensee:

Hotel and Restaurant License	\$800.00
Club License	400.00
Tavern License	900.00
Beer and Wine License.	450.00
Retail Liquor Store License.	400.00
Liquor Licensed Drug Store	400.00

(3) There is levied and assessed for each year an additional annual city liquor occupation fee upon the business of selling malt, vinous and spirituous liquors in the city under an extended hours special license, in the amount of two hundred dollars. (Ord. 0-87-7 § 1 (part), 1987).

5.38.140 FINES IN LIEU OF SUSPENSION. The licensing authority is empowered to impose fines in lieu of the suspension of a license to sell alcoholic beverages as provided for in Section 12-47-110, 5 C.R.S. (1985 Repl. Vol.). (Ord. 0-87-56 § 1, 1987).

OPTIONAL PREMISES LIQUOR LICENSES

Chapter 5.39

OPTIONAL PREMISES LIQUOR LICENSES

Sections:

- 5.39.010 Standards.
- 5.39.020 Eligible facilities.
- 5.39.030 Number of optional premises.
- 5.39.040 Application requirements.
- 5.39.050 Advance notification.

5.39.010 **STANDARDS.** The following standards for the issuance of optional premises licenses or for optional premises for a hotel and restaurant license are hereby adopted pursuant to the provisions of Section 12-47-135, C.R.S., as amended. These standards adopted herein shall be considered in addition to all other standards applicable to the issuance of licenses under the Colorado Liquor Code for an optional premises license or for an optional premises for a hotel and restaurant license. These two types of licenses for optional premises will collectively be referred to as "optional premises" in these standards unless otherwise provided. (Ord. 0-89-59 § 1 (part), 1989).

5.39.020 **ELIGIBLE FACILITIES.** (a) An optional premises may only be approved when that premises is located on or adjacent to an outdoor sports and recreational facility as defined in Section 12-47-103(13.5)(b) C.R.S. The types of outdoor sports and recreational facilities which may be considered for an outdoor premises license include the following:

- (1) Country club;
 - (2) Golf course and driving ranges;
 - (3) Ice skating areas;
 - (4) Swimming pools.
- (b) There are no restrictions on the minimum size of the outdoor sports and recreational facilities which may be eligible for the

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approval of an optional premises license. However, the local licensing authority may consider the size of the particular outdoor sports or recreational facility in relationship to the number of optional premises requested for the facility. (Ord. 0-93-64 § 34, 1993; Ord. 0-89-59 § 1 (part), 1989).

5.39.030 NUMBER OF OPTIONAL PREMISES. There are no restrictions on the number of optional premises which any one licensee may have on his outdoor sports or recreational facility. However, any applicant requesting approval of more than one optional premises shall demonstrate the need for each optional premise in relationship to the outdoor sports or recreational facility and its guests. (Ord. 0-89-59 § 1 (part), 1989).

5.39.040 APPLICATION REQUIREMENTS. When submitting an application for the approval of an optional premises, an applicant shall also submit the following information:

- (1) A map or other drawing illustrating the outdoor sports or recreational facility boundaries and the approximate location of each optional premises requested.
- (2) A legal description of the approximate area within which the optional premises shall be located.
- (3) A description of the method which shall be used to identify the boundaries of the optional premises when it is in use and how the licensee will ensure alcoholic beverages are not removed from such premises.
- (4) Proof of the applicant's right to possession of the optional premises.
- (5) A description of the provisions which have been made for storing malt, vinous and spiritous liquors in a secured area

OPTIONAL PREMISES LIQUOR LICENSES

on or off the optional premises for the future use on the optional premises.

(6) A description of the provisions which will be made to control the dispensing of alcoholic beverages to minors or visibly intoxicated individuals. (Ord. 0-89-59 § 1 (part), 1989).

5.39.050 ADVANCE NOTIFICATION. Pursuant to Section 12-47-135(6) and (7), C.R.S., as amended, no alcoholic beverages may be served on the optional premises until the licensee has provided written notice to the State and Local Licensing Authorities forty-eight (48) hours prior to serving alcoholic beverages on the optional premises. Such notice must contain the specific days and hours on which the optional premises are to be used. In this regard, there is no limitation on the number of days which a licensee may specify in each notice. However, no notice may specify any date of use which is more than 180 days from the notice date. (Ord. 0-89-59 § 1 (part), 1989).

FERMENTED MALT BEVERAGE AUTHORITY

Chapter 5.40

LAKESWOOD FERMENTED MALT BEVERAGE AUTHORITY

Sections:

- 5.40.010 Purpose.
- 5.40.020 Definitions.
- 5.40.030 Licensing authority established.
- 5.40.040 Applications for new licenses.
- 5.40.050 Appearance before the licensing authority.
- 5.40.060 Investigation.
- 5.40.070 Public hearing.
- 5.40.080 Decision—New applications.
- 5.40.090 License Renewals.
- 5.40.100 Change in management.
- 5.40.110 Special events permits.
- 5.40.120 Procedural rules and regulations.
- 5.40.130 City fermented malt beverage fee policy and purpose.
- 5.40.140 Fines in lieu of suspension.

5.40.010 PURPOSE. In pursuance of the authority conferred by Article 46 of Title 12, Colorado Revised Statutes, 1985 Replacement Volume, and Article IV, Section 4.5 of the Charter for the city, this chapter is enacted for the purpose of promoting the health, safety and welfare of the present and future inhabitants of the city by regulating, controlling and licensing the sale of fermented malt beverage. (Ord. 0-87-8 § 1 (part), 1987).

5.40.020 DEFINITIONS. As used in this chapter, the following words and terms shall be defined as follows:

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(1) "Applicant" means and includes:

(A) If an individual, that person making an application for a license under this chapter;

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(B) If a partnership, the partners owning ten percent or more of the partnership which is making application for a license under this chapter;

(C) If a corporation, the president, vice-president, secretary, treasurer, the directors, manager and each stockholder owning ten percent or more of the stock of the corporation.

(2) "Authority" or "Licensing Authority" means the Liquor Licensing Authority of the city.

(3) "Inspector" means the Liquor License Inspector as set forth in Section 5.40.030(e).

(4) "Investigator" means a member of the Lakewood Police Department.

(5) "Manager" includes the person or those persons who manage, direct, supervise, oversee and administer the acts, transactions and acts of servants of the establishments governed by this chapter.

All other words and phrases used in this Chapter 5.40 shall have the meanings attached by the Colorado Statutes regulating the sale of liquor, or if not otherwise defined by law, as used in their common, ordinary and accepted sense and meaning. (Ord. 0-89-36 §§ 1, 2, 1989; Ord. 0-87-8 § 1 (part), 1987).

5.40.030 LICENSING AUTHORITY ESTABLISHED. (a) There is established a Fermented Malt Beverage Licensing Authority, which shall have and is vested with the authority to grant or refuse licenses for the sale at retail of fermented malt beverages, as provided by law, conduct investigations as are required by law, and to suspend or revoke such licenses for cause in the manner provided by law. Such authority shall have all powers of the Local Licensing Authority as set forth in Title 12, Article 46, Colorado Revised Statutes, 1985 Replacement Volume.

(b) The regular and alternate members of the Fermented

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Malt Beverage Licensing Authority shall be the same persons appointed to the Liquor Licensing Authority and shall serve for terms and receive compensation all as delineated in Chapter 5.40.

(c) The regular members of the Fermented Malt Beverage Licensing Authority shall annually elect a Chairman from their number who shall preside over all hearings and proceedings of the Licensing Authority, and who shall also serve as chairman of the Liquor Licensing Authority. The chairman may designate a member of the authority to assume his duties in his absence. A quorum shall consist of three of the five members, and a decision of a majority of the members of the Licensing Authority shall control. A motion shall be adopted by not less than three affirmative votes. Any hearing may be continued to permit an absent member (or members) to participate in a decision of the Licensing Authority. Any absent member may join in a decision of the Licensing Authority after he has considered the evidence adduced in any hearings or portions of hearings conducted during his absence.

(d) The City Clerk shall receive all applications for licenses, and shall issue all licenses granted by the Licensing Authority, upon receipt of such license fees and occupation fee as are required by law and this chapter. The City Clerk shall serve as the official secretary of the Licensing Authority and shall designate a person or persons to provide the necessary secretarial and reporting services for the Licensing Authority. The City Clerk may attend, but shall not be required to attend, the meetings of the Licensing Authority. All public notice by publication in a newspaper required by the Liquor Code shall be accomplished by the City Clerk.

(e) Such person or persons as the City Clerk shall designate, shall be the Liquor License Inspector, who shall perform those inspection duties set forth in this Chapter 5.40 and such other duties as the Licensing Authority may reasonably direct.

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(f) The applicant shall be responsible for posting notice prepared by the City Clerk on the property or premises for new applications. The Liquor Inspector shall inspect said posting of notice. (Ord. 0-87-8 § 1 (part), 1987).

5.40.040 APPLICATIONS FOR NEW LICENSES. All applications for new licenses for the sale of fermented malt beverages at retail shall be filed with the City Clerk and shall be subject to the provisions of this chapter and Article 46 of Title 12 of the Colorado Revised Statutes. The City Clerk shall accept no application that is not complete in every detail. If any application is deposited with the City Clerk and found upon examination to contain any omission or error, it shall be returned to the applicant for completion or correction without further action either by the Clerk or the Licensing Authority. All licenses granted, except Special Events Permits, shall be valid for a period of one year from the date of their issuance unless revoked or suspended. No application shall be deemed complete unless accompanied by the following:

- (1) All items required by statute.
- (2) Payment in full of the city and state license fees and an additional four hundred fifty dollar fee for the actual and necessary expenses of processing the application, conducting a public hearing, investigating, and for publishing and posting the required notice of such hearing.
- (3) Evidence from the Division of Code Enforcement of the city that the location of the proposed establishment meets the requirements of the zoning ordinance.
- (4) In the event that the proposed establishment is to be a restaurant, evidence from the Jefferson County Health Department that the applicant is or may be licensed to operate a restaurant.
- (5) Copies of any contract or agreement which confers a

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power or authority upon any party to manage, operate or supervise the affairs of the proposed establishment and the acts of its servants, whether such a contract or agreement is presently in effect or whether it is intended to become effective following issuance of a license.

(6) An affidavit stating that the outlet is not located within five hundred feet of any public or parochial school or the principal campus of any college, university or seminary, as computed by direct measurement from the nearest property line of the land used for school purposes to the nearest portion of the building in which the liquor is to be sold, using a route of direct pedestrian access.

(7) If any petitions signed by parties in interest which demonstrate the needs of the neighborhood and the reasonable requirements of the neighborhood regarding issuance of the license are to be submitted to the Licensing Authority at the public hearing, such petitions shall be submitted to the City Clerk fifteen days prior to the public hearing on the application.

(8) Any other information, document or form which the Licensing Authority deems necessary to carry out its duties as set forth in Title 12, Article 46 of the Colorado Revised Statutes, 1985 Replacement Volume, and all applicable regulations.

(9) Other provisions in this section notwithstanding, where an applicant pursuant to a previous application under this chapter or Chapter 5.38 has submitted material and if all such material is complete, current and in the possession of the City Clerk, the City Clerk may waive its resubmission. (Ord. 0-89-36 § 3, 1989; Ord. 0-87-8 § 1 (part), 1987).

5.40.050 APPEARANCE BEFORE THE LICENSING AUTHORITY. (1) Upon acceptance of a completed application, the City Clerk shall schedule a public hearing upon the

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application to be held not less than thirty days from the date the application is accepted. The date of acceptance of the application by the City Clerk shall be deemed to be the date of filing of the application for the purposes set forth in the Colorado Revised Statutes. No application shall be accepted unless it is complete in all respects.

(2) The applicant and his or her representative, if any, shall attend the public hearing on the application.

(3) The City Clerk shall set the boundaries of the neighborhood considered affected by the proposed location at the time the application is accepted. The applicant shall have the opportunity at that time to give any evidence as to the propriety of the proposed boundaries, and to give objections thereto.

(4) The City Clerk shall prepare an official map showing the location of the proposed outlet and all outlets within the defined neighborhood to be presented at the public hearing. (Ord. 0-89-36 §§ 4 – 9, 1989; Ord. 0-87-57 § 2, 1987; Ord. 0-87-8 § 1 (part), 1987).

5.40.060 INVESTIGATION. (1) After the application has been accepted, the Investigator shall proceed with the investigation of the applicant and the Inspector shall proceed with the inspection of the premises.

(2) Within seven days after the application has been accepted, the following individuals shall present themselves to the Lakewood Police Department to be photographed and fingerprinted:

(A) If the applicant is a natural person, that person;

(B) If the applicant is a partnership, those partners who have ten percent or more financial interest in the partnership;

(C) If the applicant is a corporation, both the officers and directors, together with any person owning more than ten percent of the stock thereof; and

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(D) Irrespective of the identity of the applicant, the manager of the proposed establishment.

The Police Department shall make background investigations of the above named individuals, for this purpose such individuals shall provide all information necessary for the investigation. Where a partner or corporate officer, director or stockholder lives at such a distance from the City that travel would impose undue expense or inconvenience, the Chief of Police shall have the discretion to make other suitable arrangements in order to obtain the necessary photographs, fingerprints and information. Where a background investigation has been previously made of any individual enumerated in this section, either by the Lakewood Police Department or another law enforcement agency, the Chief of Police shall have the discretion to employ such investigation and may waive the fingerprinting and photographing required by this section.

(3) The Lakewood Police Department shall acquire additional information as necessary to properly carry out the provisions of Title 12, Articles 46 and 48 of the Colorado Revised Statutes, 1985 Replacement Volume, the rules and regulations promulgated thereunder by the Colorado Department of Revenue, the ordinances of the City, and the rules and regulations of the Licensing Authority.

(4) Any reports of the results of any investigation conducted by any department shall be delivered by the respective departments or officials to the City Clerk at least ten days prior to the date of the public hearing. Not less than five days prior to the date of the hearing on the application the report of the findings based on the investigation shall be mailed by the City Clerk to the applicant by certified mail, return receipt requested, and to

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other interested parties upon request. (Ord. 0-89-36 §§ 10 – 14, 1989; Ord. 0-87-8 § 1 (part), 1987).

5.40.070 PUBLIC HEARING. (1) The Licensing Authority shall establish procedures for all of its public hearings in conformity with the laws of the state and ordinances and resolutions of the city.

(2) The Licensing Authority shall have the power 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 which the Licensing Authority is authorized to conduct. It is unlawful for any person to fail to comply with any subpoena issued by the authority in the proper conduct of its hearings.

(3) A subpoena shall be served in the same manner as a subpoena issued by the District Court of the state. Upon failure of any witness to comply with such subpoena, the City Attorney shall, at the direction of the authority:

(A) Petition any judge of the Municipal Court of the city, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, that the court after hearing evidence in support of or contrary to the petition, enter its order compelling the witness to attend and testify or produce books, records or other evidence, under penalty of punishment for contempt in case of willful failure to comply with such order of court; or

(B) Petition the District Court in and for the county, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, that the court after hearing evidence in support of or contrary to the petition, enter its order as in other civil actions, compelling the witness to attend and testify or produce books, records or other evidence, under penalty of punishment for contempt in case of

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willful failure to comply with such order of court. (Ord. 0-87-8 § 1 (part), 1987).

5.40.080 DECISION – NEW APPLICATIONS. Following the public hearing on new applications, the Licensing Authority shall render its decision no later than thirty days thereafter; provided, however, that the Licensing Authority may continue the hearing from time to time as may be required to gather necessary facts and evidence and to permit witnesses to testify, and the time limited herein shall run from the date of conclusion of the hearing, as continued. (Ord. 0-87-8 § 1 (part), 1987).

5.40.090 LICENSE RENEWALS. All renewal applications for fermented malt beverage licenses shall be submitted to the City Clerk on the prescribed forms no later than forty-five days prior to the date on which the license expires, except that the authority, for good cause, may waive the time requirement set forth in this paragraph. The forms shall be accompanied by all the required fees and such additional materials as the authority deems necessary to carry out the provisions of the Colorado Beer Code, this chapter, and all applicable regulations. No renewal application shall be accepted by the City Clerk which is not complete in every detail. No renewal shall be granted unless all fees and applicable taxes have been paid by the licensee. (Ord. 0-87-8 § 1 (part), 1987).

5.40.100 CHANGE IN MANAGEMENT. (1) Where any licensee changes or causes to be changed the manager of his establishment and such person has not heretofore been approved as a manager by the Licensing Authority, the licensee shall file the prescribed forms with the City Clerk for a change of management within thirty (30) days of such change and the

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new manager shall present himself to the Police Department for photographing, fingerprinting and background investigation.

(2) Where any manager or managers are granted their power or authority by way of a contract or other agreement, a copy of such contract or agreement shall be filed with the City Clerk by the licensee with the prescribed forms and the oath as set forth in subsection (1) of this section.

(3) The City Clerk shall administratively approve a change of manager for any licensed establishment unless the Police Department recommends that the proposed manager be disapproved by the Licensing Authority. In that event, the decision concerning such manager's application shall be made by the Licensing Authority at a public hearing. (Ord. 0-89-36 §§ 15, 16, 1989; Ord. 0-87-8 § 1 (part), 1987).

5.40.110 SPECIAL EVENTS PERMITS. The Licensing Authority shall establish a procedure to issue Special Events Permits for sale by the drink only of fermented malt beverages as set forth in Title 12, Article 48 of the Colorado Revised Statutes, 1985 Replacement Volume, and the regulations promulgated thereunder. An application for a Special Events Permit shall be accompanied by payment of all applicable state permit fees as well as a fee of twenty-five dollars to cover the costs to the city of investigation and issuance of a permit. When an event is held on municipal premises, proof of insurance acceptable to the City Attorney and Risk Manager must be filed with the application. (Ord. 0-87-8 § 1 (part), 1987).

5.40.120 PROCEDURAL RULES AND REGULATIONS. The licensing authority may promulgate reasonable procedural rules and regulations for carrying out the provisions of this chapter, provided that the rules and regulations are not in conflict with the Colorado Beer Code and the rules and regulations for the Colorado Beer Code or any other provision in this chapter. (Ord. 0-93-64 § 35, 1993; Ord. 0-87-8 § 1 (part), 1987).

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5.40.130 CITY FERMENTED MALT BEVERAGE FEE POLICY AND PURPOSE. (1) The City Council finds, determines and declares that considering the nature of the business of selling fermented malt beverages and relationship of such business to the municipal welfare, as well as the relationship thereof to the expenditures required of the city, and a proper, just and equitable distribution of the tax burdens within the city and all other matters properly to be considered in relation thereto, the classification of such business as a separate occupation is reasonable, proper, uniform, nondiscriminating and necessary for a just and proper distribution of the tax burdens within the city.

(2) There is levied and assessed for each year an annual city liquor occupation fee upon the business of selling fermented malt beverages in the city based on the type of license held by the licensee:

3.2 License — On premises consumption	\$900.00
3.2 License — Off premises consumption	300.00
3.2 License — On and off premises consumption	500.00

(Ord. 0-87-8 § 1 (part), 1987).

5.40.140 FINES IN LIEU OF SUSPENSION. The licensing authority is empowered to impose fines in lieu of the suspension of a license to sell fermented malt beverages as provided for in Section 12-46-107, 5 C.R.S. (1985 Repl. Vol). (Ord. 0-87-56 § 2, 1987).

CABLE COMMUNICATIONS SYSTEMS

Chapter 5.44

CABLE COMMUNICATIONS SYSTEMS

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- 5.44.010 Short title.
- 5.44.020 Definitions.
- 5.44.030 Franchise—Required.
- 5.44.040 Franchise—Breach.
- 5.44.050 Franchise—Term.
- 5.44.060 Franchise—Termination or cancellation.
- 5.44.070 Franchise—Bid request.
- 5.44.080 Franchise—Applicant evaluation.
- 5.44.090 Franchise—Hearing—Notice.
- 5.44.100 Franchise—Provisions and restrictions.
- 5.44.110 Franchise agreement.
- 5.44.120 Franchise—Renewal.
- 5.44.130 State of the art.

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- 5.44.140 Programming services.
- 5.44.150 Public service installations.
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- 5.44.190 Service to multi-family units.
- 5.44.210 Removal of facilities upon request.
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- 5.44.470 Franchise—Bid bond and deposit.
- 5.44.480 Franchise—Annual fee.

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- 5.44.490 Franchise—Fee computation and payment.
- 5.44.500 Franchise—Fee not exclusive.
- 5.44.510 Franchise—Fee payment failure action.
- 5.44.520 Franchise—Compliance required.
- 5.44.530 Violation liability.
- 5.44.540 Penalties.
- 5.44.550 No recourse against city.
- 5.44.560 Section headings.

5.44.010 **SHORT TITLE.** The ordinance codified in this chapter shall be known as the Lakewood ordinance for regulation of cable communications. (Ord. 0-72-97 § 1, 1972).

5.44.020 **DEFINITIONS.** As used in this chapter, the following words and terms shall be defined as follows:

(1) “Access channels” means those channels which, by the terms of this chapter or the franchise agreement, are required to be kept available by the franchisee for partial or total dedication to public access, educational access or local government access.

(2) “Cable communication system,” “cable system,” “CATV,” or “system” mean a system of coaxial cables or other electrical conductors and equipment used or to be used to originate or receive television or radio signals directly or indirectly off the air and to transmit them via cable to subscribers for a fixed or variable fee including the origination, receipt, transmission and distribution of voices, sound signals, pictures, visual images, digital signals, telemetry, or other type of closed circuit transmission by means of electrical impulses,

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whether or not directed to originating signals or receiving signals off the air. Said definition shall not include any such facility that does not use the public way.

(3) "City" means the city of Lakewood, Colorado, and all the territory within its existing and future territorial corporate limits.

(4) "Franchise" includes both the franchise granted pursuant to this chapter and the franchise agreement, and all rights, powers and privileges thereunder.

(5) "Franchise agreement" means the separate agreement by which the franchise is granted to the franchisee, as required by this chapter.

(6) "Franchisee" means and includes all persons having any rights, powers, privileges, duties, liabilities or obligations under this chapter and the franchise agreement (herein collectively called the "franchise"), and also all persons having or claiming any title or interest in or to the system, whether by reason of the franchise itself or any subcontract, transfer, assignment, mortgage, pledge, hypothecation, security agreement, management agreement or operating agreement, or otherwise arising or created.

(7) "Green Mountain shadowed area" means that area situate in the city bounded by West Jewell Avenue on the south, South Union Boulevard on the east, West Mississippi Avenue and West Ohio Drive on the northeast, West Exposition Drive extended on the northwest, and the city limits on the west, an area of approximately three square miles, including thirty miles of streets.

(8) "Gross subscriber revenues" means those gross revenues of the franchisee attributable to the subscribers within the city; provided, however, that revenue resulting from installation and relocation charges or from sales of tangible personal property shall not be deemed "gross subscriber revenues" for the purpose of computing any franchise fee pursuant to this chapter.

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(9) "Pay TV" means an arrangement under which a charge is made to a subscriber for receiving a particular television program.

(10) "Public agency" means an agency which is supported wholly, or substantially, by public funds.

(11) "Public way" means any public street, way, place, alley, sidewalk, easement, park, square, plaza, and any city-owned right-of-way or any other public property owned or controlled by the city of Lakewood and dedicated to public use. For the purposes of this chapter, it shall also include any utility easement dedicated to the city.

(12) "Saturation rate" means the number of subscribers divided by the number of homes passed by the cable distribution system.

(13) "Subscriber" means a member of the general public who receives any transmission or service distributed by a cable communication system and does not further distribute it.

(14) "Subscriber service drop" means such extension wiring from the franchisee's distribution lines to a subscriber's building.

(15) "User" denotes a person utilizing a system channel as a producer, for purposes of production and/or transmission of material, or as a subscriber, for purposes of receipt of material. (Ord. 0-83-94 § 1, 1983; Ord. 0-78-61 § 1, 1978; Ord. 0-76-56 § 1, 1976; Ord. 0-72-97 § 2, 1972).

5.44.030 FRANCHISE – REQUIRED. No person, natural or corporate, or any other entity, shall own or operate a CATV cable system as defined herein, except by franchise granted by the city, in the form of a franchise agreement between the city and the franchisee, which shall comply with all the specifications of this chapter. (Ord. 0-83-94 § 2, 1983; Ord. 0-72-97 § 3(1), 1972).

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5.44.040 FRANCHISE – BREACH. A breach by the franchisee of the franchise agreement, in addition to constituting a breach of contract, constitutes a violation of this chapter. The cost of any litigation incurred by the city to enforce this chapter or the franchise granted pursuant hereto, or the franchise agreement, or in relation thereto, or in relation to the cancellation or termination of a franchise, shall be reimbursed to the city by the franchisee. Such costs shall include filing fees, costs of depositions, discovery, and expert witnesses, all other expenses of suit, and a reasonable attorney's fee. (Ord. 0-72-97 § 3(2), 1972).

5.44.050 FRANCHISE – TERM. No franchise granted hereunder, nor any renewal thereof, shall be for a term of more than fifteen years. A renewal may be granted pursuant to Section 5.44.120 hereof. (Ord. 0-83-94 § 3, 1983; Ord. 0-72-97 § 4(1), 1972).

5.44.060 FRANCHISE – TERMINATION OR CANCELLATION. In addition to all other rights and powers of the city by virtue of the franchise or this chapter, the city may terminate and cancel the franchise and all rights and privileges of the franchisee thereunder in the event that the franchisee, either:

(1) Substantially violates any provision of the franchise or this chapter, or any rule, order or determination of the city council made pursuant thereto, where such violation remains uncured for a period of thirty days subsequent to receipt by franchisee of written notice of the violation, except where such violation is not the fault of the franchisee or is due to excusable neglect; or

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- (2) Attempts to dispose of any of the facilities or property of its CATV business to prevent the city from purchasing same, as provided for herein; or
- (3) Attempts to evade any of the provisions of this franchise

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chapter or the franchise agreement or practices any fraud or deceit upon the city.

Such termination and cancellation shall be made by resolution of the city council duly adopted after sixty days' notice to the franchisee and shall in no way affect any of the city's rights under this franchise or any provisions of law; provided, however, that before the franchise may be terminated and cancelled under this section, the franchisee shall be provided with an opportunity to be heard at a public hearing before the city council, upon thirty days' written notice to the franchisee of the time and place of the public hearing; provided further that the notice shall affirmatively cite the reasons alleged to constitute cause for revocation; and provided further that notice of the public hearing shall be published in a local newspaper of general circulation at least twenty days before the date of the hearing. (Ord. 0-72-97 § 4(2), 1972).

5.44.070 FRANCHISE – BID REQUEST. In selecting a franchisee pursuant to this chapter, the city shall prepare a request for proposal to seek bids for a cable communication system to be established under franchise by the city. This request for proposal will contain information and instructions relating to the preparation and filing of proposals; conditions regarding the installation, operation and maintenance of a CATV system under city franchise; and the criteria to be used in evaluating applicant proposals. (Ord. 0-72-97 § 5(1), 1972).

5.44.080 FRANCHISE – APPLICANT EVALUATION. Applicants will be evaluated according to the following criteria:

(1) Installation Plan. Preference may be given an installation plan that would provide flexibility needed to adjust to new developments, maintenance practices and services that would be available to the subscriber and the community immediately and in the future.

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(2) Rate Schedule. Preference may be given to applicants with the most reasonable installation and subscriber rate schedule.

(3) Financial Soundness and Capability. The evidence of financial ability required in the applicant's proposal shall be such as to assure ability to complete the entire system within a minimum of five years of the date the franchisee receives the F.C.C. "Certificate of Compliance."

(4) Demonstrated Experience in Operating a CATV System under City Franchise. Preference may be given upon evidence of the applicant's experience in operating a CATV system under city franchise, where such evidence would show or tend to show or confirm the ability of the applicant to furnish sufficient and dependable service to the potential public and private users. (Ord. 0-72-97 § 5(2), 1972).

5.44.090 FRANCHISE – HEARING – NOTICE. The city council shall award a franchise to an applicant only after a public hearing on the application and proposal, notice of which hearing shall be published in a local newspaper of general circulation at least twenty days before the date of the hearing. Any franchise that is granted shall be authorized by a resolution of the city council, which resolution shall be thereafter published in a local newspaper of general circulation. (Ord. 0-72-97 § 5(3), 1972).

5.44.100 FRANCHISE – PROVISIONS AND RESTRICTIONS. All franchises granted pursuant to this chapter shall be subject to, and shall expressly indicate that they are subject to, the following provisions:

(1) Any franchise granted hereunder shall be subject to the right of the city by resolution of its council to revoke the franchise for cause shown pursuant to Section 5.44.060.

(2) Any franchise granted hereunder shall be subject to all

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applicable provisions of city ordinances, and any amendments thereto. Should the F.C.C. modify the provisions of its rules and regulations relating to federal-local regulatory relationships, the city shall then amend this chapter within six months of the effective date of the modification, to be in conformance with the modification.

(3) Any franchise granted hereunder shall be subject to the right of the city:

(A) To repeal the same for misuse, nonuse or the failure to comply with the provisions of this chapter, or any other local, state or federal laws, or Federal Communications Commission rules or regulations;

(B) To require proper and adequate extension of the plant and service and maintenance thereof at the highest practicable standard of efficiency. The city shall require extension of subscriber service to all residents of the Green Mountain shadowed area within nine months of franchisee's receipt of the Federal Communications Commission (F.C.C.) "Certificate of Compliance," and the city shall further require extension of subscriber service to all residents in that extension of the Green Mountain shadowed area situate in the city bounded by West Jewell Avenue on the north, and South Union Boulevard extended on the east at a rate consistent with the addition of residences in that area. The city shall further require extension of subscriber service to the remainder of the city at a rate of five miles per month when, after reasonable marketing effort, the saturation rate of the Green Mountain shadowed area reaches forty-five percent or the saturation rate of the sampling area reaches twenty-five percent whichever may occur first. This rate of extension of subscriber service shall continue as long as the saturation rate of the system exceeds thirty-five percent after reasonable marketing effort.

(C) To establish reasonable standards of service and quality of products, and to prevent unjust discrimination in service or rates;

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(D) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;

(E) To impose such other regulations as may be determined by the council to be conducive to the safety, welfare and accommodation of the public;

(F) To control and regulate the use of its streets, alleys, bridges and public places and the space above and beneath them. Every franchisee shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges and public places as shall arise from its use thereof and shall protect and save the city harmless from all damages arising from the use. The franchisee may be required by the city to permit joint use of its property and appurtenances located in the streets, alleys and public places of the city, by the city and other utilities insofar as such joint use may be reasonably and technically practicable and upon payment of reasonable rental therefor; provided, that in the absence of agreement, upon application by any franchisee, the council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor, which award shall be final;

(G) Through its appropriately designated representatives, to inspect all construction or installation work performed subject to the provisions of the franchise and this chapter, and make such inspections as it finds necessary to insure compliance with the terms of the franchise, this chapter and other pertinent provisions of law;

(H) At the expiration of the term for which this franchise is granted or upon the termination and cancellation as provided therein, to require the franchisee to remove at its own expense any and all portions of the CATV system from the public ways within the city;

(I) To require the franchisee to pay the costs of publication of the ordinance codified in this chapter, provided such

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publication is required by law. (Ord. 0-84-82 § 1, 1984; Ord. 0-78-61 § 2, 1978; Ord. 0-72-97 § 6(1), 1972).

5.44.110 FRANCHISE AGREEMENT. (a) The applicant awarded a franchise by city council resolution shall execute a franchise agreement, agreeing to the terms and provisions of the franchise and request for proposal. In addition, the franchisee shall, within thirty days of the date of execution of the franchise agreement, submit his filing of an application for a certificate of compliance with the Federal Communications Commission. Failure of the selected applicant to execute such an agreement within thirty days of the city's demand therefor, or failure to file an application for a certificate of compliance within the time herein required, shall be grounds for immediate revocation of any rights the applicant may have in the franchise and forfeiture of the applicant's bid bond.

(b) In addition to those matters required elsewhere in this chapter to be included in the franchise agreement, it must contain the following express representations by the franchisee that:

(1) It accepts and agrees to all of the provisions of this chapter, and any supplementary specifications, as to construction, operation or maintenance of the system, which the city may include in the franchise agreement;

(2) It has examined all of the provisions of this chapter and waives any claims that any provisions hereof are unreasonable, arbitrary or void;

(3) It recognizes the right of the city to make reasonable amendments to the franchise during the term of the franchise upon sixty days' prior notice to the franchisee or without notice with respect to emergency amendments. The city shall not act beyond the scope of its power at any time in relation to any provisions of this chapter. While it is recognized by the city and the franchisee that the franchisee shall be given

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reasonable consideration upon renewal, franchisee recognizes and agrees that the city shall in no way be bound to renew the franchise at the end of any franchise term;

(4) It recognizes and agrees that it may be considered a licensee for the purposes of this chapter.

(c) No franchise shall be exclusive.

(d) Every franchise shall specifically delineate the territorial extent of the city in which the franchisee is authorized to operate.

(e) Every franchise shall specifically set forth specific standards which the franchisee must maintain in respect of the following:

(1) Signal quality requirements;

(2) Technical standards of construction, operation and maintenance of the system.

(f) The franchise agreement shall contain such further conditions or provisions as may be included in the request for proposal and/or negotiated between the city and the franchisee, except that no such conditions or provisions shall be such as to conflict with any provisions of this chapter or other law. In case of such conflict, or ambiguity between any terms or provisions of the franchise agreement and this chapter, the words of this chapter shall control. (Ord. 0-84-82 § 2, 1984; Ord. 0-72-97 § 6(2), 1972).

5.44.120 FRANCHISE – RENEWAL. (1) The duration of the rights, privileges and authorizations granted in a franchise agreement shall not exceed 15 (fifteen) years from the date a franchise is awarded. A franchise may be renewed by the City upon application of the Franchisee pursuant to the procedure established in Subsection 2 of this Section and in accordance with the then applicable law.

(2) Renewal.

(A) During the six-month period which begins with the 36th

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month before the franchise expiration, the City may, on its own initiative, and shall at the request of the Franchisee, commence proceedings which afford the public appropriate notice and participation for the purpose of:

(i) Identifying the future cable-related community needs and interests; and

(ii) Reviewing the performance of the Franchisee under the franchise during the then current franchise term.

(B) (i) Upon completion of a proceeding under Subsection (A), the Franchisee seeking renewal of a franchise may, on its own initiative or at the request of the City, submit a proposal for renewal.

(ii) Any such proposal shall contain such material as the City may require, including proposals for an upgrade of the cable system.

(iii) The City may establish a date by which such proposal shall be submitted.

(C) (i) Upon submittal by the Franchisee of a proposal to the City for the renewal of the franchise, the City shall provide public notice of such proposal and, during the fourth-month period which begins on the completion of any proceedings under Subsection (A), renew the franchise or, issue a preliminary assessment that the franchise should not be renewed and, at the request of the Franchisee or on its own initiative, commence an administrative proceeding, after providing public notice of such proceeding, to consider whether:

(a) The Franchisee has substantially complied with the material terms of the existing franchise and with applicable law;

(b) The quality of the Franchisee's service, including signal quality, response to consumer complaints, and billing practices, but without regard to the mix, quality, or level of cable services or other services provided over the system, has been reasonable in light of community needs;

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(c) The Franchisee has the financial, legal, and technical ability to provide the services, facilities, and equipment as set forth in the Franchisee's proposal; and

(d) The Franchisee's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

(ii) In any proceeding under paragraph (C)(i), the Franchisee shall be given notice of such proceedings and both the Franchisee and the City, or its designee, shall be afforded an opportunity to participate, including the right to introduce evidence (including evidence related to issues raised in the proceeding under Subsection (A)), to require the production of evidence and to question witnesses. A transcript shall be made of any such proceeding.

(iii) At the completion of a proceeding under this Subsection, the City shall issue a written decision granting or denying the proposal for renewal based upon the record of such proceeding, and transmit a copy of such decision to the Franchisee. Such decision shall state the reasons therefor.

(D) Any denial of a proposal for renewal shall be based on one or more adverse findings made with respect to the factors described in Subparagraphs (a) through (d) of Subsection (C)(i), pursuant to the record of the proceeding under Subsection (C).

(E) If the Franchisee's proposal for renewal has been denied by a final decision of the City made pursuant to this Section, or has been adversely affected by a failure of the City to act in accordance with the procedural requirements of this Section, the Franchisee may appeal such final decision or failure pursuant to the provisions of Section 635 of the Federal Cable Communications Policy Act of 1984.

(F) Notwithstanding the provisions of Subsections (A) through (E) of this Section, the Franchisee may submit a proposal for the renewal of the franchise pursuant to this

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Subsection at any time, and the City may, after affording the public notice and opportunity for comment, grant or deny such proposal at any time (including after proceedings pursuant to

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this Section have commenced). The provisions of Subsection (A) through (E) of this Section shall not apply to a decision to grant or deny a proposal under this Subsection. The denial of a renewal pursuant to this Subsection shall not affect action on a renewal proposal that is submitted in accordance with Subsections (A) through (E).

(G) The Franchise shall pay all costs incurred by the City considering and processing a proposal for renewal as described in Subsections (A) through (F). (Ord. 0-89-71 § 1, 1989; Ord. 0-83-94 § 4, 1983; Ord. 0-72-97 § 6(3), 1972).

5.44.130 STATE OF THE ART. (a) Franchisee shall upgrade its facilities, equipment and services so that its system is as advanced as the current state of production technology will allow so that at all times, franchisee's cable system shall be no less advanced than any other system (excluding pilot or demonstration systems). The City Manager may order a franchisee to comply with this section in case of specific violations, which he may investigate upon complaint or on his own motion. Said investigation shall include an analysis of the economics of the proposed upgrade and shall not deprive the franchisee of a reasonable and positive rate of return on its investment during the remainder of the franchise term.

(b) In the event of such order by the City Manager, franchisee may appeal to the City Council for a waiver of the requirement to go forward with installation of a similar system within the city. Said request for waiver shall be in writing and shall be considered at a public hearing of City Council at which due process is afforded both franchisee and the citizens of the city of Lakewood. After said hearing, if the Council determines that any part or all of the cable system should be improved or upgraded, including without limitation the increasing of channel capacity, it may order such upgrading of the cable system by the franchisee, provided such upgrading does not deprive the

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franchisee of a reasonable and positive rate of return on its investment during the remainder of the franchise term.

(c) The City Council may amend this chapter or the franchise whenever necessary to enable the franchisee to take advantage of any developments in the field of transmission of communication signals which will afford it an opportunity to more effectively, efficiently, or economically serve its customers; provided, however, that this section shall not be construed to require the city to make any such amendment. (Ord. 0-84-82 §§ 3 and 9 (part), 1984; Ord. 0-83-94 § 5, 1983; Ord. 0-76-56 § 2, 1976; Ord. 0-72-97 § 6(4), 1972).

5.44.140 PROGRAMMING SERVICES. (a) The franchisee's distribution system shall initially be capable of carrying thirty-five channels of television breadth on dual cable construction. In addition, set top convertors shall be provided by the franchisee, without charge, to enable subscribers to receive the basic television services; however, the franchisee may require a returnable deposit for each set top convertor provided.

(b) As a minimum, the franchisee shall provide all local broadcast channels that are not low power TV (LPTV) or subscription TV (STV) unless required by the Federal Communications Commission, two imported distant signals, a local origination channel, and capacity for three access channels dedicated to educational, government, and public usage.

(c) If there is not a demand for usage of the three access channels, the franchisee may carry the access programming on the local origination channel or on a combined access channel until such demand, as determined by the City Manager, has reached the level which will necessitate the franchisee making available another channel.

(d) The franchisee shall provide one access studio in Lakewood, which studio shall be equipped to cablecast or videotape programs simultaneously for use in producing programs for

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access channels, and shall include cameras, lights, editing machines, slide and film chain, portable cameras, recorders and other appropriate equipment, which equipment and cable time may be used by the city or its designees in a free and unrestricted manner. Cost of maintenance of the studio and equipment shall be borne by the franchisee.

(e) The franchisee is encouraged to employ a program and production consultant to promote public use of the access channels and to advise such public users. Rules and procedures shall be maintained for users of access services. (Ord. 0-84-82 §§ 4 and 9 (part), 1984; Ord. 0-83-94 § 6, 1983; Ord. 0-72-97 § 6(5), 1972).

5.44.150 PUBLIC SERVICE INSTALLATIONS. The franchisee shall, without charge for installation, maintenance, or service, make single installations of a service drop to provide basic services at publicly-owned city facilities, including but not limited to, each fire and police station, each public library, the City Hall, and other city facilities as requested by the City Manager, and public and private schools within the city, including the Red Rocks Campus of Denver Community College. Such installations shall be made at such reasonable locations as shall be requested by the respective units of government or educational institutions. Any charge for relocation of such installations shall, however, be charged at actual cost. Additional installations at the same location may be made at cost plus ten percent. No monthly service charges shall be made for distribution of the franchisee's basic services within such publicly-owned buildings. (Ord. 0-84-82 § 9 (part), 1984; Ord. 0-83-94 § 7, 1983; Ord. 0-72-97 § 6(6), 1972).

5.44.160 OTHER BUSINESS ACTIVITIES. Subject to the right of the City Manager to change this policy if he deems such change necessary, the franchisee hereunder shall not

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engage in the business of selling, repairing or installing television receivers, radio receivers or accessories for such receivers within the city during the term of this franchise; provided, however, that nothing herein shall be deemed to prohibit franchisee, at customer's request and without payment, from examining and adjusting a customer's receiver set to determine whether reception difficulties originate in the set or in franchisee's system. The franchise granted pursuant hereto authorizes only the operation of a system as provided for in this chapter, and does not take the place of any other franchise, license or permit which might be required by law of the franchisee. (Ord. 0-84-82 §§ 5 and 9 (part), 1984; Ord. 0-76-56 § 3, 1976; Ord. 0-72-97 § 6(7), 1972).

5.44.170 INTERCONNECTIONS. Subject to economic feasibility and necessary third party consents, the franchisee shall, at the request of the City Manager, interconnect its cable system with all other contiguous cable systems, and the franchisee may interconnect with any other system or service. (Ord. 0-84-82 §§ 7 and 9 (part), 1984; Ord. 0-76-56 § 4, 1976; Ord. 0-72-97 § 6(8), 1972).

5.44.180 CONSTRUCTION STANDARDS AND REQUIREMENTS. (a) All of the franchisee's plant and equipment, including but not limited to the antenna site, head-end and distribution system, towers, house connections,

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structures, poles, wire, cable, coaxial cable, fixtures and appurtenances, shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated in accordance with good engineering practices, performed by experienced pole-line construction crews and so as not to endanger or interfere with the safety of any persons or property, or to interfere with improvements the municipality may deem proper to make, or to interfere in any manner with the rights of any property owner, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic on municipal properties; further, all such plant and equipment and all construction shall meet all relevant specifications of the Federal Communications Commission, and other applicable federal, state and local regulations.

(b) Any opening or obstructions in or disturbances of the streets, public ways or other municipal properties made by the franchisee in the exercise of its rights under franchise agreement shall be done in compliance with Chapter 12.04 of this code, which regulates work in the public ways of the city, except that the bond and insurance requirements of Sections 12.04.060 and 12.04.100 may be waived in cognizance of the bond and insurance requirements of this chapter; further, the city may require the franchisee to install the cable system underground in the city where other public utilities have been or will be installed underground.

(c) The franchisee shall, at its expense, protect, support, temporarily disconnect, relocate in the same street or other public place or municipal property, or remove from the street or other public place or municipal property, any property of franchisee when required by the city council or its designee by reason of traffic conditions, public safety, street vacation, freeway and street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines, and tracks, or any other type of structures or improvements by public agencies.

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(d) The franchisee shall, on the request of any private party holding an appropriate permit issued by the city, temporarily raise or lower its lines to permit the moving of any building or other structure, and the actual expense of the same shall be paid by the party requesting the same.

(e) Upon failure of the franchise to commence, pursue or complete any work required by law or by the provisions of this franchise to be done in any street or other public place or municipal property, within the time prescribed, and to the satisfaction of the city council or its designee, the city council or its designee may, at its option, cause such work to be done and the franchise shall pay to the city the cost thereof in the itemized amounts reported by the city council or its designee to the franchise within thirty days after receipt of such itemized report. (Ord. 0-82-100 § 1, 1982; Ord. 0-72-97 § 6(9), 1972).

5.44.190 SERVICE TO MULTI-FAMILY UNITS. The subscriber rates and charges imposed by the franchisee with respect to service to multi-family units shall not be increased or affected either directly or indirectly by reason of any payment or payments which the franchisee may make to the owner of any multi-family unit or any other person for the privilege of installing service or access to such multi-family units. (Ord. 0-72-97 § 6(10), 1972).

5.44.210 REMOVAL OF FACILITIES UPON REQUEST. Under termination of service to any subscriber, the franchise shall promptly remove all its facilities and

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equipment from the premises of such subscriber upon his written request. (Ord. 0-72-97 § 6(12), 1972).

5.44.220 RIGHT OF CITY TO PURCHASE CATV SYSTEM. Upon expiration of the term of the franchise, or upon any other termination thereof, as provided for herein or by law, or upon receipt of application for prior approval of acquisition or transfer as set forth in Section 5.44.230(c), the city, at its election, and upon the payment to the franchisee of a price equal to the fair market value of the system, shall have the right to purchase and take over the system. As used herein, "fair market value" shall be the value of the system as a going concern, including the system's anticipated net operating income for the next twelve months and the system's replacement cost. The above price shall not include, and the franchisee shall not receive, anything for the valuation of "good will" or of any right or privilege under this franchise. In the event of dispute, the matter at the option of the city may be submitted to an independent arbitrator for binding determination in conformance with arbitration procedures of the American Arbitration Association and Rule 109 of the Colorado Rules of Civil Procedure. Upon the exercise of this option by the city and its service of an official notice of such action upon the franchisee, and upon payment of the purchase price, the franchisee shall immediately transfer to the city possession and title to all facilities and property, real and personal, of the CATV business, free from any and all liens and encumbrances not agreed to be assumed by the city in lieu of some portion of the purchase price set forth above, and the franchisee shall execute such warranty deeds or other instruments of conveyance to the city as shall be necessary for this purpose. The franchisee shall make it a condition of each contract entered into by it with reference to its operations under this franchise that the contract shall be subject to the exercise of this option by the city and that the city shall

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have the right to succeed to all privileges and obligations thereof upon the exercise of such option; provided, however, that the city shall have the right unilaterally to increase the purchase price provided for above, should it so elect, by an ordinance amendatory hereto. But such right shall not be construed as giving the franchise a right to any price in excess of that set forth above. (Ord. 0-84-82 § 7, 1984: Ord. 0-72-97 § 6(13), 1972).

5.44.230 TRANSACTIONS AFFECTING OWNERSHIP OR CONTROL OF FRANCHISE FACILITIES. (a) To protect the interests of the city under any franchise granted pursuant to this chapter, and in order that the city may exercise its option to take over the facilities and property of the system as authorized herein upon expiration or forfeiture or revocation of the rights and privileges of the franchisee, the franchisee shall not make, execute or enter into any deed, deed of trust, mortgage, contract, conditional sales contract or any loan, lease, pledge, sale, pole agreement or any other agreement concerning any of the facilities or property, real or personal, of the system, where such transaction would be inimical to the rights of the city under any franchise granted pursuant to this chapter, if consummated without adherence to the provisions of subdivisions (1) and (2) hereinafter set forth:

(1) Without the express approval of the City Manager, shall not be unreasonably withheld; and

(2) Without a written assent filed with the City Manager binding upon the person in whom any right, power, privilege, duty, title, interest, claim or demand in or to the franchise or the system is created or vested, to the effect that such right, power, privilege, duty, title, interest, claim or demand is and shall be held and exercised subject to all the terms and provisions of the franchise, including this provision. The City Manager may require such written assent to be contained in the

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instrument or document creating or vesting such right, power, privilege, duty, title, interest, claim or demand.

Provided, however, that this subsection shall not apply to the disposition of wornout or obsolete facilities or personal property in the normal course of carrying on the CATV business. The City Manager or the city council may determine what transactions may be inimical to the rights of the city if consummated without adherence to these provisions.

(b) Prior approval of the City Manager shall be required where ownership or control of more than twenty-five percent of the right of control of or interest in the franchise is acquired by a person or a group of persons acting in concert, none of whom already own or control twenty-five percent or more of such right of control or interest, singularly or collectively.

(c) No franchise granted hereunder may be transferred unless such transaction is first approved by the City Manager, and subsequently by the city council, by resolution, after public hearing.

(d) By its acceptance of the franchise, the franchisee specifically concedes and agrees that any acquisitions or transfers as set forth in subsections (b) and (c) of this section, without prior approval of the City Manager or city council, as may be required, constitutes a violation of the franchise and this chapter by the franchisee. (Ord. 0-84-82 § 9 (part), 1984; Ord. 0-76-56 § 5, 1976; Ord. 0-72-97 § 6(14), 1972).

5.44.240 ACTION IN RECEIVERSHIP, FORECLOSURE AND SIMILAR SITUATIONS. The franchise herein granted shall at the option of the city council or its designee cease and terminate one hundred twenty days after the appointment of a receiver or receivers or trustee or trustees to take over and conduct the business of the franchisee whether in a receivership, reorganization, bankruptcy or other action or proceeding unless

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such receivership or trusteeship has been vacated prior to the expiration of the one hundred twenty days, or unless:

(1) Such receivers or trustees have, within one hundred twenty days after their election or appointment, fully complied with all the terms and provisions of this chapter and the franchise granted pursuant hereto, and the receivers or trustees,

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within the one hundred twenty days, have remedied all defaults under the franchise; and

(2) Such receivers or trustees shall, within the one hundred twenty days, execute an agreement duly approved by the court having jurisdiction in the premises, whereby such receivers or trustees assume and agree to be bound by each and every term, provision and limitation of the franchise herein granted.

In the case of a foreclosure or other judicial sale of the plant, property and equipment of the franchisee, or any part thereof, including or excluding this franchise, the city council or its designee may serve notice of termination upon the franchisee and the successful bidder at such sale, in which event the franchise herein granted and all rights and privileges of the franchisee hereunder shall cease and terminate thirty days after service of such notice, unless:

(A) The city council has approved the transfer of this franchise, as and in the manner in this chapter provided; and

(B) Unless such successful bidder shall have covenanted and agreed with the city to assume and be bound by all the terms and conditions of this franchise. (Ord. 0-72-97 § 6(15), 1972).

5.44.250 CITY'S RIGHT OF INTERVENTION. The franchisee shall not oppose intervention by the city in any suit or proceeding to which the franchisee is a party. (Ord. 0-72-97 § 6(16), 1972).

5.44.260 PROHIBITION OF DISCRIMINATORY OR PREFERENTIAL PRACTICES. The franchisee shall not, in its rates or charges, or in making available the services or facilities of its system, or in its rules or regulations, or in any other respect, make or grant preferences or advantages to any subscriber or potential subscriber to the system, or to any user or potential user of the system; and shall not subject any such persons to any prejudice or disadvantage. This provision shall

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not be deemed to prohibit promotional campaigns to stimulate subscriptions to the system or other legitimate uses thereof; nor shall it be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classification shall be entitled. (Ord. 0-72-97 § 6(17), 1972).

5.44.270 OPEN ACCESS. The entire system of the franchisee shall be operated in a manner consistent with the principle of fairness and equal accessibility of its facilities, equipment, channels, studios and other services to all citizens, businesses, public agencies or other entities having a legitimate use for the system; and no one shall be arbitrarily excluded from its use. Allocation of use of the facilities shall be made according to the rules or decisions of regulatory agencies affecting the same, and where such rules or decisions are not effective to resolve a dispute between conflicting users or potential users, the matter shall be submitted for resolution by the City Manager. (Ord. 0-84-82 § 9 (part), 1984; Ord. 0-76-56 § 6, 1976; Ord. 0-72-97 § 6(18), 1972).

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5.44.290 USE OF SYSTEM BY CITY. (a) The city shall have the right, without cost, subject to franchisee's permission, which permission shall not be unreasonably withheld, to make attachment to facilities owned by franchisee in connection with its fire or police signal systems, or other city use, such attachments to be installed and maintained in accordance with the requirements of the Electrical Code of the city, and only after written notice to the franchisee, provided that the franchisee shall assume no liability or expense in connection therewith, and provided further that the city's use thereof shall be in such a manner as not to interfere with the cable television operations of the franchisee. City agrees to indemnify franchisee for and on account of any damage caused by city to franchisee's system by virtue of city's utilization thereof pursuant to this section.

(b) The system shall be engineered to provide an audio alert system to allow authorized officials to automatically override the "audio" signal on all channels and transmit and report emergency information. In the event of any such use by city, the city will hold harmless and indemnify the franchisee from any damages or penalties resulting from the use of this service. This provision shall be initiated as soon as fifty percent of the system is constructed. The franchisee shall, in the case of any emergency or disaster, make its entire system available without charge to the city or to any governmental or civil defense agency that the city shall designate.

(c) If at any time in the case of fire or disaster in the city, it shall become necessary in the reasonable judgment of the City Manager to cut or move any of the wires, cables, amplifiers, or other appurtenances to the network of the franchisee, such cutting or removing may be done and any repairs rendered necessary thereby shall be made by the franchisee at its sole expense provided that such repairs are not necessitated by a negligent act of the city in which case costs of repairs shall

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be borne by the city. (Ord. 0-84-82 § 9 (part), 1984; Ord. 0-83-94 § 9, 1983; Ord. 0-72-97 § 6(20), 1972).

5.44.300 FILINGS AND COMMUNICATIONS WITH REGULATORY AGENCIES. Copies of all petitions, applications and communications submitted by the franchisee to the Federal Communications Commission, Securities and Exchange Commission, or any other federal or state regulatory commission or agency having jurisdiction with respect to any matters affecting CATV operations pursuant to this franchise, shall also be submitted simultaneously to the City Manager. (Ord. 0-84-82 § 9 (part), 1984; Ord. 0-76-56 § 7, 1976; Ord. 0-72-97 § 6(21), 1972).

5.44.310 PERMITS AND AUTHORIZATIONS. The franchisee or applicant for franchise shall diligently apply for all necessary permits and authorizations required in the conduct of its business, and shall diligently pursue the acquisition thereof, including necessary pole attachment contracts, and necessary authorizations from the Federal Aviation Agency to construct such receiving antenna towers as may be required, and any necessary authorizations or waivers from the Federal Communications Commission, and when any such permit, authorization, contract or waiver is obtained, a copy thereof shall be promptly filed by the franchisee with the City Manager. After the franchisee has diligently pursued the acquisition of necessary pole attachment contracts, or other necessary easements, and where such necessary contracts have not been entered or easements obtained after a reasonable period of time, the franchisee may submit the matter to the City Manager and the City Manager will thereupon provide assistance that may be necessary to arrive at a solution so that the scheduled construction of the system will not be impaired. If the matter cannot be resolved by the City Manager, referral shall be made to city

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council to determine whether the city shall acquire the necessary rights and easements by condemnation, if necessary, all costs thereof to be borne by the franchisee. (Ord. 0-84-82 § 9 (part), 1984; Ord. 0-76-56 § 8, 1976; Ord. 0-72-97 § 6(22), 1972).

5.44.320 REPORTS. Each franchisee shall allow the City Manager to audit all of its accounting and financial records upon reasonable notice, make available all of its plans, contracts and engineering, statistical, customer, and service records relating to its system, and to all other records required to be kept hereunder, and at all times maintain complete and accurate books of account, records of its business and operations, and all other records required by this chapter or the franchise. Each franchisee shall file with the City Manager the following reports prepared in accordance with a format approved by the City Manager:

(1) A semiannual report of gross subscriber revenues certified by a company officer and to accompany the franchise fee payment.

(2) An annual financial statement for the Lakewood cable system containing as a minimum a balance sheet, income statement, and a detailed set of operating expenses. The report is to be certified by a company officer and to be submitted within ninety days after the end of the franchisee's fiscal year.

(3) The franchise agreement shall define a set of performance measurements and reports to be submitted to the city.

(4) Within ninety days after completion of system construction a set of "as built" drawings of the distribution system shall be submitted to the city. (Ord. 0-84-82 § 9 (part), 1984; Ord. 0-83-94 § 10, 1983; Ord. 0-76-56 § 9, 1976; Ord. 0-72-97 § 6(23), 1972).

5.44.330 PRIVACY. (a) Subscriber data, including names, addresses, and phone numbers, shall not be distributed and used

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by the franchisee for other than the normal conduct of business activities. The greatest protection then currently available shall be provided by the franchisee to avoid access thereto by outside parties, and to protect the right of privacy of subscribers for other than the normal conduct of business activities.

(b) Access to subscriber data required for providing two-way transmission including, but not limited to, automatic alarm systems shall be limited to those personnel of the franchisee or public or private entities required for the provision of the service. Reasonable protection shall be provided by the franchisee to avoid access thereto by outside parties and to protect the right of privacy of subscribers.

(c) Nothing contained herein shall prohibit the franchisee from conducting system-wide or individually addressed "sweeps" for the purpose of verifying system integrity, controlling return path transmission, or billing for pay services, nor shall the company be prevented from gathering statistical data, where not in conflict with the above provisions, related to the aggregate number of viewers making use of or watching any particular programming, services, or channels. (Ord. 0-83-94 § 11, 1983; Ord. 0-78-61 § 3, 1980; Ord. 0-72-97 § 6(24), 1972).

5.44.340 ACCIDENT PREVENTION MEASURES. The franchisee shall at all times employ ordinary care and shall install and maintain in use commonly-accepted methods and devices preventing failures and accidents which are likely to cause damage, injury or nuisance to the public. (Ord. 0-72-97 § 6(25), 1972).

5.44.350 PERFORMANCE EVALUATION. (a) The city shall hold, with the franchisee, scheduled performance evaluation sessions at five year intervals and at two years before a franchise termination date.

(b) Special evaluation sessions may be held at any time

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during the term of the franchise at the request of the city or the franchisee, at such times as may be mutually agreed upon between the city and the franchisee, provided, that notice shall be given for each special session by announcement on at least one channel of its system between the hours of seven and nine p.m. for ten consecutive days preceding each session.

(c) All evaluation sessions shall be open to the public and announced in a newspaper of general circulation. The franchisee shall notify its subscribers of all evaluation sessions by announcement mailed to the subscribers by the United States Postal Service at least ten days and no sooner than thirty prior to the hearing.

(d) Topics which may be discussed at any scheduled or special evaluation session may include, but not be limited to, service rate structures, free or discounted services, application of new technologies, system performance, services provided, programming offered, customer complaints, privacy, amendments to this code and the franchise agreement, judicial and FCC rulings, line extension policies; and an addition of five years to the franchise term.

(e) Members of the general public may add topics either by working through the franchisee or the city or by presenting a petition to the city bearing the signatures of fifty or more residents of the city of Lakewood in which case, the topics proposed for discussion on the petition shall be added to the list of topics to be discussed at the evaluation session.

(f) In considering any franchise renewal or extension pursuant to this provision, the Council may examine and consider:

- (1) Past performance by the franchisee;
- (2) A review of reports prepared throughout the life of the franchise including the systems technical performance, the development of cable services, the cost of services to the subscriber, the performance of similar systems in other communities in the Denver metropolitan area operating under similar

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requirements, and complaint resolution. (Ord. 0-83-94 § 12, 1983; Ord. 0-72-97 § 6(26), 1972).

5.44.360 LIABILITY AND INDEMNIFICATION OF CITY. The franchisee shall indemnify and hold harmless the city at all times during the term of the franchise granted hereby and specifically agrees that it will pay all damages and penalties which the city may be legally required to pay as a result of granting the franchise. Such damages and penalties shall include, but not be limited to, damages arising out of copyright infringements, and other damages arising out of the installation, operation or maintenance of the CATV system authorized herein, whether or not any act or omission complained of is authorized, allowed or prohibited by the franchise. In the case suit is filed against the city either independently or jointly with

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the franchisee to recover for any claim or damages, the franchisee, upon notice to it by the city, shall defend the city against the action and, in the event of a final judgment being obtained against the city, either independently or jointly with the franchisee solely by reason of the acts of the franchisee, the franchisee will pay the judgment and all costs and hold the city harmless therefrom. (Ord. 0-72-97 § 6(27)(a), 1972).

5.44.370 BOND. The franchisee shall, concurrently with its acceptance of this franchise, file with the City Clerk and at all times thereafter maintain in full force and effect for the term of this franchise or any renewal thereof, at franchisee's sole expense, a corporate surety bond in a responsible company licensed to do business in Colorado in the amount of fifty thousand dollars renewable annually, and conditioned upon the faithful performance of franchisee, and upon the further condition that in the event franchisee fails to comply with any one or more of the provisions of the franchise, there shall be recoverable jointly and severally from the principal and surety of such bond any damages or loss suffered by the city as a result thereof, including the full amount of any compensation, indemnification or cost of removal or abandonment of any property of the franchisee as prescribed hereby, plus a reasonable allowance for attorneys' fees and costs, up to the full amount of the bond, said condition to be a continuing obligation for the duration of the franchise and any renewal thereof and thereafter until the franchisee has liquidated all of its obligations with the city that may have arisen from the acceptance of this franchisee or renewal by the franchisee or from its exercise of any privilege or right herein granted. The bond shall provide that at least thirty days' prior written notice of intention not to renew, cancellation or material change be given to the city by filing the same with the City Clerk. Notwithstanding the above provisions of this section, the city

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council may in its sole discretion waive the bond or reduce the required amount thereof after completion of construction of the system under the franchise, by the franchisee, its successors or assigns, which, in the sole opinion of the City Council, has been satisfactory. (Ord. 0-78-61 § 4, 1978; Ord. 0-76-56 § 10, 1976; Ord. 0-72-97 § 6(27)(b), 1972).

5.44.380 **INSURANCE.** The franchisee shall be required to maintain insurance in such forms and in such companies as shall be approved by the city, such approval not to be unreasonably withheld, to protect the city and the franchisee from and against any and all claims, injury or damage to persons or property, both real and personal, caused by the construction, erection, operation or maintenance of any aspect of the system. The amount of such insurance shall be not less than the following:

General Liability Insurance

Bodily injury per person	\$100,000
Bodily injury per occurrence	300,000
Property damage per occurrence	300,000
Property damage, aggregate	300,000

Automobile Insurance

Bodily injury per person	\$100,000
Bodily injury per occurrence	300,000
Property damage per occurrence	300,000

Workmen's Compensation Insurance shall also be provided as required by the laws of the state, as amended.

All insurance coverage shall provide a ten-day notice to the City Clerk in the event of material alteration or cancellation of any coverage afforded in the policies to the date the material alteration or cancellation becomes effective.

Copies of all policies required hereunder shall be furnished to and filed with the City Clerk, prior to the commencement of operations or the expiration of prior policies, as the case may be. (Ord. 0-72-97 § 6(27)(c), 1972).

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5.44.390 BOND AND INSURANCE LIMITATIONS. Neither the provisions of Sections 5.44.360 through 5.44.380, nor any bonds accepted by the city pursuant thereto, nor any damage recovered by the city thereunder, shall be construed to excuse unfaithful performance by the franchisee or limit the liability of the franchisee under this chapter or the franchise for damages, either to the full amount of the bond, or otherwise. (Ord. 0-72-97 § 6(27)(d), 1972).

5.44.400 OPERATIONAL STANDARDS. The technical standard for operation of the system shall, in addition to meeting the requirements specified in this chapter, conform to all further requirements specified in the franchise agreement which is to be in conformance with the request for proposal, and any other standards or codes therefor as may be adopted by the City Council or the City Manager. (Ord. 0-84-82 § 9 (part), 1984; Ord. 0-76-56 § 11, 1976; Ord. 0-72-97 § 6(28), 1972).

5.44.410 RATES – LIMITATIONS. The charges made to subscribers for services of the franchise hereunder shall be fair and reasonable and no higher than necessary to meet all costs of the services (assuming efficient and economical management), and provide a fair return on the original costs, less depreciation, of the properties devoted to such service (without regard to any subsequent sale or transfer price or cost of such properties). The franchisee shall receive no consideration whatsoever from its subscribers for or in connection with its service to its subscribers, except for pay TV service, other than in accordance with this section, without approval of the city, and shall be defined in the franchise agreement. Changes to rates shall be acted upon in accordance with Section 5.44.420 herein. (Ord. 0-83-94 § 13, 1983; Ord. 0-76-56 § 12, 1976; Ord. 0-72-97 § 7(1)(a), 1972).

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5.44.420 RATES – ADJUSTMENTS. Franchisee may make application for revision of the rate schedule in accordance with the following procedures:

(1) The franchisee may petition the Council for a change in rates by filing a revised rate schedule including its justification(s) for said proposed new schedule.

(2) The franchisee shall notify its subscribers of the date and time of said hearing by announcement mailed to the subscribers by United States Postal Service thirty days prior to the hearing.

(3) Within ninety days of the filing of said petition for rate change and receipt of the required data, the Council shall hold a public hearing to consider the proposed rate change, at which hearing all persons desiring to be heard, including the franchisee, shall be heard on any matter, including, but not limited to, the performance of the franchisee, the franchisee services and the proposed new rates.

(4) City approval of rate changes shall be by resolution of City Council approving amendment of the franchise agreement.

(5) The criteria for Council's decision on such matters shall be the establishment of rates which are "fair and reasonable" to both the franchisee and its subscribers, and shall be generally defined as the minimum rates necessary to meet all applicable costs of service, including fair return on all invested capital, all assuming efficient and economical management.

(6) In order for the Council to determine whether proposed rate changes comport with the criteria established in subparagraph (5) above, the franchisee's petition for rate increase shall include the following annual actual and projected finance reports for the franchise term, which shall reflect the operations of the city of Lakewood system only.

- (a) Balance sheet.
- (b) Income statement.
- (c) Cash flow statement.
- (d) Statement of sources and applications of funds.

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(e) Detailed supporting schedules of expenses, income, assets and other items as may be required.

(f) Statement of current and projected subscribers and penetration.

The franchisee's accounting records applicable to this system shall be available for inspection by the city at all reasonable times. The city shall have access to records of financial transactions for the purpose of verifying burden rates or other indirect costs prorated to the Lakewood operation. The documents listed above shall include sufficient detail and/or footnotes as may be necessary to provide the city with information needed to make accurate determinations as to the financial statements and shall be certified as accurate by an officer of the company. Any information requested by the city shall be provided in a format acceptable to the city.

(7) Council may extend its time for rendering a decision regarding the franchisee's petition for up to sixty days by resolution.

(8) Any decision of the Council concerning rate increases or decreases shall be final.

(9) No application for rate increase or other modification may be brought or considered if any previous application has been presented and acted upon within the previous year. (Ord. 0-83-94 § 14, 1983; Ord. 0-76-56 § 13, 1976; Ord. 0-72-97 § 7(1)(b), 1972).

5.44.430 RATES – SCHEDULE. An applicant for a franchise shall include in its proposal as a minimum the rates and charges according to the following schedule and any rates for other planned services, which shall be made part of the franchise agreement and shall not be raised without approval of the City Council.

(1) Installation charges.

(a) Initial service connection.

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- (b) Each additional outlet.
- (c) FM connection.
- (d) Reconnection of service.
- (e) Relocation of outlet.
- (f) Converter charge (basic only).
- (2) Monthly rates.
 - (a) Basic service.
 - (b) Each additional outlet.
 - (c) FM service.
 - (d) Converter charge (basic only).
- (3) Multiple unit facilities with multiple billing.
 - (a) Installation.
 - (b) Monthly rate.
- (4) Multiple unit facilities with single billing.
 - (a) Installation.
 - (b) Monthly rate.
- (5) Disconnection. There shall be no charge for disconnection of any of the aforementioned installations or connections. If a subscriber has failed to pay a proper due monthly subscriber fee sixty days after the due date of the fee, the franchisee may cause disconnection of the subscriber's cable installation; however, upon payment in full of the delinquent monthly subscriber fee and a reconnect fee, franchisee shall promptly reinstate the subscriber's cable service. (Ord. 0-83-94 § 15, 1983; Ord. 0-76-56 § 14, 1976; Ord. 0-72-97 § 7(2), 1972).

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5.44.440 ADVANCE CHARGES. The franchisee shall be permitted to require advance payment for installation fees and for one month's advance subscriber fee and deposit for set-top convertor. The franchise shall require no other deposit, advance payment or penalty from any subscriber or potential subscriber without prior approval of the city council. (Ord. 0-72-97 § 7(3), 1972).

5.44.450 OTHER GOVERNMENTAL REGULATION OF RATES. If, in the future, the state or the United States government or any regulatory agency thereof regulates the rates of the franchisee for the service provided for in the franchise, Sections 5.44.410 through 5.44.440 shall be of no effect during such regulation to the extent of any conflict therewith. (Ord. 0-72-97 § 7(4), 1972).

5.44.470 FRANCHISE — BID BOND AND DEPOSIT. The application for grant of franchise, as required elsewhere under this chapter, shall be accompanied by a bid bond in the amount of fifty thousand dollars. In addition, to partially pay city administrative costs, including evaluating bid proposals, a nonrefundable five hundred dollar bid deposit must accompany the bid proposal. (Ord. 0-72-97 § 8(1), 1972).

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5.44.480 FRANCHISE – ANNUAL FEE. During the term of any franchise granted pursuant to this chapter, the franchisee shall pay to the city, for the use of its streets, public places and other facilities, as well as the maintenance, improvements and supervision thereof, an annual franchise fee in an amount equal to three percent of the annual gross subscriber revenues received by it from operations conducted within the city. This payment shall be in addition to any other tax or payment owed to the city by the franchisee. (Ord. 0-72-97 § 8(2), 1972).

5.44.490 FRANCHISE – FEE COMPUTATION AND PAYMENT. Sales tax or other taxes levied directly on a pre-subscription basis and collected by franchisee shall be deducted from the gross subscriber revenues before computation of sums due the city is made. Payments due the city under the terms of this chapter shall be computed quarterly as of March 31st, June 30th, September 30th, and December 31st for the preceding three months and shall be paid on or before the sixtieth calendar day from each computation date at the office of the City Treasurer during his regular business hours. The city shall be furnished a statement with each payment, certified as correct by the franchisee, reflecting the total amount of gross subscriber revenues, and the above charges, deductions, and computations, for the six months payment period covered by the payment. (Ord. 0-84-82 § 8, 1984; Ord. 0-83-94 § 16, 1983; Ord. 0-72-97 § 8(3), 1972).

5.44.500 FRANCHISE – FEE NOT EXCLUSIVE. No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claim the city may have for further or additional sums payable as a franchise fee under this chapter or for the performance of any other obligation hereunder. (Ord. 0-72-97 § 8(4), 1972).

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5.44.510 FRANCHISE – FEE PAYMENT FAILURE ACTION. Failure to pay any fees required by Section 5.44.200 and Sections 5.44.470 through 5.44.500 shall result in automatic suspension of the franchise granted, and reinstatement thereof may be had only upon resolution by the City Council, and payment of the delinquent fee or fees plus any interest or penalties as may be required by the resolution. (Ord. 0-83-94 § 17, 1983; Ord. 0-72-97 § 8(5), 1972).

5.44.520 FRANCHISE – COMPLIANCE REQUIRED. The franchisee shall not be relieved of its obligation to comply promptly with any of the provisions of the franchise by any failure of the city to enforce prompt compliance. (Ord. 0-72-97 § 9(1), 1972).

5.44.530 VIOLATION LIABILITY. All persons, including officers of any franchisee, causing, participating in or permitting any violation of any provision of this chapter shall be severally or jointly liable therefor. (Ord. 0-72-97 § 9(2), 1972).

5.44.540 PENALTIES. For failure to pay franchise fee when due, pursuant to Section 5.44.490, the operator shall pay a late penalty of two percent per month of the amount due and prorated for each day, or part thereof, that the violation continues. (Ord. 0-83-94 § 18, 1983; Ord. 0-76-56 § 16, 1976; Ord. 0-72-97 § 10(3), 1972).

5.44.550 NO RECOURSE AGAINST CITY. The franchisee shall have no recourse whatsoever against the city or its officers, boards, commissions, agents or employees for any loss, cost, expense or damage arising out of any provision or requirement of this franchise or because of its enforcement. (Ord. 0-76-56 § 18, 1976; Ord. 0-72-97 § 11(2), 1972).

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5.44.560 SECTION HEADINGS. The captions to sections are inserted solely for information and shall not affect the meaning or interpretation of the chapter. (Ord. 0-76-56 § 19, 1976; Ord. 0-72-97 § 11 (1), 1972).

Chapter 5.45

CABLE TELEVISION CUSTOMER SERVICE STANDARDS

Sections:

- 5.45.010 Short title.
- 5.45.020 Policy for customer service standards.
- 5.45.030 Definitions.
- 5.45.040 Customer service.
- 5.45.050 Complaint procedure.
- 5.45.060 Miscellaneous.

5.45.010 SHORT TITLE. The ordinance codified in this chapter shall be known as the Lakewood Cable Television Customer Service Standards Ordinance. (Ord. 0-94-49 § 1 (part), 1994).

5.45.020 POLICY FOR CUSTOMER SERVICE STANDARDS. The Cable Operator should be permitted the option and autonomy to first resolve citizen complaints without delay and interference from the Franchising Authority.

Where a given complaint is not addressed by the Cable Operator to the citizen's satisfaction, the Franchising Authority should intervene. In addition, where a pattern of, or unremedied, noncompliance with the Standards is identified, the Franchising Authority should prescribe a cure and establish a thirty (30) day deadline for implementation of the cure. If the noncompliance is not cured within thirty (30) days, monetary sanctions should be imposed to encourage compliance.

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These Standards are intended to be of general application; however, the Cable Operator shall be relieved of any obligations hereunder it is unable to perform due to a region-wide natural emergency or in the event of force majeure affecting a significant portion of the franchise area. The Cable Operator is free to exceed these Standards to the benefit of its Customers and such shall be considered performance for the purposes of these Standards. (Ord. 0-94-49 § 1 (part), 1994).

5.45.030 DEFINITIONS. When used in these Customer Service Standards (the "Standards"), the following words, phrases, and terms shall have the meanings given below.

(1) "Adoption" shall mean the process necessary to formally enact the Standards within the Franchising Authority's jurisdiction, or to approve the Model Franchise Agreement adopted by the TCI Renewal Group of the GMCC (the "MFA") incorporating the Standards, under applicable ordinances and laws.

(2) "Cable Operator" shall mean any person or group of persons (A) who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or (B) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

(3) "City" shall mean the City of Lakewood, Colorado.

(4) "Customer" shall mean any person who receives service of any sort from the Cable Operator.

(5) "Customer Service Representative" (or "CSR") shall mean any person employed by the Cable Operator to assist, or provide service to, customers, whether by answering public telephone lines, writing service or installation orders, answering customers' questions, receiving and processing payments, or performing other customer service-related tasks.

(6) "Franchising Authority" shall mean the City and/or the Greater Metro Cable Consortium, and/or, in the MFA, the Grantor.

(7) "Greater Metro Cable Consortium" or "GMCC" shall mean a Colorado agency formed by intergovernmental agreement between

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its Members, local governmental subdivisions of the State of Colorado. The GMCC may be delegated the authority to enforce cable television franchises and cable system operations for its Member communities, and may administer any or all functions under these Standards. (Ord. 0-94-49 § 1 (part), 1994).

5.45.040 CUSTOMER SERVICE. (1) Courtesy

All employees of the Cable Operator shall be courteous, knowledgeable and helpful and shall provide effective and satisfactory service in all contacts with customers.

(2) Accessibility

(a) Within sixty (60) days of the effective date of these Standards, the Cable Operator shall provide, at sites acceptable to the Franchising Authority, customer service centers/business offices ("service centers") such that no customer shall be located further than ten (10) miles away from a service center. Except as otherwise approved by the Franchising Authority, all service centers shall be open Monday through Friday from 8:00 a.m. to 6:00 p.m., and from 9:00 a.m. to 1:00 p.m. Saturdays, and shall be fully staffed with customer service representatives offering the following services to customers, who come to the service center: bill payment, equipment exchange, processing of change of service requests, and response to customer inquiries and requests. The Franchising Authority may approve alternatives for service centers offering lesser services at any site to which the public has general access. The Cable Operator shall post a sign at each service center advising customers of its hours of operation and of the addresses and telephone numbers at which to contact the Franchising Authority and the Cable Operator if the service center is not open at the times posted. The Cable Operator shall provide free exchanges of faulty converters at the customer's address.

(b) The Cable Operator shall maintain local telephone access lines that shall be available twenty-four (24) hours a day, seven (7) days a week for service/repair requests and billing inquiries.

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(c) The Cable Operator shall have dispatchers and technicians on call twenty-four (24) hours a day, seven (7) days a week, including legal holidays.

(d) The Cable Operator shall retain sufficient customer service representatives and telephone line capacity to ensure that telephone calls to service/repair and billing inquiry lines are answered by a customer service representative within thirty (30) seconds or less, and that any transfers are made within thirty (30) seconds. These standards shall be met no less than 90 percent of the time measured monthly.

(e) The total number of calls receiving busy signals shall not exceed three percent (3%) of the total telephone calls. This standard shall be met ninety percent (90%) or more of the time measured monthly.

(3) Responsiveness

(a) Guaranteed Seven-Day Residential Installation

i) The Cable Operator shall complete all standard residential installations requested by customers within seven (7) business days after the order is placed, unless a later date for installation is requested. "Standard" residential installations are those located up to one-hundred twenty-five (125) feet from the existing distribution system. If the customer requests a nonstandard residential installation, or the Cable Operator determines that a nonstandard residential installation is required, the Cable Operator shall provide the customer in advance with a total installation cost estimate and an estimated date of completion.

ii) All underground cable drops from the curb to the home shall be buried at a depth of no less than twelve (12) inches, and within no more than one calendar week from the initial institution, or at a time mutually agreed upon between the Cable Operator and the customer.

(b) Residential Installation and Service Appointments

i) Customers requesting installation of cable service or service to an existing installation may choose any of the following blocks of time for the installation appointment: 8:00 a.m. to 12:00 Noon; 12:00 Noon to 4:00 p.m.; 4:00 p.m. to 8:00 p.m.; or a four (4)-hour

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block of time mutually agreed upon by the customer and the Cable Operator. The Cable Operator may not cancel an appointment with a customer after 5:00 p.m. on the day before the scheduled appointment, except for appointments scheduled within twelve (12) hours after the initial call.

ii) The Cable Operator shall contact by telephone, mail, or in person, every customer within two (2) weeks after installation to assure the customer's satisfaction with the work completed. All responses shall be recorded, and retained by the Cable Operator, and made available to the Franchising Authority upon request.

iii) The Cable Operator shall be deemed to have responded to a request for service under the provisions of this section when a technician arrives within the agreed upon time, and, if the customer is absent when the technician arrives, the technician leaves written notification of arrival and return time, and a copy of that notification is kept by the Cable Operator. In such circumstances, the Cable Operator shall contact the customer within forty-eight (48) hours.

(c) Residential Service Interruptions

i) In the event of system outages (loss of reception on all channels) resulting from Cable Operator equipment failure affecting five (5) or more customers, the Cable Operator shall correct such failure within two (2) hours after the third (3rd) customer call is received.

ii) All other service interruptions resulting from Cable Operator equipment failure shall be corrected by the Cable Operator by the end of the next calendar day.

iii) The Cable Operator shall keep an accurate and comprehensive file of any and all complaints regarding the cable system or its operation of the cable system, in a manner consistent with the privacy rights of customers, and the Cable Operator's actions in response to those complaints. These files shall remain open to the Franchising Authority and the public during nominal business hours. Grantee shall provide Grantor an executive summary monthly, which shall include information concerning customer complaints. A summary of service requests, identifying the number and nature of the requests and their disposition, shall also be completed by the Cable

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Operator for each month and submitted to the Franchising Authority by the tenth (10th) day of the succeeding month. A log of all service interruptions shall be maintained and provided to the Franchising Authority quarterly.

iv) All service outages and interruptions for any cause beyond the control of the Cable Operator shall be corrected within thirty-six (36) hours, after the conditions beyond its control have been corrected.

(d) TV Reception

i) The Cable Operator shall provide clear television reception that meets or exceeds technical standards established by the United States Federal Communications Commission (the "FCC"). The Cable Operator shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Scheduled interruptions shall be preceded by notice and shall occur during periods of minimum use of the system, preferably between midnight and six (6:00) a.m.

ii) If a customer experiences poor video or audio reception attributable to the Cable Operator's equipment, the Cable Operator shall repair the problem no later than the day following the customer call. If an appointment is necessary, customer may choose the same blocks of time described in subsection (3)(b)(i) of this section. At the customer's request, the Cable Operator shall repair the problem at a later time convenient to the customer.

(e) Problem Resolution

The Cable Operator's customer service representatives shall have the authority to provide credit for interrupted service or any of the other credits listed in Schedule A, set out in its entirety following this chapter, to waive fees, to schedule service appointments and to change billing cycles, where appropriate. Any difficulties that cannot be resolved by the customer service representative shall be referred to the appropriate supervisor who shall contact the customer within four (4) hours and resolve the problem within forty-eight (48) hours or within such other time frame as is acceptable to the customer and the Cable Operator.

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(f) Billing, Credits, and Refunds

i) Cable Operator shall convert to the Anniversary Billed System or similar system of billing as set forth in Schedule B, set out in its entirety following this chapter, no later than December 31, 1996. The Cable Operator shall submit reports to the Franchising Authority regarding its progress towards converting to said system at least quarterly. Should these reports indicate that the conversion can practicably take place prior to the above-mentioned date, Cable Operator shall so convert. On the date when the Cable Operator converts to the Anniversary Billing System, the following conditions shall apply: The Cable Operator shall allow at least thirty (30) days from the beginning date of the applicable service period for payment of a customer's service bill for that period. If a customer's service bill is not paid within that period of time the Cable Operator may apply an administrative fee to the customer's account. If the customer's service bill is not paid within forty-five (45) days of the beginning date of the applicable service period, the Cable Operator may perform a "soft" disconnect of the customer's service. If a customer's service bill is not paid within fifty-two (52) days of the beginning date of the applicable service period, the Cable Operator may disconnect the customer's service, provided it has provided two (2) weeks' notice to the customer that such disconnection may result.

ii) The Cable Operator shall issue a credit or refund to a customer within thirty (30) days after determining the customer's entitlement to a credit or refund.

(g) Treatment of Property

i) The Cable Operator shall keep tree trimming to a minimum; trees and shrubs or other landscaping that are damaged by the Cable Operator, any employee or agent during installation or construction shall be restored to their prior condition or replaced. Trees and shrubs shall not be removed without the prior permission of the owner or legal tenant of the property on which they are located. This provision shall be in addition to, and shall not supersede, any requirement in any franchise agreement.

ii) The Cable Operator shall, at its own cost and expense, and in a manner approved by the property owner and the Franchising

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Authority, restore any property to as good condition as before the work causing such disturbance was initiated. The Cable Operator shall repair, replace or compensate a property owner for any damage resulting from the Cable Operator's installation, construction, service or repair activities.

iii) Except in the case of an emergency involving public safety or service interruption to a large number of subscribers, the Cable Operator shall give reasonable notice to property owners or legal tenants prior to entering upon private premises, and the notice shall specify the work to be performed; provided that in the case of construction operations such notice shall be delivered or provided at least twenty-four (24) hours prior to entry. Nothing herein shall be construed as authorizing access or entry to private property, or any other property, where such right to access or entry is not otherwise provided by law. If damage is caused by any Cable Operator activity, the Cable Operator shall reimburse the property owner 100% of the cost of the damage or replace the damaged property. For the installation of pedestals or other major construction or installation projects, property owners shall also be notified by mail at least one week in advance. In the case of an emergency, the Cable Operator shall attempt to contact the property owner or legal tenant in person, and shall leave a door hanger notice in the event personal contact is not made.

iv) The Cable Operator personnel shall clean all areas surrounding any work site and ensure that all cable materials have been disposed of properly.

(4) Services for Customers with Disabilities

(a) For any customer with a disability, the Cable Operator shall at no charge deliver and pick up converters at customers' homes. In the case of a malfunctioning converter, the technician shall provide another converter, hook it up and ensure that it is working properly, and shall return the defective converter to the Cable Operator.

(b) The Cable Operator shall provide TDD service with trained operators who can provide every type of assistance rendered by the Cable Operator's customer service representatives for any hearing-impaired customer at no charge.

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(c) The Cable Operator shall provide free use of a remote control unit to mobility-impaired (if disabled, in accordance with Subsection (d) below) customers.

(d) Any customer with a disability may request the special services described above by providing the Cable Operator with a letter from the customer's physician stating the need, or by making the request to the Cable Operator's installer or service technician, where the need for the special services can be visually confirmed.

(5) Customer Information

(a) Upon installation, and at any time the customer may request, the Cable Operator shall provide the following information, in clear, concise written form:

i) Products and services offered by the Cable Operator, including its channel lineup;

ii) The Cable Operator's complete range of service options and the prices for these services;

iii) These Standards, with Schedule A, set out in its entirety following this chapter, and any other applicable customer service standards;

iv) Instruction on the use of cable TV service and on standard VCR hookups;

v) The Cable Operator's billing, collection and disconnection policies;

vi) Customer privacy requirements;

vii) All applicable complaint procedures, including complaint forms and the telephone numbers and mailing addresses of the Cable Operator, the FCC, and the Franchising Authority to whom the complaints should be addressed;

viii) Use and availability of A/B switches;

ix) Use and availability of parental control/lock out device;

x) Special services for customers with disabilities;

xi) Days, times of operation, and locations of the service centers.

(b) Copies of all notices provided to the customer shall be filed (by fax acceptable) concurrently with the Franchising Authority and the Consortium.

CABLE TELEVISION CUSTOMER SERVICE STANDARDS

(c) The Cable Operator shall provide customers with written notification of any change in rates, programming, or channel positions, at least thirty (30) days before the effective date of change.

(d) All officers, agents, and employees of the Cable Operator or its contractors or subcontractors who are in personal contact with cable customers shall wear on their outer clothing identification cards bearing their name and photograph as approved by the Franchising Authority. The Cable Operator shall account for all identification cards at all times. Every vehicle of the Cable Operator shall be clearly visually identified to the public as working for the Cable Operator. All CSRs shall identify themselves orally to callers immediately following the greeting during each telephone contact with the public. Every vehicle of a subcontractor or contractor shall be labeled with the name of the contractor and further identified as contracting or subcontracting for the Cable Operator.

(e) Each CSR, technician or employee of the Cable Operator in each contact with a customer shall state the estimated cost of the service, repair, or installation orally prior to delivery of the service or before any work is performed, and shall provide the customer with an oral statement of the total charges before terminating the telephone call or before leaving the location at which the work was performed.

(6) Customer Privacy

(a) The Cable Operator shall not monitor cable television signals to determine the individual viewing patterns or practices of any customer without prior written consent from that customer, except as otherwise permitted by the applicable Franchise.

(b) The Cable Operator shall not sell or otherwise make available customer lists or other personally identifiable customer information without prior written customer consent, except as otherwise permitted by the Franchise. The Cable Operator is permitted to disclose such information if such disclosure is necessary to render, or conduct, a legitimate business activity related to a cable service or other service provided by the Cable Operator to its customers.

CABLE TELEVISION CUSTOMER SERVICE STANDARDS

(7) Safety

The Cable Operator shall install and locate its facilities, cable system, and equipment in compliance with all federal, state, local, and company safety standards, and in such manner as shall not unduly interfere with or endanger persons or property. Whenever the Cable Operator receives notice that an unsafe condition exists with respect to its equipment, the Cable Operator shall investigate such condition immediately, and shall take such measures as are necessary to remove or eliminate any unsafe condition.

(8) Satisfaction Guaranteed

The Cable Operator shall guarantee customer satisfaction for every customer who requests new installation of cable service or adds any additional programming service to the customer's cable subscription. Any such customer who requests disconnection of such service within thirty (30) days from its date of activation shall receive a credit to his/her account in the amount of one month's subscription charge for the service that has been disconnected. (Ord. 0-94-49 § 1 (part), 1994).

5.45.050 COMPLAINT PROCEDURE. (1) Complaints to the Cable Operator

(a) The Cable Operator shall establish written procedures for receiving, acting upon, and resolving customer complaints, and crediting customer accounts in accordance with Schedule A: "Credits to Customers" set out in its entirety following this chapter, and as otherwise provided herein, without intervention by the Franchising Authority and shall publicize such procedures through printed documents at the Cable Operator's sole expense.

(b) Said written procedures shall prescribe a simple manner in which any customer may submit a complaint by telephone or in writing to the Cable Operator that it has violated any provision of these Customer Service Standards, any terms or conditions of the customer's contract with the Cable Operator, or reasonable business practices.

CABLE TELEVISION CUSTOMER SERVICE STANDARDS

(c) At the conclusion of the Cable Operator's investigation of a customer complaint, but in no more than fifteen (15) calendar days after receiving the complaint, the Cable Operator shall notify the customer of the results of its investigation and its proposed action or credit.

(d) The Cable Operator shall also notify the customer of the customer's right to file a complaint with the Franchising Authority in the event the customer is dissatisfied with the Cable Operator's decision, and shall thoroughly explain the necessary procedures for filing such complaint with the Franchising Authority.

(e) The Cable Operator shall immediately report all customer complaints that it does not find valid to the Franchising Authority.

(f) The Cable Operator's complaint procedures shall be filed with and approved by the Franchising Authority prior to implementation.

(2) Security Fund

(a) Within thirty (30) days of the effective date of these Standards or the effective date of any franchise granted by the Franchising Authority, whichever occurs first, the Cable Operator shall deposit with an escrow agent approved by the Franchising Authority One Hundred Thousand Dollars (\$100,000.00), or, in the sole discretion of the Franchising Authority, such lesser amount as the Franchising Authority deems reasonable to protect subscribers within its jurisdiction. Such amount may, with the approval of the Franchising Authority, be posted jointly for more than one member of the GMCC, and may be administered, and drawn upon, jointly by the GMCC or drawn upon individually by each member. The escrowed funds shall constitute the "Security Fund" for ensuring compliance with these Standards for the benefit of the Franchising Authority. The escrowed funds shall be maintained by the Cable Operator at One Hundred Thousand Dollars (\$100,000.00), or such lesser amount accepted by the Franchising Authority, even if amounts are withdrawn pursuant to any provision of these Standards.

CABLE TELEVISION CUSTOMER SERVICE STANDARDS

(b) At any time during the term of this agreement, the Franchising Authority may require the Cable Operator to increase the amount of the Security Fund, if it finds that new risk factors exist which necessitate such an increase.

(c) The Security Fund shall serve as security for the payment of any penalties, fees, charges or credits as provided for herein and for the performance by the Cable Operator of all its obligations under these Customer Service Standards.

(d) The rights reserved to the Franchising Authority with respect to the Security Fund are in addition to all other rights of the Franchising Authority, whether reserved by any applicable franchise agreement or authorized by law, and no action, proceeding or exercise of a right with respect to same shall in any way affect, or diminish, any other right the Franchising Authority may otherwise have.

(3) Complaints to the Franchising Authority

(a) Any customer who is dissatisfied with any proposed decision of the Cable Operator or who has not received a decision within the fifteen (15) day period as required shall be entitled to have the complaint reviewed by the Franchising Authority.

(b) The customer may initiate the review either by calling the Franchising Authority or by filing a written complaint together with the Cable Operator's written decision, if any, with the Franchising Authority.

(c) The customer shall make such filing and notification within twenty (20) days of receipt of the Cable Operator's decision or, if no decision has been provided, within thirty (30) days after filing the original complaint with the Cable Operator.

(d) If the Franchising Authority decides that further evidence is warranted, the Franchising Authority shall require the Cable Operator and the customer to submit, within ten (10) days of notice thereof, a written statement of the facts and arguments in support of their respective positions.

CABLE TELEVISION CUSTOMER SERVICE STANDARDS

(e) The Cable Operator and the customer shall produce any additional evidence, including any reports from the Cable Operator, which the Franchising Authority may deem necessary to an understanding and determination of the complaint.

(f) The Franchising Authority shall issue a determination within fifteen (15) days after examining the materials submitted, setting forth its basis for the determination.

(g) The Franchising Authority may extend these time limits for reasonable cause and may intercede and attempt to negotiate an informal resolution.

(h) If the Franchising Authority determines that the customer's complaint is valid and that the Cable Operator did not provide the complaining customer with the proper solution and/or credit, the Franchising Authority may reverse any decision of the Cable Operator in the matter and/or require the Cable Operator to grant a specific solution as determined by the Franchising Authority in its sole discretion, and/or any credit provided for in these Standards; or the Franchising Authority may provide the customer with the amount of the credit (as set forth in Schedule A, set out in its entirety following this chapter) by means of a withdrawal from the Security Fund.

(4) Verification of Compliance

The Cable Operator shall establish its compliance with any or all of the standards required through annual reports that demonstrate said compliance, or as requested by the Franchising Authority.

(5) Overall Quality of Service

The Franchising Authority may evaluate the overall quality of customer service provided by the Cable Operator to customers:

(a) In conjunction with any performance review provided for in the franchise agreement; and

(b) At any other time, at its sole discretion, based on the number of customer complaints received by the Cable Operator and the Franchising Authority, and the Cable Operator's response to those complaints.

CABLE TELEVISION CUSTOMER SERVICE STANDARDS

(6) Non-Compliance with Customer Service Standards

Non-compliance with any provision of these Standards is a violation of these Standards.

(7) Procedure for Remediating Violations

(a) If the Franchising Authority has reason to believe that the Cable Operator has failed to comply with any of these Standards, or has failed to perform in a timely manner, the Franchising Authority may demand in writing that the Cable Operator remedy the alleged noncompliance. If the alleged noncompliance is denied or not remedied to the satisfaction of the Franchising Authority, the Franchising Authority may opt to follow the following procedure.

(b) An informal meeting may be held to review the alleged non-compliance. If this meeting does not result in a resolution satisfactory to the Franchising Authority, the Cable Operator may request or the Franchising Authority may require an administrative hearing to determine if the noncompliance occurred. The Cable Operator shall be provided with ten (10) days written notice of the time and the place of the hearing, the allegations of noncompliance and the possible consequences of the noncompliance if substantiated.

(c) After the administrative hearing, the Franchising Authority shall determine whether the noncompliance has been substantiated. If the noncompliance is substantiated, the Franchising Authority may order the Cable Operator to correct or remedy the noncompliance within thirty (30) days (except where the noncompliance constitutes a material safety hazard) and in the manner and on the terms and conditions that the Franchising Authority establishes, or, in its sole discretion, the Franchising Authority may find a material violation of these Standards.

(d) If the Franchising Authority determines in its sole discretion that the noncompliance has been substantiated, the Franchising Authority may:

i) Impose assessments of One Thousand Dollars (\$1,000.00) per day, to be withdrawn from the Security Fund in addition to any franchise fee until the non-compliance is remedied; and/or

CABLE TELEVISION CUSTOMER SERVICE STANDARDS

ii) Order, after further hearing, such rebates and credits to affected customers as in its sole discretion it deems reasonable and appropriate for degraded or unsatisfactory services that constituted noncompliance with these Standards; and/or

iii) In its sole discretion, declare a violation of the franchise agreement, and in such case, the noncompliance shall be a violation of the franchise agreement for the purposes of the franchise agreement, triggering all available obligations and remedies under the franchise agreement; and/or

iv) Withhold licenses and permits for work by the Cable Operator or its subcontractors in accordance with applicable law; and/or

v) Pursue any other legal or equitable remedy available under any applicable franchise agreement or law;

vi) Any assessment or remedy shall not constitute a waiver by the Franchising Authority of any other right or remedy it may have under any applicable franchise agreement or law including any right to recover from the Cable Operator any additional damages, losses, costs, and expenses, including actual attorney's fees that are incurred by the Franchising Authority by reason of, or arise out of noncompliance with these Standards. (Ord. 0-94-49 § 1 (part), 1994).

5.45.060 MISCELLANEOUS. (1) Severability

Should any section, subsection, paragraph, term, or provision of these Standards be determined to be illegal, invalid, or unconstitutional by any court or agency of competent jurisdiction with regard thereto, such determination shall have no effect on the validity of any other section, subsection, paragraph, term, or provision of these Standards, each of the latter of which shall remain in full force and effect.

(2) Non-Waiver

Failure to enforce any provision of these Standards shall not operate as a waiver of the obligations or responsibilities of the Cable Operator under said provision, or any other provision of these Standards. (Ord. 0-94-49 § 1 (part), 1994).

SCHEDULE A

SCHEDULE A—CREDITS TO CUSTOMERS

STANDARDS OF CUSTOMER SERVICE	MINIMUM COMPENSATION
A. COURTESY	
1. All employees of Cable Operator shall be friendly, knowledgeable and helpful in their services.	\$5.00 credit to their account.
B. ACCESSIBILITY	
1. Cable Operator shall have local telephone access line available 24 hours a day, 7 days a week.	\$5.00 credit to their account.
2. Cable Operator will have dispatchers & technicians on call 24 hrs/day, 7 days/week.	\$5.00 credit to their account.
3. Calls are being answered in 30 seconds or less; transfers made within 30 seconds, 90% monthly.	\$5.00 credit to their account.
4. Calls receiving busy signals shall not exceed 3% of the total telephone calls.	\$5.00 credit to their account.
C. RESPONSIVENESS	
1. Guaranteed 7-Day Residential Installation	
a. Cable Operator shall complete installations requested by customers within 7 business days after the order has been placed.	Free installation, or 1 month's basic service, if the fee has been waived for promotional reasons.

SCHEDULE A

SCHEDULE A (Continued)

- b. All underground cable drops will be buried no less than 12 in. and no more than one calendar week from the initial installation, or mutual agreement.
- 2. a. Cable Operator customers wanting installation of cable may choose any 4-hr. time-block for installation. \$5.00 credit to their account.
- b. Every Cable Operator customer shall be contacted w/in 2 weeks after installation to assure customer satisfaction. \$5.00 credit to their account.
- c. Cable Operator will have responded to a service request when technician arrives w/in the agreed upon time, notice left if customer is not home. Reschedule within 48 hours. \$5.00 credit to their account.
- 3. Residential Service Interruptions
 - a. System outages resulting from Cable Operator equipment failure affecting 5 or more customers shall be corrected within 2 hours after the 3rd customer call is received. One day's service for each 24-hour delay.
 - b. All other interruptions resulting from Cable Operator equipment failure shall be corrected end of the next day. One day's service for each 24-hour delay.
 - c. Cable Operator shall keep a file, for all service interruptions and requests for service that result in a service call. One day's service for each 24-hour delay.

SCHEDULE A

SCHEDULE A (Continued)

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|---------------------------------|---|--|
| d. | All service outages or interruptions beyond the control of Cable Operator shall be corrected within 36 hours. | One day's service for each 24-hour delay. |
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| 4. TV Reception Difficulties | | |
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 | | |
| a. | Cable Operator will provide clear t.v. reception and make repairs promptly, and interrupt service only for good cause and for the shortest time possible. | One day's free service for each 24-hour delay. |
| b. | If a customer experiences poor video or audio reception due to Cable Operator's equipment, Cable Operator will repair the problem no later than the next day, or at customer's convenience. | One day's free service for each 24-hour delay. |
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 | | |
| 5. Problem Resolution | | |
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 | | |
| a. | Cable Operator customer service reps. will be able to provide credit, waive fees, schedule appointments & change billing cycles. Any difficulties that cannot be resolved by the customer service rep. will be referred to a supervisor who will contact the customer w/in 4 hrs and offer a solution to the problem w/in 48 hrs. | \$5.00 credit to their account. |
|
 | | |
| 6. Billing, Credits and Refunds | | |
|
 | | |
| a. | Conversion to Anniversary Billed System. | \$5.00 credit to their account. |

SCHEDULE A

SCHEDULE A (Continued)

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| b. | Cable Operator shall issue a credit or refund w/in 30 days after determining the customer is entitled to one. | \$5.00 credit to their account. |
| 7. Respectful Treatment of Customer's Property | | |
| a. | Cable Operator shall replace trees or shrubs damaged from installation. | \$10.00 credit plus any additional repairs. |
| b. | Cable Operator will restore any damaged property to the same condition it was before damaged. | \$10.00 credit plus any additional repairs. |
| c. | Cable Operator will give notice to property owners before entering premises, specifying the work to be done. | \$10.00 credit plus any additional repairs. |
| d. | Cable Operator personnel shall clean up the area surrounding a work site and properly dispose cable materials. | \$10.00 credit plus any additional repairs. |

D. SERVICES FOR CUSTOMERS WITH DISABILITIES

- | | | |
|----|---|---------------------------------|
| 1. | Cable Operator shall provide the following services for customers with disabilities at no additional charge: | |
| a. | Cable Operator will deliver and pick up converters at the home of customers with disabilities. In the case of a malfunctioning converter, the technician shall replace it w/ a new one. | \$5.00 credit to their account. |

SCHEDULE A

SCHEDULE A (Continued)

2. Cable Operator will provide the following services for the hearing-impaired at no additional charge:
 - a. Cable Operator will provide TDD service w/ trained operators who can provide any assistance available. \$5.00 credit to their account.
3. Cable Operator shall provide free use of a remote control unit to mobility-impaired customers. \$5.00 credit to their account.
4. A customer w/ a disability may request the above services by providing Cable Operator w/ a letter from a physician stating their condition, or by making the request to the installer in person. \$5.00 credit to their account.

E. CUSTOMER INFORMATION

1. Upon installation, or at a customer's request, Cable Operator will provide the following information: Provide customer w/ the requested info. and \$5.00 credit to their account.
 - a. Products and services offered;
 - b. Complete range of service options & prices;
 - c. Customer service standards;
 - d. Instruction on use of cable TV service & on standard VCR hookups;
 - e. Billing, collection and disconnect policies;
 - f. Customer privacy requirements;

SCHEDULE A

SCHEDULE A (Continued)

- g. Complaint procedure, containing the City or the designated agency to whom the complaints should be addressed;
 - h. Use and availability of A/B switch;
 - i. Use and availability of parental control/lock out device;
 - j. Special services for customers with visual, hearing or mobility disabilities;
 - k. Days, time of operation, and locations of the customer service centers.
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- 2. Copies of all notices to Franchising Authority & GMCC. \$5.00 credit to their account.
 - 3. Cable Operator will provide customers w/ written notification of any change in rates, programming, or channels at least 30 days before the date of change. \$5.00 credit to their account.
 - 4. Every employee of Cable Operator in contact with customers will wear an ID card w/ their name & photograph. Every vehicle of Cable Operator will be visually ID'd as working for Cable Operator, C.S.R.'s will identify themselves on the phone. \$5.00 credit to their account.
 - 5. Estimated cost of service & charges before work. \$5.00 credit to their account.

SCHEDULE A

SCHEDULE A (Continued)

F. CUSTOMER PRIVACY

1. Cable Operator will not monitor cable television signals to determine viewing patterns of a customer w/out prior written customer consent. The customer has the choice of either a check for at least \$100.00, or a credit to their in the same amount.
2. Cable Operator will not sell or make available customer lists or other personally identifiable customer info, w/out prior written customer consent.

G. SAFETY

1. Cable Operator will install and locate its equipment in compliance with all federal, state, local, and company safety standards, and in such manner that will not interfere with or endanger persons or property. At least \$25/day for each 24-hr. delay in responding plus any additional rights or causes of action available to the customer.

H. SATISFACTION GUARANTEED

1. Cable Operator will guarantee customer satisfaction for every customer who requests new installation of cable service or adds any additional programming service to his/her cable subscription.

SCHEDULE B

TCI of Colorado Billing Setup

SCHEDULE B - ANNIVERSARY BILLED SYSTEMS*

Cycle	Subscriber Bill Date	Subscriber Charged Late Charge	# Of Days of Service Before Late Charge	Bill Mail Date	# Of Days From Date of Bill Receive Before Late Charge
A	22	4/1/94	41	3/3/94	30
A	23	4/1/94	40	3/3/94	30
A	24	4/1/94	38	3/3/94	30
A	25	4/1/94	38	3/3/94	30
A	26	4/1/94	37	3/3/94	30
A	27	4/1/94	38	3/3/94	30
A	28	4/1/94	35	3/3/94	30
A	1	4/1/94	34	3/3/94	30
B	2	4/7/94	36	3/9/94	30
B	3	4/7/94	35	3/9/94	30
B	4	4/7/94	34	3/9/94	30
B	5	4/7/94	33	3/9/94	30
B	6	4/7/94	32	3/9/94	30
B	7	4/7/94	31	3/9/94	30
C	8	4/14/94	37	3/16/94	30
C	9	4/14/94	36	3/16/94	30
C	10	4/14/94	35	3/16/94	30
C	11	4/14/94	34	3/16/94	30
C	12	4/14/94	33	3/16/94	30
C	13	4/14/94	32	3/16/94	30
C	14	4/14/94	31	3/16/94	30
D	15	4/21/94	37	3/23/94	30
D	16	4/21/94	36	3/23/94	30
D	17	4/21/94	35	3/23/94	30
D	18	4/21/94	34	3/23/94	30
D	19	4/21/94	33	3/23/94	30
D	10	4/21/94	32	3/23/94	30
D	21	4/21/94	31	3/23/94	30

* Based on March to April 94 Scheduled Cutoffs

Cycle Billed Systems

Cycle	Subscriber Bill Date	Subscriber Charged Late Charge	# Of Days of Service Before Late Charge	Bill Mail Date	# Of Days From Date of Bill Receive Before Late Charge
A	5	4/1/94	27	3/4/94	29
B	15	4/12/94	28	3/15/94	29
C	25	4/21/94	26	3/24/94	29

Bill Receive Date is calculated on 3 days from the scheduled cutoff date.

"# of days from Date of Service before late charge" is the number of days from the start bill date on the subscriber statement to their late charge date.

AMUSEMENT DEVICES

Chapter 5.46

AMUSEMENT DEVICES

Sections:

- 5.46.010 Definitions.
- 5.46.020 Licensing authority established.
- 5.46.030 License required—Fee.
- 5.46.040 License application—Contents.
- 5.46.050 Approval of license.
- 5.46.060 Public notice.
- 5.46.070 Public hearing.
- 5.46.080 Term of the license.
- 5.46.090 License renewal.
- 5.46.100 Fees.
- 5.46.110 Suspension or revocation of license.
- 5.46.120 Display and transfer of license.
- 5.46.130 Management.
- 5.46.140 Hours of operation.
- 5.46.150 Location.
- 5.46.160 Lighting.
- 5.46.170 Gambling prohibited.
- 5.46.180 Violation—Penalty.
- 5.46.200 Exclusive license.
- 5.46.210 Exceptions generally.

5.46.010 DEFINITIONS. As used in this chapter:

(1) “Applicant” means any individual, association, partnership or corporation requesting a license pursuant to this chapter.

AMUSEMENT DEVICES

(2) "Amusement arcade" means a place of business where an individual, association, partnership or corporation maintains more than ten amusement devices, and excepting any number of billiard tables either as a sole business or in conjunction with some other business.

(3) "Amusement center" means a place of business where an individual, association, partnership or corporation maintains less than eleven amusement devices, and excepting any number of billiard tables either as a sole business or in conjunction with some other business.

(4) "Amusement device" means any device which, upon insertion of a coin, slug, token, plate or disc, or payment of a consideration, may be used by the public for use as a game, entertainment, amusement, a test of skill, either mental or physical, whether or not registering a score, including billiard tables; but shall not include radios, devices that provide music only, television carrying commercial broadcasts only, bowling lanes, or fixed-stand coin-operated kiddie rides.

(5) "Manager" means an individual who manages, directs, supervises, oversees and administers the acts and transactions of the agents or servants of any establishment governed by this chapter, or who, through his own actions, directs, oversees and administers the affairs of any such establishment.

(6) "Billiard table" means any gaming table whether used for games of pool, pocket pool, billiards, snooker, or other similar games. (Ord. 0-81-104 (part), 1981).

5.46.020 LICENSING AUTHORITY ESTABLISHED. (a) There is established an Arcade Licensing Board, which shall have and is vested with the authority to grant or deny licenses for amusement arcades based upon the criteria set forth herein to conduct investigations, and to suspend or revoke such licenses for cause in the manner provided by this Code.

(b) Hereinafter, the members of the Arcade Licensing Board shall be the members that comprise the Lakewood Liquor and Fermented Malt Beverage Licensing Authority and the term of each member of

AMUSEMENT DEVICES

the Arcade Licensing Board shall be the same as each member's term on the Lakewood Liquor and Fermented Malt Beverage Licensing Authority. The qualifications and appointment of members to fill vacancies and removal of members by City Council shall be governed by Title 5, Chapters 38 and 40 of this code.

(c) The Board shall meet on-call and the chairperson of the board shall be the chairperson elected by the regular members of the Lakewood Liquor and Fermented Malt Beverage Licensing Authority. The chairperson shall preside over all hearings and proceedings of the board. The member designated to assume the chair in the absence of the chairperson shall be the same member designated by the chairperson of the Lakewood Liquor and Fermented Malt Beverage Licensing Authority to assume the chair in his absence. A quorum shall consist of three members present, and a decision of the majority of the members shall control. Any hearing may be continued to permit an absent member (or members) to participate in a decision of the board. Any absent member may vote on a matter to be decided by the board after the member has considered the evidence adduced in any hearings or portions of hearings conducted during the member's absence.

(d) The City Clerk shall receive all applications for licenses, and shall issue all licenses granted by the board, upon receipt of all fees as are required by this chapter. All public notices required by this chapter shall be accomplished by the City Clerk.

(e) The Liquor License Investigator in the City Clerk's office shall also be the arcade license investigator, who shall perform those investigative duties set forth in this chapter and such other duties as the arcade licensing board may reasonably direct. Public notice by posting of signs required by this chapter shall be accomplished by the investigator or his designee.

(f) Any decision of the Arcade Licensing Board shall be final and any appeal therefrom shall be to the Jefferson County District Court. (Ord. 0-93-64 §§ 36, 37, 1993; Ord. 0-89-64 §§ 2, 3, 4, 1989; Ord. 0-83-101 § 1, 1983; Ord. 0-81-104 (part), 1981).

AMUSEMENT DEVICES

5.46.030 LICENSE REQUIRED—FEE. (a) No amusement arcade shall conduct business without first having obtained a Type A or a Type B Amusement Arcade License.

(b) A Type A Amusement Arcade License shall be required for all amusement arcades where no malt, vinous, or spirituous liquors are allowed. Applicants for a Type A Amusement Arcade License shall pay a license fee of seven hundred fifty dollars.

(c) A Type B Amusement Arcade License shall be required for all establishments where malt, vinous or spirituous beverages are sold within a restaurant operated in conjunction with an amusement arcade by a common owner. Applicants for a Type B Amusement Arcade License shall pay a license fee of one thousand five hundred dollars. (Ord. 0-81-104 (part), 1981).

5.46.040 LICENSE APPLICATION—CONTENTS. The application for an amusement arcade license shall be made to the City Clerk, shall be accompanied by the fees required in this chapter along with the following completed documentation:

- (1) Background investigation form (where applicant is a corporation, association, or partnership, the information required shall be furnished as to each member of the association, or each officer of the corporation and members of the board of directors of the corporation, the manager, and holders of ten percent or more of the stock of any class, and such application shall include at least the name and address of the arcade, the names and addresses of the applicant, age, date and place of birth, all prior convictions of the applicant and any of the persons listed as members, officers, directors, shareholders, or manager of a corporation, association, or partnership;
- (2) Copy of lease or proof of ownership;
- (3) Verification from the division of code enforcement of the City that the location of the proposed establishment meets the requirements of the zoning ordinance;
- (4) Affidavit that the premises are not located within fifteen hundred feet of any school within the city;
- (5) Plans of building and parking lot;
- (6) Any additional information requested by the City Clerk;

AMUSEMENT DEVICES

(7) The application and background investigation forms shall be furnished by the City Clerk and shall be completed in every detail by the applicant to be accepted by the City Clerk for filing. (Ord. 0-93-64 § 38, 1993; Ord. 0-81-104 (part), 1981).

5.46.050 APPROVAL OF LICENSE. (a) Application for the license required by Section 5.46.030 shall be reviewed by the City Clerk. The City Clerk shall have an investigation conducted by the Police Department sufficient to verify all the information required by Section 5.46.040. Upon completion of this investigation, the City Clerk shall set a date for public hearing on the application, which date shall not be more than thirty days from the date of receipt of the results of the investigation by the City Clerk.

(b) The Arcade Licensing Board may deny any license for an amusement arcade if it finds:

(1) An applicant, the manager, or any director, officer or principal of the applicant is not of good moral character;

(2) The neighborhood does not need or desire such a facility demonstrated by petitions, letters or remonstrances evidencing such needs and desires; and

(3) A determination that the license would be detrimental to the public safety, health and welfare due to the location of the arcade, the noise emanating therefrom, or the proximity of said location to schools, churches or other places where the public may congregate;

(4) The applicant is under the age of twenty-one years; or

(5) The application contains false information; or

(6) The applicant, manager, or any holder(s) of ten percent or more of the stock of any class, director, officer or principal of the applicant has had a license for such business revoked or suspended within three years prior to the application or has been determined to be a nuisance within three years prior to the application, or has been the holder(s) of ten percent or more of the stock of any class, director, officer or principal of an entity having had a license for such business revoked or suspended within three years prior to the application, or which has been determined to be a nuisance within three years prior to the application.

AMUSEMENT DEVICES

(c) In the event that the board denies a license it shall make written findings of fact stating the reasons for the denial and notify the applicant within ten days of its determination. (Ord. 0-93-64 § 39, 1993: Ord. 0-81-104 (part), 1981).

5.46.060 PUBLIC NOTICE. (a) The City Clerk shall give notice of a public hearing to be held for the purpose of granting or denying an arcade license or the suspension or revocation of such a license.

(b) Not less than seven days prior to the public hearing hereinafter required, the City Clerk shall cause to be posted and published a public notice of the hearing to be held as provided by Section 5.46.050 of this code. (Ord. 0-93-64 § 40, 1993: Ord. 0-81-104 (part), 1981).

5.46.070 PUBLIC HEARING. (a) The board shall establish procedures for all of its public hearings in conformity with the laws of the state and ordinances and resolutions of the city.

(b) The following persons shall be in attendance at the public hearing on the application:

- (1) If the applicant is an individual, that individual; or
- (2) If the applicant is a partnership, any general partner; or
- (3) If the applicant is a corporation, the president and other officers, or a representative of the corporation; and
- (4) Irrespective of the identity of the applicant, the manager of the proposed establishment.

The board may require the attendance of such other person, or persons as it deems necessary or desirable, and may at its discretion waive attendance by any one or more of the designated persons.

(c) The board shall have the power 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 which the board is authorized to conduct. It is unlawful for any person to fail to comply with any subpoena issued by the board in the proper conduct of its hearings. The Municipal Court of the city shall enforce the subpoenas of the board and upon good cause

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shown shall enter its orders compelling witnesses to attend the testify or produce books, records or other evidence, and shall impose penalties of punishment for contempt in case of failure to comply with such orders.

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(d) A subpoena shall be served in the same manner as a subpoena issued by the district court of the state. Upon failure of any witness to comply with such subpoena, the City Attorney shall, at the direction of the board:

(1) Petition any Judge of the Municipal Court of the city, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, that the court, after hearing evidence in support of or contrary to the petition, enter its order compelling the witness to attend and testify or produce books, records, or other evidence, under penalty of punishment for contempt in case of willful failure to comply with such order of court; or

(2) Petition the District Court in and for the county, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, that the court, after hearing evidence in support of or contrary to the petition, enter its order as in other civil actions, compelling the witness to attend and testify or produce books, records or other evidence, under penalty of punishment for contempt in case of wilful failure to comply with such order of court. (Ord. 0-81-104 (part), 1981).

5.46.080 TERM OF THE LICENSE. All licenses granted pursuant to this chapter shall be for a term of one year. Said term shall commence on January 1st of each year and terminate upon December 31st of the same year. Applications for a license occurring at any other time during the year shall be treated the same as if they were made for one calendar year and shall terminate on the same date as all other licenses issued for the same year, and no proration shall be permitted. (Ord. 0-81-104 (part), 1981).

5.46.090 LICENSE RENEWAL. Renewal of any of the licenses granted pursuant to this chapter may be had by payment

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of the licensing fee along with a statement that the information listed on the original license application is still true and correct to the applicant's knowledge, or a statement listing those items of information required for a license application which have changed in the year since the license was granted or last renewed. (Ord. 0-81-104 (part), 1981).

5.46.100 FEES. (a) Applicants or holders of an amusement arcade license shall pay the yearly fees required in Section 5.46.030 for either a Type A or Type B Amusement Arcade License.

(b) Operators of amusement centers shall pay a yearly fee of fifty dollars per amusement device and billiard table maintained upon the premises.

(c) Applicants for an amusement arcade license shall pay an investigation fee of seventy-five dollars to defray the actual and necessary costs of investigation required by this chapter. (Ord. 0-93-64 § 41, 1993; Ord. 0-82-157 § 2, 1982; Ord. 0-81-104 (part), 1981).

5.46.110 SUSPENSION OR REVOCATION OF LICENSE.

(a) The Arcade Licensing Board may suspend or revoke any license granted pursuant to this chapter upon a finding of any of the following factors:

(1) That any of the amusement devices maintained upon the premises are being used for gambling purposes;

(2) That repeated disturbances of public peace have been occurring within the licensed establishment or upon any parking areas, sidewalks, access ways or grounds within five hundred feet of the licensed establishment involving patrons, employees or the holder of the license of the establishment;

(3) That the holder of the license or any employees thereof are illegally offering for sale or illegally allowing to be consumed upon the licensed premises, or upon any parking areas, sidewalks, walkways, access ways or grounds immediately adjacent to the licensed premises, narcotics or dangerous drugs or malt, vinous or spirituous beverages;

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(4) That the holder of the license, an approved manager or assistant manager is not upon the licensed premises at all times when the establishment is open for business;

(5) That the hours of business of the licensed establishment are outside of those set forth in Section 5.46.140;

(6) That malt, vinous or spirituous beverages are being consumed by patrons of the licensed establishment upon any parking areas, sidewalks, walkways, access ways, grounds or adjacent neighborhoods of the licensed premises. "Adjacent neighborhood" means any area within a radius of five hundred feet from the licensed premises;

(7) That malt, vinous, or spirituous beverages are being consumed by patrons of the licensed establishment upon the licensed premises unless:

(i) The establishment legally possesses a Type B Amusement Arcade License, and

(ii) Fifty percent or more of weekly gross receipts of said licensed establishment are derived from the sale of food and nonalcoholic beverages, and

(iii) The sale of malt, vinous, and spirituous beverages does not exceed twenty percent of the weekly gross receipts of the licensed establishment, and

(iv) The holder of the license allows the sale, service and consumption of malt, vinous, or spirituous beverages in all places in which amusement devices are located within the licensed premises;

(8) That a person under the age of twenty-one years is being used as a manager of the licensed establishment.

(b) Nothing in this chapter shall prohibit the city from taking any other enforcement action provided for by this code or the laws of the state or of the United States. (Ord. 0-93-64 §§ 42, 43, 1993; Ord. 0-92-3 § 1, 1991; Ord. 0-81-104 (part), 1981).

5.46.120 DISPLAY AND TRANSFER OF LICENSE. (a) The holder of any license or receipt issued pursuant to the terms of this chapter shall prominently display the same upon the premises for which the license is issued.

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(b) Any change in ownership or management of an amusement arcade or center must be reported to the City Clerk within ten business days following such change.

(c) Any license or receipt issued pursuant to the terms of this chapter shall not be transferable to any other location in the city. In the event of transfer of ownership of the business at the same location for which a license or tax receipt is issued pursuant to the terms of this chapter, a license may be transferred to the new owner of the business; provided, however, that application therefore stating the same information as required by Section 5.46.040 is first presented to the City Clerk for approval or disapproval by the board, accompanied by the license fee and seventy-five-dollar investigation fee as required by Section 5.46.100. Approval or disapproval of such transfer shall be upon the same terms as approval or disapproval of a license under the terms of this chapter. (Ord. 0-93-64 § 44, 1993; Ord. 0-81-104 (part), 1981).

5.46.130 MANAGEMENT. (a) Where any licensee changes or causes to be changed the manager of his establishment, and such person has not previously been approved as a manager by the City Clerk, he shall be presented by the holder of the license or shall present himself to the office of the City Clerk for a background investigation within ten days of such change.

(c) No person under the age of twenty-one years shall serve in the capacity of manager of any establishment licensed pursuant to the provisions of this chapter. (Ord. 0-93-64 §§ 45, 46, 1993; Ord. 0-81-104 (part), 1981).

5.46.140 HOURS OF OPERATION. Any amusement arcade licensed pursuant to the provisions of this chapter shall not be open for business Sunday through Saturday between the hours of ten p.m. and ten a.m., unless such establishment is located within a 4-C zone district or located within an "activity center" as defined and designated in the comprehensive plan of the City of Lakewood, in which case such establishment shall not be open for business Sunday through Thursday between ten p.m. and ten a.m. and on Fridays and

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Saturdays between eleven p.m. and ten a.m. (Ord. 0-93-64 § 47, 1993; Ord. 0-92-3 § 2, 1991; Ord. 0-81-104 (part), 1981).

5.46.150 LOCATION. (a) Amusement arcades shall only be permitted to locate in areas designated 4-C zone districts, as permitted by the Lakewood zoning ordinance, or located within an "activity center" as defined and designated in the comprehensive plan of the City of Lakewood.

(b) Subsequent to the effective date of the ordinance codified in this chapter, no amusement arcade license for a proposed arcade shall be issued where said proposed arcade is located within two hundred feet of an existing arcade.

(c) No amusement arcade license shall be issued where the proposed arcade is located within fifteen hundred feet of any school within the City.

(d) The distances referred to in subsections (b) and (c) of this section are to be computed by direct measurement from the nearest property line of any land used for school purposes or upon which is located a licensed arcade to the nearest portion of the building in which the proposed arcade is to be located using a route of direct pedestrian access, measured as a person would walk safely and properly, without trespassing, with right angles at crossings and with the observance of traffic regulations and lights.

(e) The holder of an amusement arcade license may expand or modify his premises upon obtaining the approval of the Arcade Licensing Board. The board may hold a public hearing at which time the approval or denial of such expansion or modification shall be considered. In the event a public hearing is held to consider such expansion or modification, the property shall be posted, and notice shall be given, in accordance with Section 5.46.060 of this code. (Ord. 0-93-64 §§ 48, 49, 1993; Ord. 0-92-3 § 3, 1991; Ord. 0-81-104 (part), 1981).

5.46.160 LIGHTING. The interior of amusement arcades shall be brightly illuminated at all times so that all patrons are easily

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recognizable and all activities within the arcade are easily identifiable. (Ord. 0-93-64 § 50, 1993; Ord. 0-81-104 (part), 1981).

5.46.170 **GAMBLING PROHIBITED.** Nothing in this chapter shall be construed to permit any unlawful gambling or wagering within the city. (Ord. 0-93-64 § 51, 1993; Ord. 0-81-104 (part), 1981).

5.46.180 **VIOLATION—PENALTY.** Any individual, association, partnership or corporation who is convicted of a violation of any provision of this chapter shall be fined in a sum of not more than nine hundred ninety-nine dollars, or shall be imprisoned for a term not to exceed one hundred and eighty days, or shall be both so fined and imprisoned, as provided by Section 1.16.020 of this code. (Ord. 0-84-87 § 3, 1984; Ord. 0-81-104 (part), 1981).

5.46.200 **EXCLUSIVE LICENSE.** The premises for which an amusement arcade is licensed may not be used as an amusement center. (Ord. 0-82-157 § 1, 1982).

5.46.210 **EXCEPTIONS GENERALLY.** Any place of business where an amusement device is maintained which exhibits or displays a picture or view by film, video, or a live exhibition meeting the definition of adult entertainment under Section 5.47.030(d) is governed by the provisions of Chapter 5.47 regulating licenses for adult businesses. (Ord. 0-93-15 § 2, 1993).

Chapter 5.47

ADULT BUSINESSES

Sections:

- 5.47.010 Findings of fact.
- 5.47.020 Legislative intent.
- 5.47.030 Definitions.

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- 5.47.040 Location of adult businesses.
- 5.47.050 License required—Fee.
- 5.47.060 License application.
- 5.47.070 Application fee.
- 5.47.080 Investigation.
- 5.47.090 Approval of license.
- 5.47.100 Term of the license.

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- 5.47.110 License renewal.
- 5.47.120 Suspension or revocation of license.
- 5.47.130 Display—Transferability—Change of ownership—
Change of corporate structure.
- 5.47.140 Manager—Change of manager.
- 5.47.150 Time limits for entertainment.
- 5.47.160 Standards of conduct.
- 5.47.170 Age restrictions.
- 5.47.180 Lighting requirements.
- 5.47.190 Right of entry.
- 5.47.200 Exemptions generally.
- 5.47.210 Severability.

5.47.010 **FINDINGS OF FACT.** The City Council hereby finds:

(a) There are a substantial number of adult businesses in the Denver metropolitan area that require regulation in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizenry.

(b) Regulation of adult businesses furthers substantial governmental interests and is necessary because in the absence of such regulation, significant criminal activity has historically and regularly occurred. This history of criminal activity has included prostitution, narcotics and liquor law violations, violent crimes against persons, and property crimes.

(c) Adult businesses are frequently used for unlawful and unhealthful sexual activities, including prostitution and sexual liaisons of a casual nature.

(d) The concern over sexually transmitted diseases, including AIDS, is a legitimate health concern of the City which demands reasonable regulation of adult businesses in order to protect the health and well-being of the citizens.

(e) Adult businesses have a deleterious effect on both neighboring businesses and surrounding residential areas causing an increase in crime and a decrease in property values.

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(f) It is recognized that adult businesses have serious objectionable characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area.

(g) The City Council desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizens; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; deter the spread of urban blight and protect the citizens from increased crime.

(h) It is necessary to have a manager on the premises of adult businesses at all times as such establishments are offering adult entertainment so that there will be an individual responsible for the overall operation of the establishment, including the actions of patrons, entertainers and other employees.

(i) The license fees required hereinafter are necessary as nominal fees designed to help defray the substantial expenses incurred by the City in regulating adult businesses.

(j) Restricted hours of operation will further prevent the adverse secondary effects of adult businesses.

(k) Locational criteria alone do not adequately protect the health, safety, and general welfare of the citizens and thus certain requirements with respect to the licensing and operation of adult businesses are in the public interest. (Ord. 0-93-15 § 1 (part), 1993).

5.47.020 LEGISLATIVE INTENT. It is the intent and purpose of this ordinance to regulate the time, place, and manner in which adult entertainment is presented in adult businesses to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult businesses within the City and not to prohibit adult entertainment or to curtail constitutionally protected freedom of expression. (Ord. 0-93-15 § 1 (part), 1993).

5.47.030 DEFINITIONS. For the purposes of this chapter, the words and phrases used herein, unless the context otherwise indicates, shall have the following meaning:

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(a) "Adult arcade" means any commercial establishment to which the public is permitted or invited where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons per machine at any one time, are used to regularly show films, motion pictures, video cassettes, slides, or other photographic reproductions depicting actual acts of masturbation, sexual intercourse, copulation, sodomy or displaying human genitals in a state of sexual stimulation, arousal, or tumescence, or depicting excretory functions as a part of or in connection with any of the activities set forth in this subsection.

(b) "Adult business" means an adult arcade, adult cabaret, adult motion picture theater, or sexual encounter center.

(c) "Adult cabaret" means a nightclub, bar, restaurant, concert hall, auditorium, or other commercial establishment which regularly features live adult entertainment.

(d) "Adult entertainment" means any exhibition, display, or dance which involves the exposure to view of any portion of the female breast below the top of the areola, male genitals, female genitals, or the pubic hair, anus, or cleft of the buttocks of any person or male genitals in a discernibly turgid state even if completely and opaquely covered.

(e) "Adult motion picture theater" means any commercial establishment to which the public is permitted or invited, where for any form of consideration, films, motion pictures, video cassettes, slides or similar photograph reproductions are regularly shown depicting actual acts of masturbation, sexual intercourse, oral copulation, sodomy or displaying human genitals in a state of sexual stimulation, arousal, or tumescence, or depicting excretory functions as part of or in connection with any of the activities set forth in this subsection. Any establishment meeting the definition of an adult arcade is not an adult motion picture theater.

(f) "Nudity" or a "state of nudity" means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

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- (g) "Obscene" means a performance that:
- (1) The average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex;
 - (2) Depicts or describes:
 - (A) Patently offensive representations of ultimate sex acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality; or
 - (B) Patently offensive representations of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, or covered male genitals in a discernibly turgid state; and
 - (3) Taken as a whole, lacks serious literary, artistic, political, or scientific value.
- (h) "Patently offensive" means so offensive on its face as to affront current community standards of tolerance.
- (i) "Performance" means a play, motion picture, dance or other exhibition performed before an audience.
- (j) "Semi-nude" means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- (k) "Sexual encounter center" means a business or commercial enterprise that regularly offers for any form of consideration, activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude. This definition does not apply to any actions in compliance with Chapter 5.52 or any treatment or examination of another person for a bona fide medical purpose when such treatment or examination is conducted in a manner substantially consistent with reasonable medical practices. (Ord. 0-93-15 § 1 (part), 1993).

5.47.040 LOCATION OF ADULT BUSINESSES. (b) It shall be unlawful to operate or cause to be operated an adult business in any location except as provided in the Lakewood Zoning Ordinance.

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(b) It shall be unlawful to operate or cause to be operated an adult business within 750 feet of:

- (1) A church as defined in the Lakewood Zoning Ordinance;
- (2) A school or child care facility as defined in the Lakewood Zoning Ordinance;
- (3) A public park;
- (4) The property line of a lot zoned for residential use.

(c) It shall be unlawful to cause or permit the operation of an adult business within 1,000 feet of another adult business or a massage parlor as defined by Section 5.52.020(6) of this Code. The distance between any two such businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the adult business is located.

(d) It shall be unlawful to cause or permit the operation, or maintenance of more than one adult business in the same building, structure, or portion thereof.

(e) For the purpose of subsection (b) of this section, the distance between an adult business and the premises of a church, school, child care facility, public park, residential district, or a residential lot shall be measured in a straight line, without regard to intervening structures, objects or city limits, from the closest exterior wall of the structure in which the adult business is located to the property line of such uses.

(f) Any adult business lawfully operating on the effective date of this Chapter that is in violation of subsections (b) through (e) of this section shall be allowed to continue operating for an amortization period of six months. Six months after this ordinance becomes effective, all adult businesses must comply with this section and all other provisions of this chapter.

(g) An adult business lawfully operating is not rendered a non-conforming use by the subsequent location of a church, school, child care facility, public park, residential district, or a residential lot within 750 feet of the adult business; however, if the adult business

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ceases operation for a period of one hundred eighty days or more regardless of any intent to resume operation, it may not recommence operation in that location.

(h) Except for the amortization period set forth in subsection (f) above, each day of operation in violation of any provision of this chapter shall constitute a separate offense. (Ord. 0-93-15 § 1 (part), 1993).

5.47.050 LICENSE REQUIRED — FEE. (a) No person shall conduct an adult business without first having obtained a Type A or a Type B Adult Business License.

(b) A Type A Adult Business License shall be required for all adult businesses where no fermented malt, malt, vinous, or spirituous beverages are allowed. Applicants for a Type A Adult Business License shall pay a license fee of five hundred dollars.

(c) A Type B Adult Business license shall be required for all establishments where fermented malt, malt, vinous, or spirituous beverages are sold within an establishment pursuant to a valid license issued under Title 12, Article 46 or Article 47, Colorado Revised Statutes operated in conjunction with an adult business. Applicants for a Type B Adult Business License shall pay a license fee of five hundred dollars.

(d) In the event an application for an adult business license is withdrawn or denied, the license fee shall be refunded in full to the applicant. (Ord. 0-93-15 § 1 (part), 1993).

5.47.060 LICENSE APPLICATION. (a) All applicants for an adult business license shall file an application for such license with the City Clerk on forms to be provided by the Clerk. Each individual applicant, partner of a partnership, officer, director, and holder of ten percent or more of the corporate stock of the corporate applicant, and all managers, shall be named in each application form, and each of them shall be photographed and fingerprinted by the Lakewood Police Department.

(b) The completed application shall contain the following information and shall be accompanied by the following documents:

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(1) If the applicant is:

(i) an individual, the individual shall state his legal name and any aliases and submit satisfactory proof that he is twenty-one years of age;

(ii) a partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;

(iii) a corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the statutes of the State of Colorado, or in the case of a foreign corporation, evidence that it is currently authorized to do business in the State of Colorado, the names and capacity of all officers, directors and principal stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.

(2) Whether the applicant or any other individual listed pursuant to subsection (a) of this provision had a previous adult business license under this chapter or other adult business ordinances from another city or county denied, suspended or revoked, including the name and location of the adult business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or any other individuals listed pursuant to subsection (a) of this provision has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is permitted under this chapter whose license has previously been denied, suspended or revoked, including the name and location of the adult business for which the license was denied, suspended or revoked as well as the date of denial, suspension or revocation.

(3) Whether the applicant or any other individual listed pursuant to subsection (a) of this provision holds any other licenses under this chapter or other similar adult business ordinance from another city or county and, if so, the names and locations of such other permitted businesses.

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(4) The location of the proposed adult business, including a legal description of the property, street address, and telephone number(s), if any.

(5) Proof of the applicant's right to possession of the premises wherein the adult business will be conducted.

(6) The applicant's mailing address and residential address.

(7) The applicant's driver's license number, social security number and/or his federally issued tax identification number.

(8) A floor plan of the licensed premises which specifies the location and dimensions of any manager's station and demonstrates that there is an unobstructed view from at least one of the manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. The floor plan shall designate those rooms or other areas of the premises where patrons are not permitted and shall also designate the use of each room or other area of the premises. The floor plan need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. The diagram shall designate the place at which the license will be conspicuously posted and the location of any stage. A floor plan is not required of the licensed premises of an adult motion picture theater.

(9) A current certificate and straight-line drawing prepared, within thirty days prior to the application, by a land surveyor depicting the property lines and the structures containing any adult business or massage parlor within 1,000 feet of the closest exterior wall of the structure in which the applicant business will be located and depicting the property line of any church, school, child care facility, public park, residential district, in a residential lot within 750 feet from the closest exterior wall of the structure in which the applicant business will be located.

(10) Evidence from the Lakewood Planning, Permits and Public Works Department that the proposed location of such business complies with the locational requirements of the zoning ordinance.

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(c) If the applicant is an individual, he must sign the application for a license. If the applicant is other than an individual, each person who has a ten percent or greater interest in the business must sign the application for a license. If a corporation is listed as owner of an adult business or as the entity which wishes to operate such a business, each individual having a ten percent or greater interest in the corporation must sign the application for a license.

(d) The City Clerk shall not accept any application that is not complete in every detail. If an omission or error is discovered by the City Clerk, the application will be returned to the applicant for completion or correction without further action by the City Clerk. Any application rejected due to an omission or error shall be refiled only when the omission or error has been remedied. For the purposes of this chapter, the date the City Clerk accepts an application which is complete in every detail shall be the date the application is filed with the City Clerk.

(e) In the event that the City Clerk determines that the applicant has improperly completed the application, he shall promptly notify the applicant of such fact and allow the applicant ten days to properly complete the application. The time period for granting or denying a license shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.

(f) Applicants for a license under this chapter shall have a continuing duty to promptly supplement application information required by this section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty days from the date of such change, by supplementing the application on file with the City Clerk, shall be grounds for suspension of an adult license. (Ord. 0-93-15 § 1 (part), 1993).

5.47.070 APPLICATION FEE. Each applicant, whether an individual, partnership, or corporation, shall pay an application fee of one hundred fifty dollars at the time of filing an application. Such application fee shall be nonrefundable. (Ord. 0-93-15 § 1 (part), 1993).

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5.47.080 INVESTIGATION. On receipt of a properly completed application, together with all information required in connection therewith, fingerprints and photographs, and the payment of the application and license fees, the City Clerk shall transmit the application to the Lakewood Police Department for investigation of the background of each individual applicant, the partners of a partnership, or the officers, directors, and holders of ten percent or more of the stock of a corporation. Each applicant shall pay a non-refundable investigation fee at the time the application is filed in the amount then charged by the Colorado Department of Public Safety for each person who will be investigated. The investigation conducted by the Lakewood Police Department shall be sufficient to verify the accuracy of all the information required by Section 5.47.060. (Ord. 0-93-15 § 1 (part), 1993).

5.47.090 APPROVAL OF LICENSE. (a) The application of any applicant shall be approved or denied by the City Clerk within sixty days of the date the application is filed with the City Clerk. The City Clerk shall deny a license if:

- (1) The applicant is under the age of twenty-one years;
- (2) The applicant has made a false statement upon the application or gave false information in connection with an application;
- (3) The applicant or any holder of ten percent or more of any class of stock, or a director, officer, partner, or principal of the applicant has had an adult business license revoked or suspended anywhere within the State of Colorado within one year prior to the application;
- (4) The applicant has operated an adult business which was determined to be a public nuisance under state law or the Lakewood Municipal Code within one year prior to the application;
- (5) A corporate applicant is not in good standing or authorized to do business in the State of Colorado; or
- (6) The applicant is overdue in payment to the City of taxes, fees, fines, or penalties assessed against him or imposed against him in relation to an adult business.

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(b) In the event that the City Clerk denies a license, he shall make written findings of fact stating the reasons for the denial and a copy of such decision shall be sent by certified mail to the address shown in the application within ten days after his denial. An applicant shall have the right to a hearing before the City Manager or his designee as set forth in Section 5.47.120(c). A written request for such a hearing shall be made to the City Manager within thirty days of the date of the denial of the license by the City Clerk. This hearing shall follow all the relevant procedures set forth for a suspension or revocation of a license contained in Section 5.47.120(c) herein.

(1) At the hearing referred to above, the City Manager or his designee shall hear such statements and consider such evidence as the Police Department or other enforcement officers, the applicant, or other party in interest, or any other witness shall offer which is relevant to the denial of the license application by the City Clerk.

(2) If the City Manager or his designee determines that the applicant is ineligible for a license per Section 5.47.090(a) he shall issue an order denying the application, within thirty days after the hearing is concluded, based on the findings of fact. A copy of the order shall be mailed to or be served on the applicant at the address on the application.

(3) The order of the City Manager or his designee made pursuant to subsection (2) above shall be a final decision and may be appealed to the District Court pursuant to Colorado Rules of Civil Procedure 106(a)(4). Failure of an applicant to timely appeal said order constitutes a waiver by him of any right he may otherwise have to contest the denial of his license application.

(c) No license shall be issued by the City Clerk or his designee after approval of an application until the building in which the business is to be conducted is ready for occupancy with such furniture, fixtures, and equipment in place as are necessary to comply with the provisions of this chapter, and then only after inspection of the premises has been made by the Police Department to determine that the applicant has complied with the plans and specifications

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submitted upon application. Such inspection of the premises shall be made within ten days after the City Clerk receives written notification from the applicant that premises are in compliance with the submitted plans and specifications. If the licensed location has been inactive, without good cause, for at least one year or if the building has not been constructed and placed in operation within two years after approval of the license application, or construction of the building has not commenced within one year after such approval, the City Clerk or his designee, in his discretion, may revoke or elect not to issue or renew the license. (Ord. 0-93-15 § 1 (part), 1993).

5.47.100 TERM OF THE LICENSE. All licenses granted pursuant to this chapter shall be for a term of one year. Said term shall commence on January 1st of each year and terminate upon December 31 of the same year. Applications for a license filed at any other time during the year shall be treated the same as if they were filed January 1st of that year and shall terminate on December 31 of that same year, and no proration shall be permitted. (Ord. 0-93-15 § 1 (part), 1993).

5.47.110 LICENSE RENEWAL. Renewal of an existing license granted pursuant to this chapter may be had by payment of the annual licensing fee and filing of a renewal application with the City Clerk not less than forty-five days prior to the date of expiration. The City Clerk may, for good cause shown, waive the timely filing requirement. (Ord. 0-93-15 § 1 (part), 1993).

5.47.120 SUSPENSION OR REVOCATION OF LICENSE.
(a) The City Manager or his designee may suspend a license for a period not to exceed six months or revoke any license granted pursuant to this chapter upon a finding of any of the following factors:

(1) That repeated disturbances of public peace have occurred within the licensed establishment or upon any parking areas, sidewalks, access ways or grounds within the neighborhood of the licensed establishment involving patrons, employees, or the licensee;

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(2) That the licensee or any employees thereof have illegally offered for sale or illegally allowed to be consumed or possessed upon the licensed premises, or upon any parking areas, sidewalks, walkways, access ways or grounds immediately adjacent to the licensed premises, narcotics or dangerous drugs or fermented malt, malt, vinous or spirituous beverages;

(3) That the licensee or manager or his designee is not upon the licensed premises at all times that adult entertainment is being provided;

(4) That adult entertainment was offered at the licensed establishment during hours prohibited by Section 5.47.150;

(5) That the licensee, manager, or employee has allowed patrons to engage in public displays of indecency in violation of Section 9.50.080 or Section 9.50.090 of the Lakewood Municipal Code or has allowed patrons or employees to engage in acts of prostitution or negotiations for acts of prostitution within the licensed establishment or upon any parking areas, sidewalks, access ways, or grounds immediately adjacent to the licensed establishment, when the licensee, manager, or employee knew or should have known such displays or acts were taking place;

(6) That the licensee or manager made a false statement or gave false information in connection with an application for a license or a renewal of a license;

(7) That the licensee, manager, or employee violated or permitted a violation of any provisions of this chapter including the standards of conduct set out in Section 5.47.160 herein;

(8) That a manager of the licensed establishment is under the age of twenty-one years;

(9) The licensee, in the case of a corporation, is not in good standing or authorized to do business in the State of Colorado;

(10) The licensee, or an employee knowingly operated the adult business during a period of time when the adult business license was suspended;

(11) The licensee is delinquent in payment to the City or State for any taxes or fees past due; or

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(12) That the licensee, manager, or employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, or masturbation to occur within the licensed premises.

(b) Nothing in this chapter shall prohibit the City from taking any other enforcement action provided for by the Lakewood Municipal Code, the laws of the state, or of the United States.

(c) A licensee shall be entitled to a hearing before the City Manager or his designee if the City seeks to suspend or revoke his license based on a violation of this ordinance.

(1) When there is probable cause to believe that a licensee has violated or permitted a violation of this ordinance to occur in or near the licensed establishment, the City Attorney may file a written complaint with the City Manager or his designee setting forth the circumstances of the violation.

(2) The City Manager or his designee shall provide a copy of the complaint to the licensee, together with notice to appear before the City Manager or his designee for the purpose of a hearing on a specified date to show cause why the licensee's license should not be suspended or revoked.

(3) At the hearing referred to above, the City Manager or his designee shall hear such statements and consider such evidence as the Police Department, or other enforcement officers, the owner, occupant, lessee, or other party in interest, or any other witness shall offer which is relevant to the violation alleged in the complaint. The City Manager or his designee shall make findings of fact from the statements and evidence offered as to whether the violation occurred in or near the licensed establishment. If the City Manager or his designee determines that a violation did occur he shall issue an order suspending or revoking the license, within 30 days after the hearing is concluded, based on the findings of fact. A copy of the order shall be mailed to or served on the licensee at the address on the license.

(4) The order of the City Manager or his designee made, pursuant to subsection (3) above shall be a final decision and may be appealed to the District Court pursuant to Colorado Rules of Civil

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Procedure 106(a)(4). Failure of a licensee to timely appeal said order constitutes a waiver by him of any right he may otherwise have to contest the suspension or revocation of his license.

(5) The City Manager or his designee shall have the power to administer oaths, issue subpoenas, and when necessary, grant continuances. Subpoenas may be issued to require the presence of persons and production of papers, books, and records necessary to the determination of any hearing which the City Manager or his designee conducts. It is unlawful for any person to fail to comply with any subpoena issued by the City Manager or his designee. A subpoena shall be served in the same manner as a subpoena issued by the District Court of the state. Upon failure of any witness to comply with such subpoena, the City Attorney shall:

(i) Petition any judge of the Municipal Court of the City, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, that the court, after hearing evidence in support of or contrary to the petition, enter its order compelling the witness to attend and testify or produce books, records or other evidence, under penalty of punishment for contempt in case of wilful failure to comply with such order of court; or

(ii) Petition the District Court in and for the county, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, that the court, after hearing evidence in support of or contrary to the petition, enter its order as in other civil actions, compelling the witness to attend and testify or produce books, records or other evidence, under penalty of punishment for contempt in case of wilful failure to comply with such order of court.

(6) In any such proceedings the City Attorney may act on behalf of the City during the hearing.

(7) All hearings held before the City Manager or his designee regarding suspension or revocation of a license issued under this ordinance shall be recorded stenographically or by electronic record-

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ing device. Any person requesting a transcript of such record shall post a deposit in the amount required by the City Clerk, and shall pay all costs of preparing such record.

(d) In the event of suspension, revocation, or cessation of business, no portion of the license fee shall be refunded.

(e) When the City Manager or his designee revokes a license, the revocation shall continue for one year, and the licensee shall not be issued an adult business license for one year from the date the revocation became effective. (Ord. 0-93-15 § 1 (part), 1993).

5.47.130 DISPLAY — TRANSFERABILITY — CHANGE OF OWNERSHIP — CHANGE OF CORPORATE STRUCTURE.

(a) Any adult business license issued pursuant to the terms of this chapter shall be prominently displayed at all times upon the premises for which the license was issued.

(b) Licenses issued under this chapter shall not be transferable except as provided herein. Any change in the partners of a partnership or in officers, directors, or holders of ten percent or more of the stock of a corporate licensee holding an adult business license shall result in termination of the license of the partnership or corporation, unless such licensee within thirty days of any such change, files a written notice of such change accompanied by the application fee and an investigation fee as required by Section 5.47.080. Any such change shall be reported on forms provided by the City Clerk and shall require the names of all new partners, officers, directors, and all holders of ten percent or more of the corporate stock who were not previously holders of such amount of stock and any information as required by Section 5.47.060. Approval or denial by the City Clerk of such transfer shall be upon the same terms as provided for in this chapter for the approval or denial of an adult business license.

(c) When a license has been issued to a husband and wife or to general or limited partners, the death of a spouse or partner shall not require the surviving spouse or partner to obtain a new license. All rights and privileges granted under the original license shall continue in full force and effect as to such survivors for the balance of the license.

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(d) Each license issued under this Chapter is separate and distinct, and no person shall exercise any of the privileges granted under any license other than that which he holds. A separate license shall be issued for each specific business or business entity and each geographical location. (Ord. 0-93-15 § 1 (part), 1993).

5.47.140 MANAGER — CHANGE OF MANAGER. (a) A registered manager or his designee shall be on the premises of an adult business at all times that adult entertainment is being provided. It shall be unlawful for any person to work as a manager of an adult business without first registering with the City Clerk. The registration form shall require the applicant to provide his legal name and any aliases, home address, telephone number, and satisfactory proof that he is twenty-one years of age.

(b) In the event a licensee changes the manager of an adult business, the licensee shall immediately report such change and register the new manager on forms provided by the City Clerk within ten days of such change. (Ord. 0-93-15 § 1 (part), 1993).

5.47.150 TIME LIMITS FOR ENTERTAINMENT. No adult entertainment shall be offered or provided in the following types of adult businesses at the following days and times:

(a) Type A: Prior to 12:00 noon or later than 12:00 midnight, or anytime on a Sunday.

(b) Type B: Prior to 12:00 noon or later than 2:00 a.m. or anytime on a Sunday. (Ord. 0-93-15 § 1 (part), 1993).

5.47.160 STANDARDS OF CONDUCT. (a) The following standards of conduct must be adhered to by employees of any adult business which offers, conducts, or maintains live adult entertainment:

(1) No employee or entertainer mingling with the patrons or serving food or drinks shall be unclothed or in such attire, costume or clothing so as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus,

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cleft of the buttocks, vulva or genitals or display male genitals in a discernibly turgid state even if completely and opaquely covered.

(2) No employee or entertainer shall encourage or knowingly permit any person upon the premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.

(3) No employee or entertainer shall wear or use any device or covering exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.

(4) (A) No employee or entertainer shall be unclothed or in such attire, costume, or clothing so as to expose any portion of the female breasts below the top of the areola, or any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals of any person, except upon a stage at least eighteen inches above the immediate floor level and removed at least six feet from the nearest patron or behind a solid, uninterrupted physical barrier which completely separates the entertainer from any patrons. This barrier must be a minimum of 1/4 inch thick and have no openings between the entertainer and any patrons. The stage shall be fixed and immovable.

(B) No employee or entertainer shall perform while nude or semi-nude any obscene acts or obscene acts which simulate:

i) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law; or

ii) The touching, caressing or fondling of the breasts, buttocks, anus, or genitals.

(5) No employee or entertainer shall use artificial devices or inanimate objects to depict any of the prohibited activities described in this section.

(6) There shall be posted and conspicuously displayed in the common areas of each place offering adult entertainment a list of food and drink prices.

(7) Any tips for entertainers shall be placed by a patron into a tip box which is permanently affixed in the adult business and no tip may be handed directly to an entertainer. A licensee that desires to provide for such tips from its patrons shall establish one or more

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containers to receive tips. Any physical contact between a patron and an entertainer is strictly prohibited.

(8) An adult business that provides tip boxes shall conspicuously display in the common area of the premises one or more signs in letters at least one (1) inch high to read as follows:

ADULT ENTERTAINMENT IS REGULATED BY THE CITY
OF LAKEWOOD;

All tips are to be placed in tip box and not handed directly to the entertainer. Any physical contact between the patron and the entertainer is strictly prohibited.

(9) No adult entertainment occurring on the premises shall be visible at any time from outside of the premises.

(b) Any licensee who offers, conducts, or maintains live adult entertainment or an adult arcade which exhibits in a viewing room of less than one hundred fifty square feet of floor space, a film, videocassette, or other video reproduction, shall comply with the following requirements in addition to those set forth in subsection (a):

(1) It is the duty of the licensee of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(2) It is the duty of the licensee and operator of the premises to ensure that any doors to public areas on the premises remain unlocked during business hours.

(3) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises have two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose excluding restrooms from at least one of the man-

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ager's stations. The view required in this subsection must be by direct line of sight from the manager's station. A manager's station may not exceed thirty-two square feet of floor area.

(4) No alteration to the configuration or location of a manager's station may be made without the prior approval of the City Clerk.

(5) It shall be the duty of the licensee, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in subsection (3) remains unobstructed by any doors, curtains, drapes, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the license application filed pursuant to this chapter.

(6) No viewing room may be occupied by more than one person at any one time.

(7) Viewing rooms must be separated from other viewing rooms by a solid, uninterrupted physical divider which is a minimum of 1/4 inch thick and serves to prevent physical contact between patrons.

(c) Nothing in this section shall be construed to permit any act on the premises of a Type B adult business license in violation of Title 12, Article 46 or Article 47, Colorado Revised Statutes. (Ord. 0-93-15 § 1 (part), 1993).

5.47.170 AGE RESTRICTIONS. Admission to adult businesses is restricted to persons of the age of twenty one years or more during hours adult entertainment is being presented. This minimum age limitation also applies to any employees, agents, servants, or independent contractors working on the premises. (Ord. 0-93-15 § 1 (part), 1993).

5.47.180 LIGHTING REQUIREMENTS. (a) All off-street parking areas and premise entries of adult businesses shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one (1) foot candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient

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illumination of the parking areas and walkways serving the adult business to help ensure the personal safety of patrons and employees and to reduce the incidence of vandalism and other criminal conduct.

(b) The premises of all adult businesses, except adult motion picture theaters, shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to provide an illumination of not less than two foot candle of light as measured at the floor level.

(c) Adult motion picture theaters shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to provide an illumination of not less than one foot candle of light as measured at the floor level. (Ord. 0-93-15 § 1 (part), 1993).

5.47.190 RIGHT OF ENTRY. The application for an adult business license shall constitute consent of the licensee and his agents or employees to permit the Lakewood Police Department or any other agent of the City to conduct routine inspections of any licensed adult business during the hours the establishment is conducting business. (Ord. 0-93-15 § 1 (part), 1993).

5.47.200 EXEMPTIONS GENERALLY. It is an affirmative defense to prosecution under this chapter if a person appearing in a state of nudity or semi-nude did so in a modeling class operated:

(a) by a proprietary school, licensed by the State of Colorado; a college, junior college, or university supported entirely or partly by taxation;

(b) by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

(c) in a structure:

(1) which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

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(2) where, in order to participate in a class a student must enroll at least three days in advance of the class; and

(3) where no more than one nude model is on the premises at any one time. (Ord. 0-93-15 § 1 (part), 1993).

5.47.210 SEVERABILITY. Should any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter or application thereof to any person or circumstance, be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Chapter, or its application to any other person or circumstance, and, to this end, the provisions of this ordinance are declared to be severable. (Ord. 0-93-15 § 1 (part), 1993).

Chapter 5.48

ALARM SYSTEMS

Sections:

- 5.48.010 Definitions.
- 5.48.020 Administrative service charges.
- 5.48.030 Establishment of administrative procedures and regulations.
- 5.48.040 Appeals.

5.48.010 DEFINITIONS. The following definitions shall apply to this chapter:

(1) "Administrative service charge" means the fee imposed by the Police Department on alarm users whose alarms have reported an excessive number of false alarms.

(2) "Alarm" or "alarm system" means a device or assembly of devices intended to signal the presence of a crime having just occurred, occurring at present, or about to occur, and designed to cause police to respond. The alarm or alarm system may be electrical, electronic, or mechanical in nature, and may signal by visual or

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audible means. The term alarm or alarm system includes burglar alarms, holdup, or robbery alarms, panic alarms, and local alarms.

Alarm or alarm system as used here excludes alarms intended to detect and report fires, gases, humidity, or other conditions not directly related to a criminal act. Also excluded are portable alarm devices utilized by the Police Department.

(3) "Alarm user" means any person, organization, firm, business, corporation, or other entity on whose premises an alarm or alarm system is operating. Any of the above who operate an alarm or alarm system on a motor vehicle or strictly as an internal notification device with no intent to cause police response are exempted from this definition and shall not be deemed alarm users.

(5) "Automatic dialer alarm" means a device that sends over telephone circuits a prerecorded voice message or coded signal indicating the presence of a burglary, robbery, or other crime.

(6) "Burglar alarm" means an alarm or alarm system intended to report an unlawful entry or attempted entry into a building, structure, or other protected area.

(7) "Central alarm station" means an office or other control facility to which alarms or alarm systems are connected, where human operators monitor the alarms and dispatch police and/or alarm company employees to reported alarms.

(8) "Department" means the Lakewood Police Department.

(9) "Direct alarm" is an alarm with a connection to a monitoring device installed within the police department communications center.

(11) "Excessive number of false alarms" means any and all false alarms over and above the number three received by the Department within a twelve-month period.

(12) "False alarm" means the activation of an alarm system when a situation requiring police response does not actually exist. Such activation may be caused by malfunction or failure of alarm equipment, error, and/or negligence by the alarm user or his agents and/or employees, or improper alarm installation. Exempted from this definition are alarms activated by forces beyond the user's control such as those caused by atmospheric conditions, such as very high winds, lightning strikes, or floods. Also exempted are alarms caused

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by the failure of telephone lines or circuits off the premises of the alarm user.

(13) "Local alarm" means an alarm that emits an audible or visual signal in or at the premises where the alarm is installed. A strictly local alarm does not directly transmit an alarm signal to a police facility or central alarm station, but rather relies on someone to hear or see it and take action.

(14) "Panic alarm" means an alarm activated to indicate an emergency situation in which life or property is in danger and immediate police response is desired. This term does not refer to fire alarms or alarms activated to indicate the presence of a medical emergency.

(15) "Robbery alarm" means an alarm activated to indicate the occurrence of a robbery or holdup. (Ord. 0-93-64 §§ 53—57, 1993; Ord. 0-84-117 § 1 (part), 1984).

5.48.020 ADMINISTRATIVE SERVICE CHARGES. (a) There shall be, except as hereafter noted, an administrative service charge of thirty dollars imposed on the alarm user for the fourth false alarm caused within a period of twelve months. For the fifth such false alarm, there shall be, except as hereafter noted, an administrative service charge of fifty dollars imposed on the alarm user. For any false alarms, except as hereafter noted, over five within a period of twelve months, an administrative charge of seventy-five dollars shall be imposed on the alarm user.

(b) An administrative service charge shall no be levied against an alarm user, when it is determined by the agent who responded to the scene, that such "excessive" alarm was activated:

(1) By extreme weather or atmospheric conditions and could not reasonably have been prevented by the alarm user; or

(2) By the failure of telephone lines or circuits off the premises of the alarm user; or

(3) Intentionally in the reasonable and honest belief of a person that a crime had occurred, was occurring, or was about to occur.

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(c) The Chief of Police or his designee are authorized to waive an administrative service charge, if the alarm user demonstrates extraordinary circumstances.

(d) The fee for an "excessive" alarm shall be due upon receipt by the alarm user of a notice sent by the Police Department. If the alarm user does not pay the administrative service charge, the office of the City Attorney is authorized to file a civil suit against the alarm user for the amount of the unpaid administrative service charge, any attorney's fees incurred, and any cost incurred. Moneys received via these administrative service charges shall be deposited in the city's general fund. (Ord. 0-93-64 §§ 58, 59, 1993; Ord. 0-84-117 § 1 (part), 1984).

5.48.030 ESTABLISHMENT OF ADMINISTRATIVE PROCEDURES AND REGULATIONS. The Chief of Police is authorized to adopt such procedures and regulations not inconsistent with this chapter, as he deems necessary to aid in the enforcement and administration of this chapter. (Ord. 0-93-64 § 60, 1993; Ord. 0-84-117 § 1 (part), 1984).

5.48.040 APPEALS. Any person, organization, firm, or other entity aggrieved by the enforcement of any element of the ordinance codified in this chapter may appeal the action taken, in an administrative appeal hearing held by the Chief of Police or his designee under rules adopted by the Chief of Police. A request for such an appeal must be made in writing to the Chief of Police within fourteen days of the occurrence of the action complained about. The decision of the Chief of Police in such administrative appeal hearing shall be final. (Ord. 0-93-64 § 61, 1993; Ord. 0-84-117 § 1 (part), 1984).

ELECTRIC AND GAS FRANCHISE

Chapter 5.50

ELECTRIC AND GAS FRANCHISE

Sections:

- 5.50.010 Short title.
- 5.50.020 Definitions.
- 5.50.030 Grant of franchise.
- 5.50.040 Exclusions.
- 5.50.050 Term of franchise.
- 5.50.060 Franchise fee.
- 5.50.070 Payment of fee refundable.
- 5.50.080 Payment schedule.
- 5.50.090 Audit.
- 5.50.100 Change of franchise fee and other franchise terms.
- 5.50.110 Company to report.
- 5.50.120 Contract obligation.
- 5.50.130 Supervision.
- 5.50.140 Adequate supply at lowest reasonable cost.
- 5.50.150 City review of construction design.
- 5.50.160 Compliance with city requirements.

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- 5.50.170 Installation and maintenance of company facilities.
- 5.50.180 Excavation and construction.
- 5.50.190 Obligations regarding company facilities.
- 5.50.200 Relocation of company facilities.
- 5.50.210 Non-interference with public works.
- 5.50.220 City regulation.
- 5.50.230 Compliance with P.U.C. regulations.
- 5.50.240 Restoration of service.
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- 5.50.470 Consent of city required.
- 5.50.480 Transfer fee.
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- 5.50.640 Successors and assigns.
- 5.50.650 Representatives.
- 5.50.660 Reimbursement of city costs.
- 5.50.670 Severability.
- 5.50.680 Entire agreement.
- 5.50.690 Third parties.
- 5.50.700 City approval.
- 5.50.710 Company approval.

5.50.010 SHORT TITLE. The ordinance codified in this chapter shall be known as the Lakewood electric and gas franchise ordinance. (Ord. 0-89-87 § 1 (part), 1989).

5.50.020 DEFINITIONS. For the purpose of this franchise, the following words and phrases shall have the meaning

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given in this section. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words “shall” or “will” are mandatory and “may” is permissive. Words not defined in this section shall be given their common and ordinary meaning.

(1) “City” means the municipal corporation designated as the City of Lakewood, located in the county of Jefferson, Colorado and includes the territory that currently is, or may in the future be, included within the boundaries of the City of Lakewood.

(2) “Company” means Public Service Company of Colorado, and its successors and assigns, but does not include its affiliates, subsidiaries or any other entity in which it has an ownership interest.

(3) “Council” or “City Council” means the legislative body of the City of Lakewood.

(4) “Electricity” means all electric energy and electric service provided within the City, including street lighting services.

(5) “Electric Distribution Facility” means that portion of the Company’s electric system which delivers electric energy from the substation breakers to the point of delivery of the customer, including all devices connected to that system.

(6) “Facilities” means all physical components of the Company which are reasonably necessary to provide gas and electricity, into, within and through the City for transportation, distribution and sale and include, but are not limited to, plants, works, systems, transmission and distribution structures, lines, street lighting fixtures, equipment, pipes, mains, conduit, gas compressors and meters, transformers, underground lines, wires and cables.

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(7) "Gas" or "Natural Gas" means such gaseous fuels as natural, artificial, synthetic, liquefied natural, liquefied petroleum, manufactured, or any mixture thereof.

(8) "Gas Distribution Facilities" means that portion of the Company's gas system reasonably necessary to provide for the transportation and sale of gas within the City and includes the physical plant from the down side of the regulator station to the point of delivery of the customer and all devices connected to that system.

(9) "Official City Representative" or "City Manager" means the City Manager, his successor in office or any officer designated by the City Charter as the chief executive officer for the City of Lakewood, and any employee of the City designated to act as the official City representative by the City Manager, his successors, or said charter officer each of whom shall be authorized to act on behalf of the City under this franchise.

(10) "Park" or "Park Land" means a recreation area within the City owned, maintained and designated as a park or park land by the City Council.

(11) "Public or Dedicated Easements" refer to and are public easements created and available for use by investor-owned or other public utilities for their facilities.

(12) "Public Utilities Commission" means the Public Utilities Commission of the State of Colorado ("Commission" or "P.U.C.") or other authority succeeding to the regulatory powers of the Public Utilities Commission of the State of Colorado.

(13) "Residents" means all persons, businesses, industry, governmental agencies and any other entity whatsoever, presently located or to be hereinafter located, in whole or in part, within the territorial boundaries of the City of Lakewood.

(14) "Revenues" means those amounts of money which the Company receives from its customers, or from any source, for use of its facilities within the City by other entities and from

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the sale of gas and electricity and the transportation of gas.

(15) "Streets and Public Places" means streets, alleys, viaducts, bridges, highways, avenues, boulevards, roads, lanes and public rights-of-way that are located in the City. (Ord. 0-89-87 § 1 (part), 1989).

5.50.030 GRANT OF FRANCHISE. The City hereby grants to the Company, for the period specified herein, and subject to the conditions, terms and provisions contained in this Ordinance, a nonexclusive right to furnish, sell and distribute gas and electricity within the City, to the City and to all residents of the City. Subject to the conditions, terms and provisions contained in this Ordinance, the City also hereby grants to the Company a nonexclusive right to acquire, construct, install, locate, maintain, operate and extend into, within and through the City all facilities reasonably necessary to furnish, sell and distribute gas and electricity within the City and a nonexclusive right to make reasonable use of the streets and other public places as may be necessary to carry out the terms of this Ordinance subject to the City's prior right of usage for municipal purposes and subject to zoning, subdivision, permit and building code requirements. These rights shall extend to all areas of the City as it is now constituted, and to additional areas as the City may increase in size by annexation or otherwise. The City and the Company do not waive any of their rights under the statutes and constitution of the State of Colorado and the United States except as otherwise specifically set forth herein. (Ord. 0-89-87 § 1 (part), 1989).

5.50.040 EXCLUSIONS. (1) This ordinance does not grant Public Service Company the right, privilege or authority to engage in the community antenna (cable) television business.

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(2) The right to use and/or occupy said public streets, alleys, viaducts, bridges, roads and public places for the purposes set forth herein is not, and shall not be deemed to be, an exclusive franchise, and the City reserves the right to itself to make or grant a similar use of public streets and other public places to any other person, firm or corporation.

(3) This ordinance does not grant Public Service Company the right, privilege or authority to use or occupy any parks or park land of the City currently designated or as in the future may be so designated except to the extent that Company is currently using or occupying said parks or park land and as otherwise authorized in writing by the City. Company shall not expand its use or occupancy of said parks or park land except by specific written authorization of City; provided, however, that nothing herein contained shall limit or restrict Company's right to maintain, renovate, repair or replace any such facilities currently occupying said parks or park land.

(4) The City retains the following rights in regard to this franchise:

(A) Except as otherwise specifically provided herein, to use, control and regulate, through the exercise of its police power, the use of city streets, public easements and other public places and the space above and beneath them.

(B) To impose such other regulations as may be determined by the City Council to be necessary in the exercise of its police power to protect the health, safety and welfare of the public. Nothing herein contained shall limit or restrict the Company's right to challenge the validity of any such regulations. (Ord. 0-89-87 § 1 (part), 1989).

5.50.050 TERM OF FRANCHISE. This franchise shall take effect on the 1st day of December, 1989, provided it has been approved by majority vote of the City Council and

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provided further that the Company has filed with the City Clerk a written acceptance of the terms in a form approved by the City Attorney. If the Ordinance is not so approved nor so accepted by the Company the Ordinance shall be null and void. The term of this franchise shall be for twenty (20) years, beginning with the effective date of this Ordinance and expiring on November 30, 2009. As of December 1, 1989, the provisions of this franchise shall supersede all the conditions of the existing ordinance except that the Company shall discharge and pay on or before December 31, 1989 all obligations and sums that shall have accrued under the provisions of the franchise being terminated. (Ord. 0-89-87 § 1 (part), 1989).

5.50.060 FRANCHISE FEE. In consideration for the grant of this franchise, the Company shall pay the City a sum equal to three percent (3%) of all revenues received from the sale of electricity and gas and from the transportation of gas to customers within the City and from revenues accruing to the Company from any use of its utility facilities within the City by other entities. Payment of the franchise fee shall not exempt the Company from any lawful taxation upon its property or from sales and use taxes and from fees and taxes that are uniform and generally applicable to businesses alike. All amounts paid to the Company by the City or any of its departments for gas and electric service shall be excluded from computation of the franchise fee. (Ord. 0-89-87 § 1 (part), 1989).

5.50.070 PAYMENT OF FEE REFUNDABLE. In the event the Company is required or allowed by an appropriate authority having jurisdiction in the premises to make a refund or other adjustment in its rates to its customers, the franchise fee payments shall be similarly adjusted consistent with the ordered refund or other adjustment. The Company shall also be

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allowed to adjust the franchise fee payments to reflect the net write-off of uncollectible accounts. Except as otherwise provided herein, in the event that the Company overpays the franchise fee in an amount less than or equal to \$5,000, credit for the overpayment shall be taken by the Company against the next franchise fee payment. If the Company overpays the franchise fee in an amount greater than \$5,000 but less than \$25,000, the City shall be allowed up to three years within which to refund the overpayment. If the overpayment is in an amount greater than \$25,000, the City shall be allowed up to five years within which to refund any such overpayment. All refunds shall take the form of a credit against the amounts otherwise owing by the Company to the City as franchise fees. In no event shall the City be required to refund any overpayment made as a result of a Company error which occurred more than three years prior to the discovery of the Company error. Upon discovery by the Company of any such error by the Company, the Company shall promptly notify the City of the discovery. (Ord. 0-89-87 § 1 (part), 1989).

5.50.080 PAYMENT SCHEDULE. Unless otherwise specifically provided herein, payment of the franchise fee accruing after the effective date of this Ordinance shall be made in monthly installments not more than thirty days following the close of the month for which payment is to be made for the franchise fees resulting from the sale of gas and electricity and from the transportation of gas. Payment for the franchise fees owed on revenues received from the use of the Company's facilities within the City by other entities shall be made within ninety days following the close of the calendar year for which payment is to be made. Initial and final payments shall be prorated for the portions of the months at the beginning and end of the term of this Ordinance. All payments shall be made to

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the City Director of Finance. (Ord. 0-89-87 § 1 (part), 1989).

5.50.090 AUDIT. The City Manager, or other authorized City representative, shall have access to the books of the Company for the purpose of auditing or checking to insure that the franchise fee has been correctly computed and paid. (Ord. 0-89-87 § 1 (part), 1989).

5.50.100 CHANGE OF FRANCHISE FEE AND OTHER FRANCHISE TERMS. Once during each calendar year of the franchise, the City Council, upon giving 30 days notice to the company, may review and change the franchise fee and other significant financial benefit the City may be entitled to receive as a part of the franchise. The council may change the franchise fee payments, or other provision of this franchise to cause the City to receive a franchise fee, or other significant financial benefit, under this franchise equivalent to the franchise fee or other significant financial benefit that the company may pay to (or obligate itself for) any other city or town in any other franchise under which the company renders any gas or electric service in Colorado. (Ord. 0-93-64 § 62, 1993; Ord. 0-89-87 § 1 (part), 1989).

5.50.110 COMPANY TO REPORT. Company shall report to the City within 60 days of execution, the terms of any franchise or of any change of franchise in any other municipality that may be greater than or different from the franchise fee or other significant financial benefit to the City contained in this franchise. If the City Council decides the franchise fee or other significant financial benefit should be changed or incorporated into the franchise, it shall provide for such change by ordinance; provided, however, that any changed franchise fee or other significant financial benefit shall not be higher than the highest franchise fee or other significant financial benefit paid by the company to any municipality within the State of Colorado. Any such change of franchise fee or other significant financial

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benefit shall not be considered an amendment, renewal or enlargement of this franchise. (Ord. 0-93-64 § 63, 1993; Ord. 0-89-87 § 1 (part), 1989).

5.50.120 CONTRACT OBLIGATION. This Franchise Ordinance constitutes a valid and binding contract between the Company and the City. In the event that the franchise fee specified in this Ordinance is declared illegal, unconstitutional or void for any reason by any court or other proper authority, the Company shall be contractually bound to pay monthly an occupation tax or fee to the City in an aggregate amount that would be, as near as practical, equivalent to the amount which would have been paid by the Company as a franchise fee hereunder. (Ord. 0-89-87 § 1 (part), 1989).

5.50.130 SUPERVISION. The City Manager, or official City representative, is hereby designated the official of the City having full power and authority to take appropriate action for and on behalf of the City and its inhabitants to enforce the provisions of this Franchise and to investigate any alleged violations or failures of the Company to comply with the provisions hereof or to adequately and fully discharge its responsibilities and obligations hereunder. The failure or omission of said official City representative to so act shall not constitute any waiver or estoppel nor limit independent action by other City officials.

In order to facilitate such duties of the said official City representative, the Company agrees:

(1) To allow said official City representative reasonable access to any part of the Company plant, works and systems, and that said City official may make and supervise tests to

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determine the quality of the gas and electric service supplied the customers of the Company, with particular reference to the standards of service provided herein and in the Rules and Regulations prescribed by, and the tariffs of the Company filed with, the Public Utilities Commission from time to time.

(2) That the official City representative may investigate and convey to the Company and to the Public Utilities Commission any complaint of any customer of the Company within the City with respect to the quality and price of gas and electric service and the appropriate standards thereof.

(3) Unless otherwise requested, to submit to said official City representative copies of all filings which the Company makes with the Public Utilities Commission, including, but not limited to, its annual report, all advice letters and applications, together with supporting testimony and exhibits. In addition, irrespective of whether the City intervenes in a proceeding before the Public Utilities Commission, the Company, upon the City's reasonable notice, not to exceed three business days, will provide the City access to all non-confidential documents provided other parties in connection with such proceeding.

(4) To grant said official City representative reasonable access to the books and records of the Company insofar as they relate to any matters covered by this Franchise; to provide said City official with such reasonable and necessary reports containing or based on information readily obtainable from the Company's books and records as the City may from time to time request with respect to the gas and electric service supplied under this Franchise.

(5) To meet with said official City representative at least annually for the purpose of reviewing, implementing, and/or modifying procedures and methods mutually beneficial for the efficient processing of computerized bills rendered by the Company to the City.

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(6) To meet at least annually with said official City representative to share information useful in coordinated management, operation and repair of the facilities of the Company and the operations and property of the City. (Ord. 0-89-87 § 1 (part), 1989).

5.50.140 ADEQUATE SUPPLY AT LOWEST REASONABLE COST. The Company shall at all times take all reasonable and necessary steps to assure an adequate supply of gas and electricity to its customers at the lowest reasonable cost consistent with long term reliable supply. Should electric power and/or energy be made available to the Company, from whatever source, including any agency or instrumentality of the United States of America, at less total cost than the total cost which would be incurred by the Company to supply such electric power and/or energy from its own systems and under circumstances which will not adversely affect the Company or its operations, the Company will attempt to purchase such lower cost electric power and/or energy and to pass on to its customers any savings resulting from the purchase. If the supply of gas or electricity to its customers should be interrupted, the Company shall take all necessary and reasonable actions to restore such supply at the earliest practicable time. (Ord. 0-89-87 § 1 (part), 1989).

5.50.150 CITY REVIEW OF CONSTRUCTION DESIGN. Except in emergency circumstances, unless otherwise requested, prior to construction of any significant gas or electric facilities or, of a building or similar structure within the City, the Company shall furnish to the City a description of the type and proposed location thereof. In addition, upon request, the Company shall assess and report on the impact of its proposed construction on the City environment. Such plans and reports

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may be reviewed by the City to ensure, inter alia, (1) that all applicable laws including building and zoning codes and air and water pollution regulations are complied with, (2) that aesthetic and good planning principles have been given due consideration and (3) that adverse impact on the environment has been minimized. The Company shall comply with all regulatory requirements of the City and shall incorporate all other reasonable changes requested by the City. (Ord. 0-89-87 § 1 (part), 1989).

5.50.160 COMPLIANCE WITH CITY REQUIREMENTS. The Company will comply with all City requirements regarding curb and pavement cuts, excavating, digging and related construction activities as well as with reasonable direction regarding the placement of poles and other similar facilities. In no event shall such City direction interfere with prudent engineering practices of the Company. Representatives of the City and the Company shall meet annually to discuss annual and long-term planning for capital improvement projects contemplated by each within the City. The Company shall use its best efforts to include within its capital improvement projects the plans of the City relating to same. The Company and the City shall exchange copies of their reports regarding annual and long-term planning for capital improvement projects with descriptions of construction activities including, to the extent known, the timing and method of construction and shall exchange said copies within 30 days after issuance thereof. Except for emergencies, the City will require that all installations be coordinated with the City's municipal planning and street improvement programs. The official City representative shall be the City's agent for inspection and for compliance with City ordinances and regulations on any such projects. (Ord. 0-89-87 § 1 (part), 1989).

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5.50.170 INSTALLATION AND MAINTENANCE OF COMPANY FACILITIES. Except for emergencies, the construction, excavation, installation, maintenance, renovation, repair and replacement of any facilities by the Company shall be subject to permitting, inspection and approval of location by the official City representative. Such regulation shall include, but not be limited to the following matters: location of facilities in the streets, alleys and dedicated easements; disturbance and reconstruction of pavement, sidewalks and surface of streets, alleys, dedicated easements and driveways. All Company facilities shall be installed so as to cause a minimal amount of interference with such property. Company facilities shall not interfere with any water mains or sewer mains or City telecommunication facilities or any other municipal use of the City's streets and rights-of-way. The Company shall erect and maintain its facilities in such a way so as to minimize interference with trees and other natural features and vegetation. The Company shall keep in good working order all facilities constructed, erected or used within the City. The Company and all subcontractors shall comply with all local regulations and ordinances. (Ord. 0-89-87 § 1 (part), 1989).

5.50.180 EXCAVATION AND CONSTRUCTION. All construction, excavation, maintenance and repair work done by the Company shall be done in a timely and expeditious manner which minimizes the inconvenience to the public and individuals. All such construction, excavation, maintenance and repair work done by the Company shall comply with all applicable codes of the City and the Company shall be responsible for obtaining all applicable permits. All public and private property disturbed by Company construction or excavation activities caused as a result of work within the streets and public easements shall be promptly restored by the Company at its

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expense to substantially its former condition. The Company shall not be required to restore such disturbed property to substantially its former condition when that former condition violates any restrictions in public easements. All restoration work under this section shall be subject to inspection by the official City representative and compliance by the Company with reasonable remedial action required by said official pursuant to the inspection. The Company shall comply with the City's requests for reasonable and prompt action to remedy all damage to public and private property caused as a result of the Company's construction, excavation, maintenance and repair work within the streets and public easements. All such remedial work shall be performed at the Company's expense. If the Company fails to perform its restoration and remediation of public property to substantially its former condition within 60 days after notice by the City, or such larger time period as may be mutually agreed to by the parties (agreement to which by the City shall not be unreasonably withheld), the City shall have the right to perform said restoration and remediation at Company's expense. (Ord. 0-89-87 § 1 (part), 1989).

5.50.190 OBLIGATIONS REGARDING COMPANY FACILITIES. The Company shall install, repair, renovate and replace its facilities with due diligence in a good and workmanlike manner and the Company's facilities will be of sufficient quality and durability to provide adequate and efficient gas and electric service to the City and its residents. (Ord. 0-89-87 § 1 (part), 1989).

5.50.200 RELOCATION OF COMPANY FACILITIES. If at any time the City requests the Company to relocate any facility installed or maintained in streets, alleys, public rights-of-way or dedicated easements, pursuant to this Franchise or

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previous franchises, in order to permit the City to make any public use of rights-of-way, easements or streets, to construct any public improvement or to build any public project, such relocation shall be made by the Company at its expense and shall be completed within a reasonable time not to exceed ninety (90) days from the date on which the City requests that such relocation work commence; provided however, that such time period may be enlarged with the approval of the City, which approval shall not be unreasonably withheld. The Company shall, in any event, be granted an extension of time for completion of the relocation equivalent to any delay caused by conditions not under its control. Following relocation of Company facilities, all property disturbed by said relocation shall be restored to substantially its former condition by the Company at its expense. Except where required to serve the City as a customer, nothing herein contained shall be construed to impose any obligation upon the City to make any payment for any relocation of Company's facilities whether located within, or without, said designated areas. Nothing herein contained shall be construed to require relocation of Company's facilities within private easements or other privately held property rights of the Company. (Ord. 0-89-87 § 1 (part), 1989).

5.50.210 NON-INTERFERENCE WITH PUBLIC WORKS. The Company's facilities shall not interfere in any way with the City's telecommunication facilities, traffic signal lights or with water sewer mains or other municipal uses of streets and rights-of-way. All such facilities shall be installed on both City and private property so as to cause a minimum amount of interference with same. (Ord. 0-89-87 § 1 (part), 1989).

5.50.220 CITY REGULATION. The City expressly reserves, and the Company expressly recognizes, the City's right

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and duty to adopt, from time to time, in addition to the provisions herein contained, such charter provisions, ordinances and rules and regulations as may be deemed necessary by the City, in the exercise of its police power, to protect the health, safety and welfare of its citizens and their properties. (Ord. 0-89-87 § 1 (part), 1989).

5.50.230 COMPLIANCE WITH P.U.C. REGULATIONS. The Company shall assure that the gas and electricity it distributes meets with the minimum standards promulgated by the Colorado Public Utilities Commission and the Company shall keep on file with the City copies of P.U.C. rules regulating the service of gas and electric utilities, and tariff provisions of the Company setting minimum standards for electric and gas service, as the same may be amended from time to time, and the City shall have access to all records of the Company monitoring compliance with such standards. Prior to final adoption by the City of this Franchise Ordinance the Company shall file with the P.U.C. such amendments to its tariffs as may be necessary to make its tariff provisions compatible with the provisions of this Ordinance and shall report to the City any changes that have been made for this purpose. (Ord. 0-89-87 § 1 (part), 1989).

5.50.240 RESTORATION OF SERVICE. In the event the Company's gas or electric system, or any part thereof, is partially or wholly destroyed or incapacitated, the Company shall use due diligence to restore its system to satisfactory service within the shortest practicable time. (Ord. 0-89-87 § 1 (part), 1989).

5.50.250 INSPECTION, AUDIT AND QUALITY CONTROL. The City shall have the right to inspect any portion of

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the Company's system used to serve the City and its residents, at all reasonable times. The City shall also have the right to inspect and conduct an audit of Company records relevant to compliance with any terms of this Ordinance at all reasonable times. The Company agrees to cooperate fully with the City in conducting the inspection and/or audit and to correct any discrepancy affecting the City's interest in a prompt and efficient manner. (Ord. 0-89-87 § 1 (part), 1989).

5.50.260 UNDERGROUND ELECTRICAL LINES. The Company will place all newly constructed electrical distribution lines underground in accordance with the City's subdivision regulations. Payment for installation and construction of facilities pursuant to this section shall be made in accordance with the Company's tariffs on file with the Colorado P.U.C. (Ord. 0-89-87 § 1 (part), 1989).

5.50.270 OVERHEAD CONVERSION. The Company agrees to allocate an annual amount, equivalent to one percent (1%) of the preceding calendar year's electric revenues derived from customers within the City, for the purpose of undergrounding the Company's existing overhead electric distribution facilities located in public places within the City, at the expense of the Company, as requested by the City; provided, however, that any such undergrounding shall extend for a minimum distance of 1 city block or 750 feet, whichever is less, or as may be mutually agreed by the parties.

Any unexpended portion of the one percent (1%) revenues shall be carried over to succeeding years and, in addition, upon request by the City, the Company agrees to anticipate amounts to be available for up to three (3) years in advance to be used to underground its overhead distribution facilities in such public projects mutually agreed to within the City. Any amounts so

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advanced shall be credited against amounts to be expended in succeeding years until such advance is eliminated.

The City and the Company shall mutually plan in advance the undergrounding projects which shall be undertaken according to the provisions of this Section. The Company shall not withhold approval of the plans of the City except where reasonably necessary for safety or to protect the operating integrity of the Company's electric system. Funds to be expended pursuant to this Section shall not be used in any project or situation for which and to such extent there are funds otherwise available to the City, but shall rather be used in projects and situations for which no federal or state funds are available; provided, however, there shall be no limitation on the use of funds for "matching" purposes with state or federal monies.

If, during the term of this Franchise, the Company should receive the authority of the Public Utilities Commission to undertake a system-wide program or programs of undergrounding its electric distribution facilities, the Company will budget and allocate to the program of undergrounding in the City such amounts as may be determined and approved by the Public Utilities Commission, but in no case shall such amount be less than one percent (1%) of annual electric revenues as hereinabove provided. (Ord. 0-89-87 § 1 (part), 1989).

5.50.280 REVIEW OF UNDERGROUNDING PROGRAM. Representatives of both the City and the Company shall meet periodically to review the Company's undergrounding program. This review shall include:

(1) Undergrounding programs, including conversions and replacements which have been accomplished or are underway by the Company, together with the Company's plans for additional undergrounding.

(2) Underground projects anticipated by the City. Such

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meetings shall be held to achieve a continuing program for the orderly undergrounding of electrical lines in the City. (Ord. 0-89-87 § 1 (part), 1989).

5.50.290 COOPERATION WITH OTHER UTILITIES. When undertaking a project of undergrounding, the City and the Company shall work with other utilities or companies which have their lines overhead to attempt to have all lines undergrounded as part of the same project. When other utilities or companies are placing their lines underground, the Company shall cooperate with these utilities and companies and undertake to underground Company facilities as part of the same project where feasible. The Company shall not be required to pay the costs of any other utility in connection with work under this Section. (Ord. 0-89-87 § 1 (part), 1989).

5.50.300 CONTINUED COMPLIANCE WITH AIR AND WATER POLLUTION LAWS. The Company shall use its best efforts to take measures which will result in its facilities and operations meeting the standards required by applicable city, county, state and federal air and water pollution laws and laws regulating transportation of hazardous materials. Upon the City's request, the Company will provide the City with a status report of such measures. (Ord. 0-89-87 § 1 (part), 1989).

5.50.310 TECHNOLOGICAL IMPROVEMENTS. The Company shall generally introduce and install, as soon as practicable, technological advances in its equipment and service within the City when such advances are technically and economically feasible, and are safe and beneficial to the City and its residents. Upon request by the City, the Company shall review and promptly report advances which have occurred in the gas and electric utility industries that have been

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incorporated into the Company's operations in the City in the previous year or will be so incorporated within the six months following completion of said report. (Ord. 0-89-87 § 1 (part), 1989).

5.50.320 SERVICE TO NEW AREAS. If, during the term of this Franchise the boundaries of the City are expanded, the Company shall extend service to residents of the newly incorporated areas in accordance with the Company's extension policy at the earliest practicable time. Service to annexed areas shall be in accordance with the terms of this Franchise ordinance, including payment of franchise fees. (Ord. 0-89-87 § 1 (part), 1989).

5.50.330 CITY NOT REQUIRED TO ADVANCE FUNDS. Upon receipt of the City's authorization for billing and construction, the Company shall extend its facilities to provide gas and electricity to the City for municipal uses within or outside the City and within the Company certificated service area, without requiring the City to advance funds prior to construction, pursuant to applicable tariffs. (Ord. 0-89-87 § 1 (part), 1989).

5.50.340 REPORTS ON COMPANY OPERATIONS. The Company shall submit reasonable financial and other necessary reports containing or based on information available from the Company's books and records as the City may from time to time request with respect to the operations of the Company under this Franchise, provided that such information can be provided at a reasonable cost. Such reports may be changed from time to time as may be mutually agreeable between the City and the Company. Initially the City requests the following reports on, or before, May 1 of each year:

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(1) On an annual basis the return earned by the Company on operations and the rate base used for calculation of such return as is currently provided or as may in the future be provided to the Public Utilities Commission in conjunction with various adjustment clause provisions.

(2) A list of all real property and leasehold interests in real property owned by the Company within the municipal boundaries of Lakewood as the same may be changed from time to time, excepting public and other easements. Upon request by the City, such list shall include the legal description and land area of each listed property and shall be accompanied by a map showing the location of each listed property.

(3) Short term (less than three years) and long range (over three years) plans for all capital improvements, construction and excavation within the City or affecting service to the City and its residents. (Ord. 0-89-87 § 1 (part), 1989).

5.50.350 COPIES OF TARIFFS, ALL P.U.C. FILINGS. Unless otherwise requested, the Company shall file with the City all tariffs, rules, regulations and policies approved by the Colorado Public Utilities Commission relating to service by the Company to the City and its residents. Upon request by the City, the Company shall provide the City with copies of filings affecting said service which it makes with the Colorado P.U.C. (Ord. 0-89-87 § 1 (part), 1989).

5.50.360 BILLS. On request by the City the Company shall provide a list of City account numbers and items metered. The Company shall provide the City every two years with a complete listing of all the accounts for which the City is the customer. (Ord. 0-89-87 § 1 (part), 1989).

5.50.370 CITY USE. The City shall be permitted to make

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all reasonable use, for the purposes of stringing wires, of any poles and suitable overhead structures constructed by the Company within the City. Said use shall be without cost to the City, provided that said use does not unreasonably interfere with Company's use of such systems for distribution or transmission of electricity or create an unreasonable hazard and provided further that said use by the City shall not include the transmission or distribution of electricity. The Company shall not be responsible for any modifications to the system nor for payment of any costs necessitated by such use. (Ord. 0-89-87 § 1 (part), 1989).

5.50.380 UNDERGROUND CONDUIT. If the Company installs new electric underground conduit or opens a trench or replaces such conduit, the Company shall provide adequate advance notice to permit additional installation of similar conduit and pull wire for the City. If the City wants additional similar conduit and pull wire installed, it will so notify the Company and provide similar conduit and pull wire at its expense to the Company which will install it without further expense to the City provided that such action by the City will not unnecessarily interfere with the Company's facilities or delay the accomplishment of the project. (Ord. 0-89-87 § 1 (part), 1989).

5.50.390 USE OF COMPANY FACILITIES. The Company will offer to grant to the City use of transmission right-of-way which it now, or in the future, owns or has an interest in within the City for the purposes set forth in and pursuant to the provisions of the Park and Open Space Act of 1984, provided that the Company shall not be required to make such an offer in any circumstance where such offer would unreasonably interfere with the Company's use of the transmission right-of-way. If the Company's offer is accepted by the City, then any

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improvements deemed appropriate by the City and consistent with the purpose of the Park and Open Space Act of 1984 shall be made by the City at its expense. (Ord. 0-89-87 § 1 (part), 1989).

5.50.400 JOINT USE. The Company shall permit use of Company facilities so long as such grantees are not in competition with the Company and so long as such grantees obtain the permission of the City and pay to the City its appropriate fees, if any; provided such joint use does not unreasonably interfere with the Company's use of these facilities, and provided also that said use: (i) Does not create a safety hazard; and (ii) That the Company shall assume no liability nor shall it be put to any additional expense in connection therewith. (Ord. 0-89-87 § 1 (part), 1989).

5.50.410 ANNEXATION TO THE CITY. When any property owned by the Company is or becomes eligible for voluntary annexation to the City and is not simultaneously eligible for voluntary annexation to another municipal corporation, the Company shall petition to annex the same to the City upon request made by the City, provided that no condition of such annexation shall impair the Company's ownership or then existing use of its property and water or water rights for public utility purposes. Except as herein provided, the Company agrees to meet all terms and conditions imposed upon the annexation by the City that are no more stringent than those imposed generally upon property owners seeking annexation of their land to the City. The Company shall be exempt from a public donation of land, money or water rights arising from such mandatory annexation under this section to the extent that the land being annexed is committed, dedicated and being fully utilized by facilities directly involved in generating, transmitting

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or distributing gas and electric service under this Ordinance, and provided further that said exemption from public donation shall not extend to any unimproved land or land not so directly committed, dedicated and currently used. (Ord. 0-89-87 § 1 (part), 1989).

5.50.420 CITY HELD HARMLESS. The Company shall construct, maintain and operate its facilities in a manner which provides reasonable protection against injury or damage to persons or property; provided, however, said obligation of the Company hereunder shall not increase or decrease its liability on third party claims; and provided further that the Company's obligation to the City hereunder shall not be diminished by said exception. The Company shall save the City harmless and indemnify the City from and against all lawsuits, liability, damage, claims, demands, judgment and losses whatsoever in nature, and reimburse the City for all its reasonable expenses, arising out of the operations of the Company within the City and the securing of and the exercise by the Company of the franchise rights granted in this Ordinance, including any third party claims, administrative hearings and litigation. None of the City expenses reimbursed by the Company under this Section shall be surcharged. Nothing herein contained shall obligate the Company to save the City harmless and indemnify the City to the extent any lawsuits, liability, damage, claims, demands, judgments and losses shall have been found, by final decision of a court of competent jurisdiction in an action where the City is a party, to have arisen out of or in connection with any negligent act or failure to act of the City or of its officers, agents or employees. (Ord. 0-89-87 § 2 (part), 1989).

5.50.430 NOTICE TO COMPANY. Within sixty (60) days after receipt of the same by the City Attorney the City

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will provide notice to the Company of the pendency of any claim or action against the City arising out of the exercise by the Company of its franchise rights. The Company will be permitted, at its own expense, to appear and defend or to assist in defense of such claim. (Ord. 0-89-87 § 1 (part), 1989).

5.50.440 FINANCIAL RESPONSIBILITY. At the time of the execution of this Ordinance, and from time to time at the City's request, not more frequently than annually, the Company shall submit to the City Attorney as a confidential document, proof of its ability to meet its obligations under this Ordinance, including its ability to indemnify the City as required by Section 5.50.420. This proof may take the form of insurance coverage, adequate funding of self-insurance, or the provision of a bond. Company shall supply the City with a list of its insurance companies with the types of coverage, but not levels of insurance then in effect. Said list shall be kept current by annual revisions as of January 1 of each year during the term of the Franchise. The City may require, from time to time, and the Company agrees to provide, additional reasonable funding of the Company's indemnification obligations as a self-insured, if Company is acting as a self-insured. Nothing herein contained shall create any right in any third party or cause the City to be liable to any party for a failure so to act. (Ord. 0-89-87 § 1 (part), 1989).

5.50.450 PAYMENT OF EXPENSES INCURRED BY CITY IN RELATION TO ORDINANCE. At the City's option, the Company shall pay in advance or reimburse the City for expenses incurred in publication of notices, publication and codification of ordinances, and photocopying of documents arising from the negotiations of the franchise. None of the City expenses reimbursed by the Company under this Section shall

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be surcharged against Lakewood rate payers. Nothing contained in this Section shall limit the Company's indemnification obligation to the City under Section 5.50.420. (Ord. 0-89-87 § 1 (part), 1989).

5.50.460 BREACH OF CONTRACT. In the event the Company fails to fulfill a substantial obligation under this Ordinance the City shall have a breach of contract claim against the Company, in addition to any other remedy provided by law or elsewhere in this Franchise. (Ord. 0-89-87 § 1 (part), 1989).

5.50.470 CONSENT OF CITY REQUIRED. The Company shall not sell, transfer or assign this Franchise or any rights under this Franchise to another, by stock exchange or otherwise, excepting only corporate reorganizations of the Company not involving a third party, unless the City shall approve in writing such sale, transfer or assignment of the rights herein created. Approval of the sale, transfer or assignment shall not be unreasonably withheld. The charging or collection of the transfer fee hereinafter set forth is conclusively deemed reasonable. (Ord. 0-89-87 § 1 (part), 1989).

5.50.480 TRANSFER FEE. In order that the City may share in the value this Franchise adds to the Company's operations, any such transfer or assignment by the Company of rights under this Franchise requiring City approval shall require that the transferee promptly pay to the City a pro rata share of One Million Dollars (\$1,000,000) which pro rata amount of One Million Dollars (\$1,000,000) shall be calculated by multiplying One Million Dollars (\$1,000,000) times a fraction of which the then population of Lakewood is the numerator and the then population of the City and County of Denver is the denominator. Such transfer fee shall not be recovered from the City or

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from the City residents or property owners through gas or electric rates of customers in Lakewood or by surcharge of the residents of Lakewood by the transferee or the Company. (Ord. 0-89-87 § 1 (part), 1989).

5.50.490 TRANSPORTATION OF GAS FOR CITY USE. Upon request of the City, the Company agrees to transport natural gas purchased by the City for use in City facilities pursuant to separate contracts with the City.

Charges to the City by the Company for any service to transport gas shall not exceed the lowest charge for similar or identical service provided for transportation of gas by the Company to any other similarly situated customer or consumer of the Company and provided further that no franchise fee shall be charged against the City. (Ord. 0-89-87 § 1 (part), 1989).

5.50.500 CITY'S RIGHT TO PURCHASE OR CONDEMN. The right of the City to construct, purchase or condemn any public utility works or ways, and the right of the Company in connection therewith, as provided by the Colorado Constitution and Statutes, are hereby expressly reserved. (Ord. 0-89-87 § 1 (part), 1989).

5.50.510 NEGOTIATED PURCHASE PRICE OR CONDEMNATION AWARD. Upon the exercise of the City's option to purchase, the parties shall negotiate in good faith to determine a mutually acceptable purchase price. No value shall be given to the Franchise or to public rights-of-way. If the City and Company cannot reach agreement as to the purchase price or acceptable payment terms within ninety (90) days after commencement of negotiations, the City may commence condemnation proceedings, and each party shall have the rights provided by law relating to condemnation; provided, however,

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no award shall be made for the value of the Franchise or public rights-of-way. (Ord. 0-89-87 § 1 (part), 1989).

5.50.520 CONTINUED COOPERATION BY COMPANY. In the event the City exercises its option to purchase or condemn, the Company agrees that it will continue to supply any service it supplies under this Ordinance, in whole or in part, at the City's request, for the duration of the term of this Ordinance. The Company's facilities shall be available for continued service until nine months after final order is entered in a condemnation proceeding or the effective date of a purchase agreement between the parties; provided, however, said obligation to maintain the facilities shall not exceed a twenty-four (24) month period after the termination of the Franchise. The Company shall continue to provide service pursuant to the terms of this Ordinance for said 24 months until the City has either purchased or condemned the Company's facilities or alternative arrangements have been made to supply gas and electricity to the City and its residents, whichever date shall earlier occur. The City shall not pay for any services no longer required.

The Company shall cooperate with the City by making available then existing pertinent Company records which are not privileged to enable the City to evaluate the feasibility of acquisition by the City of Company facilities. The Company shall not be obligated to conduct studies or accrue data without reimbursement by the City, but will make such studies if reimbursed its costs for the same. The Company shall take no action which could inhibit the City's ability to effectively or efficiently use the acquired systems. At the City's request, the Company shall supply gas and electricity for use by the City in the City-owned system. (Ord. 0-89-87 § 1 (part), 1989).

5.50.530 LIMITATIONS ON COMPANY REMOVAL. If

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at the time of termination of the Franchise granted under this Ordinance no renewal has been negotiated between the City and the Company, the Company shall not be required nor shall it have a right to remove its facilities immediately from the streets, public ways and public or dedicated easements. At the City's request and within a reasonable time not to exceed nine (9) months the Company shall remove from the public streets, ways and dedicated easements at the Company's expense all facilities belonging to the Company located above the surface of the ground which are not purchased by the City at the termination of the Franchise. Further, the Company, at the request of the City, shall remove at the Company's expense all underground facilities which are not purchased by the City within nine months after the receipt by the Company of a written notice from the official City representative that said underground facilities constitute a hazardous condition or interfere with a municipal use of the subsurface of said streets, ways and dedicated easements. All public property shall be restored by the Company to its former condition after said removal. The Company need not remove any property from said public streets, ways and dedicated easements which it shall continue to use and maintain pursuant to contractual arrangements with the City. (Ord. 0-89-87 § 1 (part), 1989).

5.50.540 CITY GAS AND ELECTRICITY. The City expressly reserves the right to obtain or produce electricity. The Company agrees to negotiate for the purchase of City-generated power in accordance with its tariffs and applicable Public Utilities Commission Rules and Regulations. Should the contracts covering the subject matter of this Section become no longer subject to regulation by state or federal regulatory authorities, the Company agrees to negotiate for the purchase of City-generated power on terms and conditions

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comparable to other contracts most recently negotiated with other similarly situated entities by the Company. In such a case, the City shall not be responsible for paying any of the Company's legal costs relative to negotiating any such contract. (Ord. 0-89-87 § 1 (part), 1989).

5.50.550 NO CURTAILMENT. The Company shall not curtail contractual purchases of City-generated electricity except in emergency situations or as specified in the Company's P.U.C. tariffs. (Ord. 0-89-87 § 1 (part), 1989).

5.50.560 FORFEITURE. If the Company fails to perform any of the terms or conditions of this Franchise and such failure is not a condition of force majeure, the City, acting by and through its Council may determine, after hearing, that such failure is of a substantial nature. Upon receiving notice of such determination, the Company shall have a reasonable time, not to exceed six (6) months within which to remedy the violations unless the parties otherwise agree in writing. If after such reasonable time corrective actions have not been successfully taken, the City, acting by and through its Council, shall determine whether any or all rights and privileges granted the Company under this Franchise shall be forfeited. For the purposes of this Section, the term force majeure shall mean acts of God, strikes, lockouts, acts of public enemies, wars, blockades, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, civil disturbances, explosions, inability with reasonable diligence to obtain materials, and any other causes not within the control of the party claiming a suspension, which by the exercise of due diligence such party shall not have been able to avoid or overcome. (Ord. 0-89-87 § 1 (part), 1989).

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5.50.570 JUDICIAL REVIEW. Any such declaration of forfeiture shall be subject to judicial review as provided by law. (Ord. 0-89-87 § 1 (part), 1989).

5.50.580 OTHER LEGAL REMEDIES. Nothing herein contained shall limit or restrict any legal rights that the City or the Company may possess arising from any violation of this Franchise. (Ord. 0-89-87 § 1 (part), 1989).

5.50.590 CONTINUED OBLIGATIONS. Upon forfeiture, the Company shall continue to provide service to the City and its residents until the City makes alternative arrangements for such service. If the Company fails to provide continued service, it shall be liable for damages to the City and its residents. (Ord. 0-89-87 § 1 (part), 1989).

5.50.600 RIGHT OF FIRST PURCHASE. If at any time during the term of this Franchise, the Company proposes to sell or dispose of any of its real property located within the City, it shall grant to the City the right of first purchase of same. The Company shall obtain a qualified appraisal by a qualified appraiser on any such real property and the City shall have sixty (60) days after receipt of the qualified appraisal in which to exercise the right of first purchase at the appraised value by giving written notice to the Company. Should the City not provide the required written notice, the Company may proceed to negotiate with others for the sale of such property provided that the Company may not sell such property for an amount less than ninety-five percent (95%) of the appraised value without first providing the City an opportunity to purchase such property at such lesser price, in which event the City must notify the Company in writing within thirty (30) days if it wishes to purchase such property. It is understood that nothing

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in this paragraph shall preclude the Company from transferring real property to a subsidiary or affiliate without first affording the City the rights referred to above, provided that, if the transferee proposes to sell or dispose of such real property within one year, it shall not do so without first affording the City the rights referred to above. (Ord. 0-89-87 § 1 (part), 1989).

5.50.610 CHANGING CONDITIONS. The Company and the City recognize that many aspects of the gas and electric utility businesses are currently the subject of discussion, examination and inquiry by different segments of industry and affected regulatory authorities and that these activities may ultimately result in fundamental changes in the way the Company conducts its business and meets its service obligations. In recognition of the present state of uncertainty respecting these matters, the Company and the City each agree, on request of the other during the term of this Franchise, to meet with the other and discuss in good faith whether it would be appropriate, in view of developments of the kind referred to above during the term of this Franchise, to amend this Franchise or enter into separate, mutually satisfactory arrangements to effect a proper accommodation of any such developments. (Ord. 0-89-87 § 1 (part), 1989).

5.50.620 AMENDMENT TO FRANCHISE. At any time during the term of this Franchise, the City, through its City Council, or the Company may propose amendments to this Franchise by giving thirty (30) days written notice to the other party of the proposed amendment(s) and both parties thereafter, through their designated representatives, will within a reasonable time negotiate in good faith in an effort to agree upon mutually satisfactory amendment(s). The word "amendment" as used in this section does not include a change in

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franchise fee or other franchise term authorized in Section 5.50.100. (Ord. 0-89-87 § 1 (part), 1989).

5.50.630 NO WAIVER. Neither the City nor the Company shall be excused from complying with any of the terms and conditions of this Franchise by any failure of the other, or any of its officers, employees, or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions. (Ord. 0-89-87 § 1 (part), 1989).

5.50.640 SUCCESSORS AND ASSIGNS. The rights, privileges, franchises and obligations granted and contained in this Ordinance shall inure to the benefit of and be binding upon Public Service Company, its successors and assigns as same may succeed to the rights of the Company pursuant to Section 5.50.470. (Ord. 0-89-87 § 1 (part), 1989).

5.50.650 REPRESENTATIVES. Both parties shall designate from time to time in writing, representatives for the Company and the City who will be the person(s) to whom notices shall be sent regarding any action to be taken under this Ordinance. Notice shall be in writing and forwarded by certified mail or hand delivery to the persons and addresses as hereinafter stated, unless the names and addresses are changed at the written request of either party, delivered in person, or by certified mail. Until any such change shall hereafter be made, notices shall be sent to the City Manager and to the Company's Southwest Metro Region Manager. Currently the addresses are as follows:

For the City of Lakewood:

City Manager: 445 South Allison Parkway
Lakewood, Colorado 80226

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For the Company: 10001 West Hampden Avenue
Lakewood, Colorado 80227

(Ord. 0-89-87 § 1 (part), 1989).

5.50.660 REIMBURSEMENT OF CITY COSTS. In the event the City institutes litigation against the Company for a breach of this Ordinance or for an interpretation of the Ordinance, and the City is the prevailing party, the Company shall reimburse the City for all costs related thereto, including reasonable attorneys' fees. (Ord. 0-89-87 § 1 (part), 1989).

5.50.670 SEVERABILITY. Should any one or more provisions of this Ordinance be determined to be illegal or unenforceable, all other provisions nevertheless shall remain effective; provided, however, the parties shall forthwith enter into good faith negotiations and proceed with due diligence to draft replacement provisions that will achieve the original intent of the parties hereunder. (Ord. 0-89-87 § 1 (part), 1989).

5.50.680 ENTIRE AGREEMENT. This Ordinance constitutes the entire agreement of the parties. There have been no representations made other than those contained in this Ordinance. (Ord. 0-89-87 § 1 (part), 1989).

5.50.690 THIRD PARTIES. Nothing herein contained shall be construed to provide rights to third parties. (Ord. 0-89-87 § 1 (part), 1989).

5.50.700 CITY APPROVAL. This grant of franchise shall not become effective unless approved by a majority vote of the City Council. (Ord. 0-89-87 § 1 (part), 1989).

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5.50.710 COMPANY APPROVAL. Company shall file with the City Clerk its written approval of this Franchise and of all of its terms and provisions at least ten (10) days prior to public hearings set for consideration of the ordinance by the City Council. Company shall file with the City Clerk its written ratification thereof within ten (10) days after the approval of this Franchise by the City Council. The acceptance and ratification shall be in form and content approved by the City Attorney. If Company shall fail to timely file its written acceptance or ratification as herein provided, this Franchise shall be and become null and void. (Ord. 0-89-87 § 1 (part), 1989).

MESSAGE PARLORS

Chapter 5.52

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Sections:

- 5.52.010 Purpose.
- 5.52.020 Definitions.
- 5.52.030 Licensing authority established.
- 5.52.040 Licensed required—Display.
- 5.52.050 Application fee.
- 5.52.060 License application.
- 5.52.070 Public notice—Posting and publication.
- 5.52.080 Investigation.
- 5.52.090 Results of investigation—Decision of Authority—Change of financial interest.
- 5.52.100 Renewals.
- 5.52.110 Transfer of ownership.
- 5.52.120 Location of massage parlors.
- 5.52.130 License term—Fees.
- 5.52.140 Identity cards.
- 5.52.150 Suspension—Revocation—Denial of ID card—Hearings.
- 5.52.160 Persons prohibited as licensees.
- 5.52.170 Unlawful acts.
- 5.52.180 Penalty.
- 5.52.190 Employee apparel.
- 5.52.200 Right of entry.
- 5.52.210 Exemptions.
- 5.52.220 Severability.

5.52.010 **PURPOSE.** This Chapter is enacted for the purpose of promoting the health, safety, and welfare of the citizens of the City by regulating and licensing massage parlors. (Ord. 0-93-14 § 2 (part), 1993).

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

(1) "License" means a grant to a licensee to operate a massage parlor.

(2) "Licensed premises" means the premises specified in an approved application for a license under this chapter which are owned or in the possession of the licensee and within which such licensee is authorized to carry on the practice of massage.

(3) "Licensing Authority" or "Authority" means the Massage Parlor Licensing Authority of the City.

(4) "Location" means a particular parcel of land that may be identified by an address or by other descriptive means.

(5) "Massage" means a method of treating the body of another for medical, remedial or hygienic purposes, including but not limited to rubbing, stroking, kneading, or tapping with the hand or an instrument or both.

(6) "Massage parlor" means an establishment providing massage, but it does not include training rooms of public or private schools accredited by the state board of education or approved by the division charged with the responsibility of approving private occupational schools, training rooms of recognized professional or amateur athletic teams, or licensed health care facilities. A facility which is operated for the purpose of massage therapy performed by a massage therapist is not a massage parlor. For purposes of this subsection, "massage therapist" means a person who was graduated from a massage therapy school accredited by the State educational board or division charged with the responsibility of approving private occupational schools, or from a school with comparable approval or accreditation from another state with transcripts indicating completion of at least five hundred hours of training in massage therapy. For purposes of this subsection (6), a massage therapy school may include an equivalency program approved by the state educational board or division charged with the responsibility of approving private occupational schools.

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(7) "Person" means a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer, or employee of any of them.

(8) "Premises" means a distinct and definite location which may include a building, a part of a building, a room, or any other definite area contiguous thereto. (Ord. 0-93-14 § 2 (part), 1993).

5.52.030 LICENSING AUTHORITY ESTABLISHED. (a) There is established a Massage Parlor Licensing Authority, which shall have and is vested with the authority to grant or refuse licenses for massage parlors based upon the criteria set forth herein and state law, to conduct investigations, and to suspend or revoke such licenses for cause in the manner provided by this Chapter.

(b) Hereinafter, the members of the Massage Parlor Licensing Authority shall be the members that comprise the Lakewood Liquor and Fermented Malt Beverage Licensing Authority and the term of each member of the Massage Parlor Licensing Authority shall be the same as each member's term on the Lakewood Liquor and Fermented Malt Beverage Licensing Authority. The qualifications and appointment of members to fill vacancies and removal of members by City Council shall be governed by Title 5, Chapters 38 and 40 of the Lakewood Municipal Code.

(c) The Authority shall meet as needed and the chairperson of the board shall be the chairperson elected by the regular members of the Lakewood Liquor and Fermented Malt Beverage Licensing Authority. The chairperson shall preside over all hearings and proceedings of the board. The member designated to assume the chair in the absence of the chairperson shall be the same member designated by the chairperson of the Lakewood Liquor and Fermented Malt Beverage Licensing Authority to assume the chair in his absence. A quorum shall consist of three members present, and a decision of the majority of the total members of the Licensing Authority shall control. Any hearing may be continued to permit an absent member or members to participate in a decision of the Authority. Any absent member may vote on a matter to be decided by

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the Authority after the member has considered the evidence adduced in any hearings or portions of hearings conducted during the member's absence.

(d) The City Clerk shall receive all applications for licenses, and shall issue all licenses granted by the Authority, upon receipt of all fees as are required by this chapter. All public notices required by this chapter shall be accomplished by the City Clerk.

(e) The Code Administration Officer in the City Clerk's office shall also be the massage parlor inspector, who shall perform routine periodic inspections of the licensed premises and such other duties as the Massage Parlor Licensing Authority may reasonably direct. Public notice by posting of signs required by this chapter shall be accomplished by the inspector. (Ord. 0-93-14 § 2 (part), 1993).

5.52.040 LICENSE REQUIRED — DISPLAY. (a) It is unlawful for any person to operate a massage parlor within this city unless such person shall have first obtained a massage parlor license from the city.

(b) Such license shall be prominently displayed at all times upon the premises for which the license was issued. (Ord. 0-93-14 § 2 (part), 1993).

5.52.050 APPLICATION FEE. Each applicant, whether an individual, partnership, or corporation, shall pay an application fee of one hundred fifty dollars at the time of filing an application. Such application fee shall be nonrefundable. (Ord. 0-93-14 § 2 (part), 1993).

5.52.060 LICENSE APPLICATION. (a) Applications for a license under the provisions of this chapter shall be on forms prepared and furnished by the City Clerk which shall set forth such information as the Licensing Authority requires to enable the Authority to determine whether a license should be granted. Each individual applicant, partner of a partnership, officer, director, and holder of over ten percent of the corporate stock of the corporate applicant, and all managers, shall be named in each application form, and each

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of them shall be photographed and fingerprinted by the Lakewood Police Department. Each individual applicant, partnership, and corporate applicant shall also furnish evidence from the Lakewood Planning, Permits and Public Works Department that the proposed establishment meets the requirements of the City of Lakewood zoning ordinance, proof of the applicant's right to possession of the premises, complete plans and specifications for the premises, a Financial Questionnaire, a Background Investigation Report, and Consent to Release Financial Information and any other information necessary to complete the investigation of the applicant. Each corporate applicant shall furnish evidence that it is in good standing under the statutes of the State of Colorado, or in the case of a foreign corporation, evidence that it is currently authorized to do business in the State of Colorado.

(b) The City Clerk shall not accept any application that is not complete in every detail. If an omission or error is discovered by the City Clerk, the application shall be rejected and returned to the applicant for completion or correction without further action by the City Clerk. All fees shall be returned with the application. For purposes of this chapter, the date the City Clerk accepts an application which is complete in every detail shall be the filing date.

(c) Upon receipt of a complete application for a license to operate a massage parlor, the City Clerk shall set the boundaries of the neighborhood to be considered pursuant to Section 5.52.090(b) of this chapter in determining whether or not to grant said license. (Ord. 0-93-14 § 2 (part), 1993).

5.52.070 PUBLIC NOTICE — POSTING AND PUBLICATION. (a) Upon receipt of a complete application, except an application for renewal or for transfer of ownership, the Licensing Authority shall schedule a public hearing upon the application not less than thirty days after the filing date of the application and shall post and publish the public notice thereof not less than ten days prior to such hearing. Public notice shall be given by the posting of a sign in a conspicuous place on the premises for which application has been

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made and by publication in a newspaper of general circulation in the municipality or county in which the premises are located.

(b) Notice given by posting shall include a sign of suitable material, stating the type of license applied for, the date of the application, the date of the hearing, the name and address of the applicant, and such other information as may be required to fully apprise the public of the nature of the application. If the applicant is a partnership, the sign shall contain the names and addresses of all partners, and, if the applicant is a corporation, association, or other organization, the sign shall contain the names and addresses of the president, vice-president, secretary, and manager.

(c) Notice given by publication shall contain the same information as that required for signs.

(d) If the building in which the massage parlor is to be operated is in existence at the time of the application, any sign posted as required in subsections (a) and (b) of this section shall be placed so as to be conspicuous and plainly visible to the general public. If the building is not constructed at the time of the application, the applicant shall post the premises upon which the building is to be constructed in such a manner that the notice shall be conspicuous and plainly visible to the general public.

(e) At the public hearing held pursuant to this section, any party in interest shall be allowed to present evidence and cross-examine witnesses. As used in this chapter, "party in interest" includes the applicant, a resident of the neighborhood under consideration, or the owner or manager of a business located in the neighborhood under consideration.

(f) The Licensing Authority, in its discretion, may limit the presentation of evidence and cross-examination so as to prevent repetitive and cumulative evidence or examination. (Ord. 0-93-14 § 2 (part), 1993).

5.52.080 INVESTIGATION. (a) When a complete application has been accepted for filing, the required individuals have been fingerprinted and photographed, and the license fee has been paid, the City Clerk shall transmit the application to the Lakewood Police

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Department for investigation of the background and financial interest of each individual applicant, each partner holding over ten percent interest of a partnership, each officer, director, and holder of over ten percent of the stock of a corporation of a proposed massage parlor establishment. The Police Department shall also investigate the source of funds for the business. Each applicant shall pay a nonrefundable investigation fee at the time the application is filed in the amount then charged by the Colorado Department of Public Safety for each person who will be investigated.

(b) (1) The investigation conducted by the Lakewood Police Department shall be sufficient to verify the accuracy of all the information submitted as part of the application. The Lakewood Police Department shall make a recommendation to the Licensing Authority to approve or deny the license based on its investigation. In investigating the qualifications of any applicant, licensee, or employee or agent of the licensee or applicant, the Licensing Authority may have access to criminal history record information furnished by criminal justice agencies subject to any restrictions imposed by such agencies. In the event the Licensing Authority takes into consideration information concerning the applicant's criminal history record, the Licensing Authority shall also consider any information provided by the applicant regarding such criminal history record, including but not limited to evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of his application for a license.

(2) As used in this subsection (b), "criminal justice agency" means any federal, state, or municipal court or any governmental agency or subunit of such agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice.

(c) No application for a massage parlor license at a particular location by or on behalf of the same person shall be received or acted upon concerning a location for which, within two years preceding, the local licensing authority has refused to approve a license on

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the ground, in whole or in part, that the licenses already granted for the particular locality were adequate for the reasonable requirements of the neighborhood and the desires of the inhabitants at the time of such refusal. (Ord. 0-93-14 § 2 (part), 1993).

5.52.090 RESULTS OF INVESTIGATION — DECISION OF AUTHORITY — CHANGE OF FINANCIAL INTEREST. (a) Not less than five days prior to the date of the hearing, the City shall make known its findings based upon its investigation, in writing, to the applicant and other interested parties. The Licensing Authority has authority to refuse to issue any license, subject to judicial review.

(b) Before entering any decision approving or denying the application, the Licensing Authority shall consider, except where this chapter specifically provides otherwise, the facts and evidence produced as a result of the investigation, including the reasonable requirements of the neighborhood for the license for which application has been made, the desires of the inhabitants, the number, type, and availability of other massage parlors located in or near the neighborhood under consideration, and any other pertinent matters affecting qualifications of the applicant for the conduct of the business proposed.

(c) Any decision of a Licensing Authority approving or denying an application shall be in writing stating the reasons therefor and shall be made within thirty days after the date of the public hearing, and a copy of such decision shall be sent by certified mail to the applicant at the address shown in the application.

(d) No license shall be issued by the Licensing Authority after approval of an application until the building in which the business is to be conducted is ready for occupancy with such furniture, fixtures, and equipment in place as are necessary to comply with the provisions of this chapter, and then only after inspection of the premises has been made by the Licensing Authority to determine that the applicant has complied with the plans and specifications submitted upon application. If the building has not been constructed or placed in operation within one year after approval of the license application or construction of the building has not been commenced

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within one year after such approval, the Licensing Authority, in its discretion, may revoke or elect not to renew the license.

(e) Any change in the partners holding over ten percent in interest of a partnership or in the officers, directors, or holders of over ten percent of the stock of a corporate licensee holding a massage parlor license shall result in termination of the license of the partnership or corporation, unless such licensee within thirty days after such change, files a written notice of such change with the City Clerk on forms provided by the City Clerk, together with the required fees, fingerprints, and photographs. The Lakewood Police Department shall thereafter conduct an investigation and make a recommendation as set out in Section 5.52.080.

(f) Each license issued under this chapter is separate and distinct, and no person shall exercise any of the privileges granted under any license other than that which he holds. A separate license shall be issued for each specific business or business entity and each geographical location. (Ord. 0-93-14 § 2 (part), 1993).

5.52.100 RENEWALS. Application for the renewal of an existing license shall be made to the Licensing Authority not less than forty-five days prior to the date of expiration. The Licensing Authority may cause a hearing on the application or renewal to be held. No such renewal hearing shall be held by the Licensing Authority until a notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and notice of the hearing has been provided the applicant at least ten days prior to the hearing. The Licensing Authority, in its discretion, may revoke or elect not to renew a license if it determines that the licensed premises have been inactive for at least three months. The Licensing Authority may also refuse to renew any license for good cause, subject to judicial review. (Ord. 0-93-14 § 2 (part), 1993).

5.52.110 TRANSFER OF OWNERSHIP. (a) Application shall be made to the Licensing Authority prior to any transfer of ownership on forms prepared and furnished by the Licensing Authority. In determining whether to permit a transfer of ownership, the Licens-

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ing Authority shall consider the requirements of Section 5.52.160. The Licensing Authority may cause a hearing on the application for transfer of ownership to be held. No such hearing shall be held by the Licensing Authority until the notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and written notice of the hearing has been provided the applicant at least ten days prior to the hearing.

(b) When a license has been issued to a husband and wife or to general or limited partners, the death of a spouse or partner shall not require the surviving spouse or partner to obtain a new license. All rights and privileges granted under the original license shall continue in full force and effect as to such survivors for the balance of the license. (Ord. 0-93-14 § 2 (part), 1993).

5.52.120 LOCATION OF MASSAGE PARLORS. (a) It shall be unlawful to operate or cause to be operated a massage parlor which is in violation of the Lakewood zoning ordinance.

(b) It shall be unlawful to operate or cause to be operated a massage parlor within 750 feet of:

- (1) A church;
- (2) A school or child care facility, as defined in the Lakewood Zoning Code;
- (3) A public park;
- (4) A boundary of any residential district;
- (5) The property line of a lot devoted to residential use.

(c) It shall be unlawful to cause or permit the operation of a massage parlor within 1,000 feet of another massage parlor or an adult business licensed under Title 5, Chapter 47 of the Lakewood Municipal Code.

(d) It shall be unlawful to cause or permit the operation, or maintenance of more than one massage parlor in the same building, structure, or portion thereof.

(e) For the purposes of subsections (b) and (c) above, the distance between any two massage parlors shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is

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located. The distance between a massage parlor and the uses listed in (b)(1) through (b)(5) above shall be measured in a straight line, without regard to intervening structures or objects, from the closest point of the property line of such use to the closest exterior wall of the structure in which the massage parlor is located.

(f) Any massage parlor lawfully operating on the effective date of this Chapter that is in violation of subsections (b) through (e) of this section shall be allowed to continue operating for an amortization period of six months. Six months after this ordinance becomes effective, all massage parlors must comply with subsections (b) through (e) of this section and all other provisions of this Chapter.

(g) A massage parlor lawfully operating is not rendered a non-conforming use by the subsequent location of a church, a school or child care facility, as defined in the Lakewood Zoning Code, public park, residential district, a residential lot, or adult business within 750 feet of the massage parlor; however, if the massage parlor ceases operation for a period of one hundred eighty days or more regardless of any intent to resume operation, it may not recommence operation in that location.

(h) No changes of location for a licensed massage parlor shall be allowed. (Ord. 0-93-14 § 2 (part), 1993).

5.52.130 LICENSE TERM — FEES. (a) All licenses granted pursuant to this chapter shall be for a term of one year. Said term shall commence on the date the license is issued or renewed.

(b) The license fee for a new license shall be Three Hundred Fifty Dollars. The annual license renewal fee shall be One Hundred Fifty Dollars.

(c) In the event of a suspension, revocation, or cessation of business, no portion of the license fee shall be refunded. (Ord. 0-93-14 § 2 (part), 1993).

5.52.140 IDENTITY CARDS. (a) Every applicant, licensee, agent or employee of said applicant or licensee who administers massages shall, prior to commencing work in or upon the licensed

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premises, obtain an identity card from the City Clerk and shall carry said identity card at all times while in or upon the licensed premises.

(b) The identity card shall include the location of the massage parlor, the name, signature, and photograph of the individual. A fee of Fifty Dollars shall be charged for each card, said fee to be collected by the City Clerk and used to defray the expenses of providing such identity cards. A separate identity card shall be required for each person for each place of employment.

(c) Each applicant for an identity card shall be photographed and fingerprinted by the Police Department and must submit an application form, Background Investigation Report, a copy of a valid picture driver's license or other form of acceptable picture identification, and the required identity card and investigation fees to the City Clerk. Upon receipt of a properly completed application form, acceptable form of identification, and fee, the City Clerk shall transmit the application to the Lakewood Police Department for investigation of the applicant's background. The City Clerk shall reject any application that is not complete in every detail.

(d) Within forty-five days after filing of a properly completed application for an identity card, the City Clerk will either issue the requested identity card or notify the applicant that the Police Department has recommended denial of the identity card. The Police Department may request a reasonable extension of time from the City Clerk if such extension of time is necessary in order to complete its investigation. Notice of denial of an identity card setting out the grounds for denial shall be sent by certified mail to the applicant at the address provided by the applicant. The grounds for denial shall be those set out in this section and 5.52.160 herein. In the event of a denial, an applicant shall have the right to a hearing before the Licensing Authority as set forth in 5.52.150.

(e) Should any identity card be lost, stolen, or otherwise missing, the person to whom the identity card was issued shall report the missing card to the City Clerk within forty-eight hours of discovery that the identity card is missing. Replacement identity cards shall be issued within five business days of receipt of an application for a

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replacement identity card. The fee for a replacement card shall be Ten Dollars. (Ord. 0-93-14 § 2 (part), 1993).

5.52.150 SUSPENSION — REVOCATION — DENIAL OF ID CARD — HEARINGS. (a) The Licensing Authority may suspend or revoke any license granted pursuant to this Chapter upon a finding of the following:

(1) That repeated disturbances of the public peace involving patrons, agents or employees, or the licensee of the establishment have occurred within the licensed establishment or upon any parking areas, sidewalks, access ways or grounds within the neighborhood of the licensed establishment;

(2) That the licensee or any agents or employees thereof are illegally offering for sale or illegally allowing to be sold or consumed upon the licensed premises, or upon any parking areas, sidewalks, walkways, access ways or grounds immediately adjacent to the licensed premises, narcotics or dangerous drugs, fermented malt beverages, or malt, vinous or spirituous beverages;

(3) That the licensee or any agents or employees thereof permitted patrons to engage in public displays of indecency prohibited by Lakewood Municipal Code Sections 9.50.080 and 9.50.090, or permitted patrons or employees to engage in acts of prostitution or negotiations for acts of prostitution within the licensed establishment, or upon any parking areas, sidewalks, access ways, or grounds immediately adjacent to the licensed establishment, when the licensee or agent or employee knew or should have known such displays or acts were taking place;

(4) That the licensee made a false statement or gave false information in connection with an application for or renewal of a massage parlor license;

(5) That the licensee violated or permitted a violation of any provisions of this chapter;

(b) Nothing in this chapter shall prohibit the city from taking any other enforcement action provided for by the Lakewood Municipal Code, the laws of the state, or of the United States.

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(c) A licensee shall be entitled to a hearing before the Licensing Authority if the City Attorney files a written complaint with the Licensing Authority seeking to suspend or revoke a license.

(1) When there is probable cause to believe that a licensee has committed or has allowed to be committed acts which are ground for suspension or revocation under this ordinance, the City Attorney may file a written complaint with the Licensing Authority setting forth the circumstances of such acts.

(2) The Licensing Authority shall provide a copy of the complaint to the licensee, together with notice to appear before the Licensing Authority or his designee for the purpose of a hearing on a specified date to show cause why the licensee's license should not be suspended or revoked.

(3) At the hearing referred to above, the Licensing Authority shall hear and consider relevant evidence from any witness. Evidence in support of the charges shall be given first, followed by cross-examination of those testifying thereto. The licensee, in person or by counsel, shall then be permitted to give evidence in defense and in explanation, and shall be allowed to give evidence and statements in mitigation of the charges. In the event the licensee is found to have committed the violation charged, evidence and statements in aggravation of the offense shall also be permitted. The Licensing Authority shall make findings of fact from the evidence as to whether a violation has occurred. If the Licensing Authority determines that a violation did occur, it shall issue an order within thirty days after the hearing suspending or revoking the licensee's license based on its findings of facts. No suspension shall be for a longer period than six months. A copy of the findings and order shall be mailed to or served on the licensee at the address on the license.

(4) The order of the Licensing Authority made pursuant to subsection (3) above shall be a final decision and may be appealed to the District Court pursuant to Colorado Rules of Civil Procedure 106(a)(4). Failure of a licensee to appeal said order in a timely manner shall constitute a waiver of any right a licensee may otherwise have to contest the suspension or revocation of his license.

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(5) (A) The Licensing Authority has the power to administer oaths and issue subpoenas to require the presence of persons and production of papers, books, and records necessary to the determination of any hearing which the Licensing Authority conducts. It is unlawful for any person to fail to comply with any subpoena issued by the Licensing Authority.

(B) A subpoena shall be served in the same manner as a subpoena issued by the District Court of the state. Upon failure of any witness to comply with such subpoena, the City Attorney shall:

(i) Petition any judge of the Municipal Court of the city, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, that the court after hearing evidence in support of or contrary to the petition, enter its order compelling the witness to attend and testify or produce books, records or other evidence, under penalty of punishment for contempt in case of willful failure to comply with such order of court; or

(ii) Petition the District Court in and for the county, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, that the court after hearing evidence in support of or contrary to the petition, enter its order as in other civil actions, compelling the witness to attend and testify or produce books, records or other evidence, under penalty of punishment for contempt in case of willful failure to comply with such order of court.

(d) The City Attorney may act on behalf of the City during hearings before the Licensing Authority.

(e) All hearings held before the Licensing Authority under this ordinance shall be recorded stenographically or by electronic recording device. Any person requesting a transcript of such record shall post a deposit in the amount required by the City Clerk, and shall pay all costs of preparing such record. (Ord. 0-93-14 § 2 (part), 1993).

5.52.160 PERSONS PROHIBITED AS LICENSEES. (a) No license provided by this Chapter shall be issued to or held by:

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(1) Any corporation, any of whose officers, directors, or stockholders holding more than ten percent of the stock thereof are not of good moral character;

(2) Any partnership, association, or company, any of whose officers, or any of whose members holding more than ten percent interest therein, are not of good moral character;

(3) Any person employing, assisted by, or financed in whole or in part by any other person who is not of good character and reputation satisfactory to the Licensing Authority;

(4) Any sheriff, deputy sheriff, police officer, or prosecuting officer or any of the Licensing Authority's inspectors or employees;

(5) Any person unless he is, with respect to his character, record, and reputation, satisfactory to the Licensing Authority. (Ord. 0-93-14 § 2 (part), 1993).

5.52.170 UNLAWFUL ACTS. (a) It is unlawful for any person:

(1) To operate a massage parlor anywhere within the City without holding a valid Lakewood Massage parlor license;

(2) To work in or upon the licensed premises of a massage parlor administering massages without obtaining and displaying a valid identity card pursuant to Section 5.52.140 of this chapter;

(3) To be in or upon the premises of a massage parlor or to obtain the services provided in a massage parlor by misrepresentation of age or by any other method in any place where massage is practiced when such person is under eighteen years of age, unless such person is accompanied by his parent or legal guardian, or has a physician's prescription for such massage services;

(4) To allow the sale, giving, or procuring of any massage services to any person under the age of eighteen years, unless such person is accompanied by his parent or legal guardian, or has a physician's prescription for such massage services;

(5) To employ any person under the age of eighteen years in a massage parlor; however, if any person who is not eighteen years of age exhibits a fraudulent proof of age that he is eighteen years of age or older, any action relying on such fraudulent proof of age shall

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not constitute grounds for the revocation or suspension of any license issued under this chapter for violation of sections (3), (4) and (5) above, unless the person inspecting such proof of age knew or should have known that it was fraudulent.

(6) To fail to display at all times in a prominent place on the licensed premises a printed card with a minimum height of fourteen inches and a width of eleven inches with each letter a minimum of one-half inch in height, which shall read as follows:

WARNING

IT IS ILLEGAL FOR ANY PERSON UNDER EIGHTEEN YEARS OF AGE TO BE IN OR UPON THESE PREMISES AT ANY TIME UNLESS HE IS ACCOMPANIED BY HIS PARENT OR LEGAL GUARDIAN, OR HAS A PHYSICIAN'S PRESCRIPTION FOR SUCH MASSAGE SERVICES.

IT IS ILLEGAL FOR ANY PERSON TO ALLOW A PERSON UNDER EIGHTEEN YEARS OF AGE TO BE IN OR UPON THESE PREMISES AT ANY TIME, UNLESS HE IS ACCOMPANIED BY HIS PARENT OR LEGAL GUARDIAN, OR HAS A PHYSICIAN'S PRESCRIPTION FOR SUCH MASSAGE SERVICES.

FINES OR IMPRISONMENT MAY BE IMPOSED BY THE COURTS FOR VIOLATION OF THESE PROVISIONS UNDER THE LAKEWOOD MUNICIPAL CODE AND ARTICLE 48.5 OF TITLE 12, COLORADO REVISED STATUTES.

(7) To permit any narcotics or dangerous drugs on the licensed premises.

(8) To permit any fermented malt beverages, or malt, vinous, or spirituous liquors on the licensed premises.

(9) To administer a massage or permit any massage to be administered to a patron whose genitals, anus, or female breasts are exposed during the massage treatment; and no patron of a massage

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parlor shall knowingly expose his or her genitals, anus, or female breasts during a massage.

(10) To intentionally touch or permit any other person to touch the genitals, anus, or female breasts of any other person while on the licensed premises.

(11) To engage in, encourage, or request, or to permit any person to engage in, encourage, or request acts of masturbation while on the licensed premises.

(12) To interfere with or refuse to permit any inspection of the licensed premises by the Lakewood Police Department or agent of the City.

(b) No massage parlor shall be open for business between the hours of 12:00 midnight and 6:00 a.m. (Ord. 0-93-14 § 2 (part), 1993).

5.52.180 PENALTY. (a) Any person violating any provision of this chapter shall be punished pursuant to Chapter 1.16 of the Lakewood Municipal Code.

(b) The penalties provided in this section shall not be affected by the penalties provided in any other section of this Chapter but shall be construed to be an addition to any other penalties. (Ord. 0-93-14 § 2 (part), 1993).

5.52.190 EMPLOYEE APPAREL. All employees shall wear clothing that covers the pubic area, perineum, buttocks, cleft of the buttocks, and entire chest to four inches below the collar bone and legs not exposed more than six inches above the knees. No transparent clothing shall be permitted. (Ord. 0-93-14 § 2 (part), 1993).

5.52.200 RIGHT OF ENTRY. The application for a massage parlor license shall constitute consent of the licensee and his or her agents or employees to permit the Lakewood Police Department or any other agent of the City to conduct routine inspections of any licensed massage parlor during the hours the establishment is conducting business and at other times during which activity on the premises is in evidence. (Ord. 0-93-14 § 2 (part), 1993).

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5.52.210 EXEMPTIONS. (a) The following classes of persons and establishments are exempted from this ordinance:

(1) Physicians, osteopaths, physical therapists, chiropractors, chiropractors or podiatrists licensed or registered to practice in this state while performing such services in the practice of their respective professions;

(2) Registered nurses and licensed practical nurses who are licensed to practice in this state while performing such services in their usual nursing duties;

(3) Barbers and cosmetologists duly licensed under the laws of this state in the course of practice of their usual and ordinary licensed vocation and profession, as defined in C.R.S. § 12-8-101, et seq.;

(4) Hospitals, clinics, nursing and convalescent homes and other similar institutions dedicated to medical or nursing practices licensed under the laws of this state where massage and baths may be given;

(5) Massage practiced in an institution of learning established for such instruction under C.R.S., Title 12, Article 59;

(6) Training rooms of public and private schools accredited by the state board of education or approved by the state board for community colleges and occupational education, and training rooms of recognized professional or amateur athletic teams;

(7) Health care facilities licensed by the State of Colorado, and not specified in this ordinance.

(8) Massage therapists as defined in Section 5.52.020(6) herein. (Ord. 0-93-14 § 2 (part), 1993).

5.52.220 SEVERABILITY. If any paragraph or subparagraph of this chapter is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not invalidate the remainder of this ordinance and, to this end, the provisions of this ordinance are declared to be severable. (Ord. 0-93-14 § 2 (part), 1993).

ANIMALS

Title 6

ANIMALS

Chapters:

- 6.01 General Provisions
- 6.02 Administration
- 6.03 Impoundment
- 6.04 Rabies Control
- 6.05 Exotic, Dangerous, Vicious and Wild Animals
- 6.06 Miscellaneous Provisions
- 6.07 Violations
- 6.08 Severability

GENERAL PROVISIONS

Chapter 6.01

GENERAL PROVISIONS

Sections:

6.01.010 Definitions.

6.01.010 DEFINITIONS. The following definitions shall apply to this title;

(1) "Abandon" includes the leaving of an animal by its owner without making effective provisions for its proper care.

(2) "Animal" means any animal brought into domestic use by man so as to live and breed in a tame condition, including, but not limited to, dogs, cats, other household pets, horses, livestock, and animals generally regarded as farm or ranch animals.

(3) "Animal Control Manager" means that person empowered by the city to supervise the Animal Control Section of the Police Department.

(4) "Animal Control Officer" means any person or persons empowered by the city to enforce the provisions of this title and the provisions of Title 9 which pertain to animals.

(5) "Animal owner" means any person over eighteen years of age who has right of property in an animal or who harbors such animal or allows such animal to remain about his premises. The parent, guardian or custodian of any child under the age of eighteen who owns, keeps, harbors or has custody of an animal shall be deemed to be the owner of such animal. An emancipated minor, without direct adult supervision, under the age of eighteen who owns, keeps, harbors or has custody of an animal shall be deemed to be the owner of such animal.

(6) "Animal shelter" means Jefferson Animal Shelter, which is hereby designated by the city as the facility for the boarding and caring for of any animal impounded under the provisions of this title or any other ordinance or law of the state of Colorado.

GENERAL PROVISIONS

(7) "Cat" means member of the species *Felis catus*, regardless of sex.

(8) "Common areas of condominiums, townhouses and apartment buildings" include, but are not limited to, the yards, grounds, patios, garden areas, play areas, club houses, swimming pools, sidewalks, walkways, common garage areas, entryways, hallways and driveways of condominiums, townhouses and apartment buildings, or of condominium, townhouse or apartment building complexes.

(9) "Cruelty to animals" means every act or omission which causes, or unreasonably permits the continuation of, unnecessary pain or suffering, including, but not limited to, the failure to provide food, water, or protection from the elements, or the failure to provide an opportunity for exercise, or other care normal, usual, and proper for an animal's health and well-being.

(10) "Dog" means member of the species *Canis familiaris*, regardless of sex.

(11) "Guard dog" means any dog placed upon any commercial property that is trained to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog that is either securely enclosed within that area at all times or under the continuous control of a trained handler.

(12) "Harboring" means the act of keeping or caring for an animal or providing premises to which an animal returns for food, shelter, care or providing refuge to an animal in order to evade the impoundment of the animal by lawful authority.

(13) "Running at large" means off the premises of the owner and not under effective control of that owner, his agent, servant, or competent member of his family by means of a leash, cord or chain, reasonable in length; except that, for purposes of this definition, the "premises of the owner" shall not include common areas of condominiums, townhouses, and apartment buildings, and any animal not in the effective control of its owner upon the common area of a condominium, townhouse or apartment building, or the grounds thereof, by means of a leash, cord or chain, reasonable in length, shall be deemed to be running at large.

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(14) “Vicious animal” means an animal that without provocation bites or causes bodily injury to any person or persons. (Ord. 0-94-32 §§ 1, 2, 1994; Ord. 0-87-28 § 1 (part), 1987).

Chapter 6.02

ADMINISTRATION

Sections:

- 6.02.010 Duties of the animal control officers.
- 6.02.020 Records.

6.02.010 DUTIES OF THE ANIMAL CONTROL OFFICERS.

(a) The Animal Control Manager and Animal Control Officers shall have the duty and the power to enforce all sections of this title and the provisions of Title 9 which pertain to animals.

(b) Pursuant to the provisions of Section 30-15-105 C.R.S., the Animal Control Manager and Animal Control Officers are hereby designated as peace officers and shall be authorized to issue, sign, and serve summons and complaints in order to enforce the provisions of this title and the provisions of Title 9 which pertain to animals, and to make all determinations within their discretion required by the provisions of this title.

(c) It shall be lawful for the Animal Control Manager, an Animal Control Officer, or a police agent to go upon private property to capture any animal to be impounded for violation of this title or a violation of any provision of Title 9 which pertains to animals if:

- (1) The officer has obtained a search warrant; or
- (2) The officer has obtained the consent of the person in possession of the property; or
- (3) The officer is in pursuit of an animal which is or has been running at large; however, nothing in this paragraph (3) shall be deemed to authorize entry into any enclosed building on private property. (Ord. 0-94-32 § 3, 1994; Ord. 0-87-28 § 1 (part), 1987).

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6.02.020 RECORDS. It shall be the duty of the Animal Control Manager to keep, or cause to be kept, accurate and detailed records of all reports of any animal bites reported to the Animal Control Section of the Police Department. (Ord. 0-94-32 § 4, 1994; Ord. 0-87-28 § 1 (part), 1987).

Chapter 6.03

IMPOUNDMENT

Sections:

- 6.03.010 Animals running at large unlawful.
- 6.03.020 Injured or killed animals—Removal—Owner liability.
- 6.03.030 Impoundment.
- 6.03.040 Court proceedings against animal owner.
- 6.03.050 Interference with officials unlawful.
- 6.03.060 Immediate destruction of vicious or other animals—When.
- 6.03.070 Confinement of unspayed females in heat.
- 6.03.080 Unrestrained animals.

6.03.010 ANIMALS RUNNING AT LARGE UNLAWFUL. It is unlawful for the owner of any dog or other animal, excepting cats, to permit the same to run at large within the city. (Ord. 0-87-28 § 1 (part), 1987).

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6.03.020 INJURED OR KILLED ANIMALS – REMOVAL – OWNER LIABILITY. Animals injured or killed in the street shall be considered as running at large, and Animal Control Officers shall remove all said animals to the animal shelter. The owner of such animal shall be liable for impoundment costs of any injured animal. (Ord. 0-87-28 § 1 (part), 1987).

6.03.030 IMPOUNDMENT. Animals running at large, or animals required to display rabies tags by state statute or by the ordinances of the city and which are not displaying rabies tags, may be taken into custody by Animal Control Officers, or police agents of the city and impounded in a humane manner for a period of not less than five days following the date of impoundment; any animal so impounded which is not claimed within said five-day period may be disposed of by sale, donation, or destruction at the sole discretion of Jefferson Animal Shelter. The owner shall be responsible for the payment of such boarding and impoundment fees established by the Jefferson Animal Shelter. (Ord. 0-87-28 § 1 (part), 1987).

6.03.040 COURT PROCEEDINGS AGAINST ANIMAL OWNER. If an animal is impounded, an Animal Control Officer may institute proceedings in the Municipal Court of the city on behalf of the city against the owner charging the owner with a violation of this title. Nothing in this section shall be construed as preventing an Animal Control Officer from instituting a proceeding in the Municipal Court for violation of this chapter where there has been no impoundment. (Ord. 0-87-28 § 1 (part), 1987).

6.03.050 INTERFERENCE WITH OFFICIALS UNLAWFUL. It is unlawful for any person to interfere with, harass,

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molest, injure, or obstruct any Animal Control Officer or any other city employee or official in the discharge of his official duties under this title. (Ord. 0-87-28 § 1 (part), 1987).

6.03.060 IMMEDIATE DESTRUCTION OF VICIOUS OR OTHER ANIMALS – WHEN. Nothing in this title shall be construed to prevent the immediate destruction of any vicious dog or other animal when deemed necessary in the interest of public safety by an Animal Control Officer or any other law enforcement personnel. (Ord. 0-87-28 § 1 (part), 1987).

6.03.070 CONFINEMENT OF UNSPAYED FEMALES IN HEAT. Any unspayed female animal in the stage of estrus (heat) shall be confined during such period of time within a house, building or secure enclosure, and said area of enclosure shall be so constructed that no other animal of the same species may gain access to the confined animal. An Animal Control Officer shall order any unspayed female that is in a stage of estrus (heat) and that is not properly confined, or any such animal that is creating a neighborhood nuisance, to be removed to a boarding facility, a veterinary hospital, or to the animal shelter. All expenses incurred as a result of the confinement shall be paid by the owner. The owners of animals removed to the animal shelter shall be billed at the rate established for routine confinement. No impoundment fee shall be charged on animals voluntarily confined by the owner, but the fee for boarding may be charged in accordance with the rates established by the animal shelter. Failure to comply with the confinement order of an Animal Control Officer shall be a violation of this title, and the animal will then be impounded as described in this chapter, subject to fees and charges as imposed by this chapter. (Ord. 0-87-28 § 1 (part), 1987).

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6.03.080 UNRESTRAINED ANIMALS. Any animal, found running at large and found causing damage, injury or destruction to private property owned or occupied by any person other than the animal's owner or keeper, may be humanely trapped or restrained by the owner or occupant of such property or by such owner's or occupant's agent with a city-owned device or device approved by the Police Department. No animal shall be restrained by anyone other than the Animal Control Section of the Police Department, for a period exceeding twelve hours. During said period, such property owner, occupant or agent shall notify the Animal Control Section of the Police Department of his possession of the animal and request that impoundment of the animal at the animal shelter, subject to the provisions of Section 6.03.030.

Failure to notify and release an animal to an agent of the Animal Control Section of the Police Department or to said animal's owner shall constitute a violation of this section. (Ord. 0-94-32 § 5, 1994; Ord. 0-87-28 § 1 (part), 1987).

Chapter 6.04

RABIES CONTROL

Sections:

- 6.04.010 Inoculation required.
- 6.04.020 Biting animals—Confinement.
- 6.04.030 Failure to produce biting animal for confinement—Penalty.
- 6.04.040 Notification of health officer of rabid animals.
- 6.04.050 Report by physician or treatment administered animal bites.
- 6.04.060 Rabid animal to be reported to Animal Control Manager.

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6.04.010 INOCULATION REQUIRED. (a) Owners of dogs over the age of four months shall have said dogs inoculated against rabies by a licensed veterinarian at least once a year, said inoculation to be given within the preceding twelve calendar months and shall obtain a rabies tag. The owner acquiring a dog without inoculation shall have it inoculated against rabies within thirty days after the acquisition, or within thirty days after the dog reaches four months of age, whichever occurs last. It is unlawful for any person to harbor any dog which has not been vaccinated for rabies as provided for in this subsection.

(b) Tags to be Worn. This subsection shall not apply to any dog which is on the owner's premises or to any dog which is off the owner's premises and is accompanied by any person in possession of the dog's current rabies tags. It is unlawful for any person to harbor any dog which does not have a current rabies tag, as required by subsection (a), affixed to its collar, chain or harness.

(c) Tags Not Transferable. It is unlawful for any person to affix to the collar, chain or harness of any dog, or permit to remain affixed, a tag evidencing inoculation for any other dog, or to display such a tag to an Animal Control Officer. (Ord. 0-87-28 § 1 (part), 1987).

6.04.020 BITING ANIMALS – CONFINEMENT. (a) The owner of any dog, cat, or other animal that has bitten any person shall immediately advise an Animal Control Officer of this fact. Any dog, cat or other animal that is believed to have rabies shall be immediately confined for a period of ten days to be observed for symptoms of rabies. It is unlawful for the owner of any dog, cat, or other animal that has bitten any person or that has been exposed to another animal that is believed to have rabies, to destroy such animal before it can be properly

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confined by an Animal Control Officer. Such confinement may be on the premises of the owner if deemed appropriate in the discretion of the Animal Control Officer. If the animal is not confined in any veterinary hospital of the owner's choice, an Animal Control Officer may order the confinement of the animal at any suitable location. Such confinement shall be at the expense of the owner. Stray animals whose owners cannot be located shall be confined at any location deemed suitable by an Animal Control Officer.

(b) It shall be unlawful for any person to remove an animal or to permit an animal to wander from the place to which it has been confined for rabies observation until the animal is released from confinement by an Animal Control Officer. (Ord. 0-87-28 § 1 (part), 1987).

6.04.030 FAILURE TO PRODUCE BITING ANIMAL FOR CONFINEMENT – PENALTY. The owner, harbinger, or keeper of any animal that has been reported as having inflicted a bite on any person shall, upon the demand of an Animal Control Officer, produce the animal for observation and confinement as prescribed in this chapter. If the owner of any such animal refuses to produce the animal, the owner shall be subject to immediate arrest if there is probable cause to believe that the animal has inflicted a bite upon a person and that the owner is keeping or harboring the animal. Such persons shall be taken before a Judge in the Municipal Court, who may order the immediate production of the animal. The owner of any such animal who willfully or knowingly secretes or refuses to produce the animal shall be in violation of this provision; each day of noncompliance or refusal to produce the animal shall constitute a separate and individual violation of this provision. (Ord. 0-87-28 § 1 (part), 1987).

RABIES CONTROL

6.04.040 NOTIFICATION OF HEALTH OFFICER OF RABID ANIMALS. When an animal under observation has been diagnosed as being rabid by a licensed veterinarian, the veterinarian making such diagnosis, or an animal control officer, shall immediately notify the County Public Health Officer and advise him of any reports of human contact with such rabid animal. If any animal dies while under observation, an Animal Control Officer shall immediately take action to obtain a pathological and inoculation examination of the animal. If the examination indicates that the animal was rabid, an Animal Control Officer shall notify the County Public Health Officer of any reports of human contact with the animal. (Ord. 0-87-28 § 1 (part), 1987).

6.04.050 REPORT BY PHYSICIAN OR TREATMENT ADMINISTERED ANIMAL BITES. Every physician or other medical practitioner who treats a person or persons for a bite inflicted by an animal shall report such treatment to the Animal Control Manager or his designee, giving the names and addresses of such persons so treated. (Ord. 0-87-28 § 1 (part), 1987).

6.04.060 RABID ANIMAL TO BE REPORTED TO ANIMAL CONTROL MANAGER. A veterinarian who diagnoses rabies in any animal shall report such fact to the Animal Control Manager or his designee. A veterinarian shall inquire before any rabies inoculation is given, whether the subject animal is under quarantine or has inflicted a bite upon any person within the last ten days. (Ord. 0-87-28 § 1 (part), 1987).

EXOTIC, DANGEROUS, VICIOUS AND WILD ANIMALS

Chapter 6.05

EXOTIC, DANGEROUS, VICIOUS AND WILD ANIMALS

Sections:

- 6.05.010 Animals unlawful to own or sell.
- 6.05.020 Possession of vicious animal.
- 6.05.030 Nuisance animal.
- 6.05.040 Wild animals.

6.05.010 ANIMALS UNLAWFUL TO OWN OR SELL. It is hereby prohibited and shall be unlawful for any person to import, offer for sale, keep, possess, release, harbor or permit in the city any skunk, raccoon, jaguar, leopard, lynx, tiger, lion, ocelot, bobcat, cheetah, mountain lion, wildcat, panther, bear, wolf, fox, poisonous reptile, coyote, or nonhuman primates except monkeys. (Ord. 0-87-28 § 1 (part), 1987).

6.05.020 POSSESSION OF VICIOUS ANIMAL. No one shall keep, possess, or harbor a vicious animal in the city. It shall be the duty of an Animal Control Officer to impound any animal whose owner has been cited for a violation of this section and if impoundment cannot be made with safety to the Animal Control Officer or other citizens, the animal may be destroyed without notice to the owner, keeper, or possessor. Such animal shall remain impounded unless otherwise ordered by the Court. Costs of such confinement may be assessed against the defendant. The Court, in addition to any punishment under Section 6.07.020, may order the owner, possessor, or keeper of such animal to confine such animal continuously so as to be restrained from attacking or biting any person; or may order such other dispositive action, including destruction of such animal as deemed necessary by the Court. (Ord. 0-94-32 § 6, 1994; Ord. 0-87-28 § 1 (part), 1987).

EXOTIC, DANGEROUS, VICIOUS AND WILD ANIMALS

6.05.030 NUISANCE ANIMAL. It is unlawful for any owner to permit an animal to engage in any of the following behaviors, and any animal exhibiting such behavior is hereby declared to be a nuisance animal:

(a) Approaching any person, without provocation, in a menacing or terrorizing manner in an apparent attitude of attack while off the owner's property;

(b) Approaching any person, without provocation, who is lawfully on the owner's property or who is on the public sidewalk, walkway, or path in a menacing or terrorizing manner in an attitude of attack;

(c) Attacking, injuring, or killing another animal while off of the owner's property or while on the public sidewalk; or

(d) Habitually running at large in violation of Section 6.03.010 of this title. For the purpose of this subsection, "habitually running at large" shall be defined as an animal found to be at large a minimum of three times within a six month period. (Ord. 0-87-28 § 1 (part), 1987).

6.05.040 WILD ANIMALS. Animal Control Officers are authorized to apprehend any wild animal that may be at large within the city. Such wild animal may be impounded, released in wild areas outside of the city, or destroyed as the Animal Control Officer in his discretion shall determine, subject to the applicable provisions of the laws of the state of Colorado. Animal Control Officers are authorized to use any tranquilizer guns, firearms or any other suitable devices to subdue or destroy any animal that is deemed by an Animal Control Officer, in his discretion, to be a danger to itself or to the public health and safety. (Ord. 0-87-28 § 1 (part), 1987).

MISCELLANEOUS PROVISIONS

Chapter 6.06

MISCELLANEOUS PROVISIONS

Sections:

- 6.06.020 Guard dogs.
- 6.06.030 Cruelty to animals—Unlawful.
- 6.06.040 Leghold traps—Unlawful.
- 6.06.050 Death of animals.

6.06.020 GUARD DOGS. (a) It is unlawful to place or maintain guard dogs upon any commercial property for the protection of persons or property unless the following conditions are met:

(1) The dogs shall be confined to an enclosed area which is adequate to ensure that they will not escape; or

(2) They shall be under the complete control of a handler at all times; and

(3) Warning signs shall be conspicuously posted indicating the presence of guard dogs and such signs shall plainly show a telephone number where some person responsible for controlling the guard dogs can be reached at all times.

(b) This provision shall not be construed to relieve the owner of any guard dog from complying with the requirements of Section 6.03.010.

(c) This section shall not apply to any police dog owned by the Police Department. (Ord. 0-94-32 § 8, 1994; Ord. 0-87-28 § 1 (part), 1987).

6.06.030 CRUELTY TO ANIMALS — UNLAWFUL. It is unlawful for any person to commit or cause to be committed any act of cruelty, harassment, abandonment or torture to any animal, or cause such animal to be wounded, mutilated, strangled or inhumanely killed. Ownership of the animal shall not be a justifiable defense for such acts or for a violation of this section. (Ord. 0-87-28 § 1 (part), 1987).

MISCELLANEOUS PROVISIONS

6.06.040 LEGHOLD TRAPS — UNLAWFUL. It is unlawful for any person to use, place, or set any leghold trap for the purpose of trapping any animal, domestic or wild, within the city. (Ord. 0-87-28 § 1 (part), 1987).

6.06.050 DEATH OF ANIMALS. It is unlawful for the owner of any animal which dies to dump or abandon such animal on any public or private property. All animals which die or are killed shall be disposed of within twenty-four hours of their death by burial on private property with the permission of the person who owns or is in control of the property or shall be transported to an animal shelter or other suitable facility for

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proper disposal by their owners, keepers or possessors. (Ord. 0-87-28 § 1 (part), 1987).

Chapter 6.07

VIOLATIONS

Sections:

- 6.07.010 Prosecution.
- 6.07.020 Penalties—Fine schedule.

6.07.010 PROSECUTION. For the purpose of prosecution for violations of any section of this title, it is not necessary in order to obtain a conviction to prove notice or knowledge on the part of the owner of any animal in question if there is a violation of any of the sections of this title at the time and place charged, it being the purpose and intent of this section to impose strict liability upon the owner of any animal for the action, conduct and condition of that animal, in accordance with the terms of this title. (Ord. 0-87-28 § 1 (part), 1987).

6.07.020 PENALTIES – FINE SCHEDULE. (a) Any person who is convicted of a violation of any section or subsection of this title shall, for each offense, be fined in a sum of not more than nine hundred and ninety-nine dollars or shall be imprisoned not to exceed one hundred eighty days, or shall be both fined and imprisoned.

(b) The minimum penalty upon a first conviction for violation of Section 6.03.010 shall be a fine of forty dollars. The minimum penalty for each subsequent conviction for violation of Section 6.03.010 within a twenty-four month period dating from the first conviction shall be a fine in an amount equal to

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one hundred fifty percent of the fine for the next preceding conviction.

(c) The minimum penalty upon a first conviction for violation of Section 6.04.010 shall be twenty-five dollars. The minimum penalty for each subsequent conviction for violation of Section 6.04.010 within a twenty-four month period dating from the first conviction shall be a fine in an amount equal to one hundred fifty percent of the fine for the next preceding conviction. (Ord. 0-87-28 § 1 (part), 1987).

Chapter 6.08

SEVERABILITY

Sections:

6.08.010 Severability.

6.08.010 SEVERABILITY. If any portion of this title shall be adjudged invalid or unenforceable for any reasons, the remainder of the title shall continue in force unless to give effect to the remaining provisions would defeat the policy embodied herein. (Ord. 0-87-28 § 1 (part), 1987).

Title 7
(RESERVED)

HEALTH AND SANITATION

Title 8

HEALTH AND SANITATION

Chapters:

- 8.06** **Trees and Vegetation**
- 8.12** **Wood Burning**
- 8.14** **Garbage, Trash and Refuse Storage and Disposal**

TREES AND VEGETATION

Chapter 8.06

TREES AND VEGETATION

Sections:

- 8.06.010 Definitions.
- 8.06.020 Authorization for trimming, planting and similar activities.
- 8.06.030 Rules and regulations—Promulgation authority.
- 8.06.040 Injury or destruction—Notice—Repair or replacement.
- 8.06.050 Elm firewood prohibitions.
- 8.06.060 Disease inspection and tests.
- 8.06.070 Disease control required.
- 8.06.080 Second correction notice.
- 8.06.090 Noncompliance action.
- 8.06.100 Projection into public way.
- 8.06.110 Application for license.
- 8.06.120 Licensing fee.
- 8.06.130 Applicant to furnish liability insurance.
- 8.06.150 Insurance—Nonrenewal.
- 8.06.170 Denial, suspension, or revocation of license.
- 8.06.180 Regulation—Pesticides.
- 8.06.200 Unlawful acts.

8.06.010 DEFINITIONS. The following definitions will be applicable throughout this chapter:

(1) "Agent" means any person other than the owner, in charge of, or having the control and supervision of, the premises. An occupant or tenant of the premises, except hotels, apartment houses, office buildings and other multi-unit dwellings and business buildings shall, for all purposes, be considered an agent.

(2) "Director" means the Director of Community Resources for the city or his designee.

(3) "License" means as specified in this chapter and required for tree contractors working within the city.

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(4) "Owner" means the recorded owner of property as shown by the records of the Clerk and Recorder of Jefferson County and shall also include, but not be limited to, the person having the possession of property.

(5) "Person" means any person, firm, partnership, association, corporation, company or organization.

(6) "Plant" means and includes any tree, shrub, vine, weed, grass, herbaceous plant, or other ornamental vegetation.

(7) "Public way" means and includes all streets within the city as defined in Section 1.04.010(14) of this code and all public rights-of-way and easements, public footpaths, walkways and sidewalks, public roads, public alleys, public drainageways, public parks, medians and open space. It shall not include utility easements on private property not located within any other public way or privately owned ditch canals.

(8) Repealed.

(9) "Standards" means acceptable arboricultural performance practices for tree contractors.

(10) "Test" means any test or survey conducted by the forestry maintenance supervisor or his designee to determine if any tree is infested with a communicable disease or insect infestation capable of causing widespread damage.

(11) "Tree" means a single or multi-stemmed woody plant that attains a minimum mature height of fifteen feet with a mature trunk diameter of four inches measured six inches above the ground.

(12) "Tree contractor" means any person who performs for hire any tree or shrub maintenance or removal service within the city. (Ord. 0-94-16 §§ 1—4, 1994; Ord. 0-89-3 § 3, 1989; Ord. 0-82-46 § 1 (part), 1982; Ord. 0-73-34 § 1 (part), 1973).

8.06.020 AUTHORIZATION FOR TRIMMING, PLANTING AND SIMILAR ACTIVITIES. The Director or his designee is granted the authority to trim, spray, remove, plant and protect vegetation and to trim, spray and remove weeds upon the public way. (Ord. 0-82-46 § 1 (part), 1982; Ord. 0-73-34 § 1 (part), 1973).

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8.06.030 RULES AND REGULATIONS — PROMULGATION AUTHORITY. (a) The Director shall have the nonexclusive authority to promulgate such reasonable rules and regulations as may be necessary or proper for the following purposes:

(1) To protect and promote the enhancement of vegetation within Lakewood;

(2) To regulate all aspects of the tree service business directly affecting the public health and safety, and requiring the use of such safety appliances, apparatus and equipment as are reasonably necessary for the protection of the workers engaged in such work performed within the city; and

(3) To set out standards for arboricultural practices to be used within the city by licensees.

(b) Copies of the rules and regulations shall be on file in the city clerk's office and available for public inspection during regular business hours. (Ord. 0-94-16 § 5, 1994; Ord. 0-82-46 § 1 (part), 1982; Ord. 0-73-34 § 1 (part), 1973).

8.06.040 INJURY OR DESTRUCTION — NOTICE — REPAIR OR REPLACEMENT. Any person who injures, damages or destroys any vegetation other than weeds and noxious vegetation within any public way within the city shall promptly notify the forestry maintenance supervisor or his designee of such fact and within a reasonable time as specified by the forestry maintenance supervisor or his designee repair or replace said vegetation. If such person fails or refuses to repair or replace such damaged or destroyed vegetation, the forestry maintenance supervisor or his designee may take the necessary steps to repair or replace said vegetation. Cost of repair or replacement shall be paid by the person who has caused the injury plus a five-percent charge for inspection and incidental expenses. In the event of the failure of any person to make payment as required hereunder, the city may recover the same in an action at law in a court of competent jurisdiction, including the five-percent charge and attorney's fees. (Ord. 0-94-16 § 6, 1994; Ord. 0-82-46 § 1 (part), 1982; Ord. 0-73-34 § 1 (part), 1973).

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8.06.050 **ELM FIREWOOD PROHIBITIONS.** It is unlawful for any person to import into the city or to store or sell any species of elm firewood within the city with the bark intact. (Ord. 0-82-46 § 1 (part), 1982: Ord. 0-73-34 § 1 (part), 1973).

8.06.060 **DISEASE INSPECTION AND TESTS.** The Director or his designee is authorized and empowered to inspect any vegetation upon any property whether public or private within the city and to conduct such tests and surveys and to take such samples of vegetation as may be necessary or desirable to determine if any Dutch Elm disease or other communicable disease or epidemic insect infestation exists. Tests may also be made to determine if trees are structurally deficient and are capable of causing major property damage to private or public property. (Ord. 0-82-46 § 1 (part), 1982: Ord. 0-73-34 § 1 (part), 1973).

8.06.070 **DISEASE CONTROL REQUIRED.** Where any such inspection, test, or survey reveals the existence of Dutch Elm disease or other communicable disease capable of causing an epidemic spread or epidemic insect infestation or imminent structural hazard, the forestry maintenance supervisor or his designee shall notify the owner of the premises in writing of the condition that exists and the correction required. Said notice shall require the correction to be completed within fourteen days from the owner's receipt of the notice. (Ord. 0-94-16 § 7, 1994: Ord. 0-82-46 § 1 (part), 1982: Ord. 0-73-34 § 1 (part), 1973).

8.06.080 **SECOND CORRECTION NOTICE.** If conditions set out in the first notice have not been corrected within fourteen days from the owner's receipt of the notice, the forestry maintenance supervisor or his designee shall issue a second notice allowing an additional period of time, not to exceed fourteen days, to make the corrections. The second notice shall state that if corrections are not made within the additional specified time, the forestry maintenance supervisor or his designee will proceed to make such corrections and

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the costs shall be assessed against the owner. (Ord. 0-94-16 § 8, 1994: Ord. 0-82-46 § 1 (part), 1982: Ord. 0-73-34 § 1 (part), 1973).

8.06.090 NONCOMPLIANCE ACTION. Should the owner of the property refuse or fail to comply with the terms of the second notice, the forestry maintenance supervisor or his designee may enter the premises and remove, treat or dispose of, or otherwise care for vegetation in order to make the required corrections. (Ord. 0-94-16 § 9, 1994: Ord. 0-82-46 § 1 (part), 1982: Ord. 0-73-34 § 1 (part), 1973).

8.06.100 PROJECTION INTO PUBLIC WAY. Where any vegetation upon private property projects into or encroaches upon any public way in such a manner as to impair, obstruct or endanger pedestrian or vehicular traffic or to present a potential hazard or potential damage to public or private property, the forestry maintenance supervisor or his designee shall give written notice to the owner of the premises upon which the same are located, requiring such owner to remove, trim, or otherwise treat such vegetation within fourteen days of owner's receipt of the notice. If the correction set out in the first notice has not been made within fourteen days of the owner's receipt of the notice, the forestry maintenance supervisor or his designee shall issue a second notice allowing an additional period of time, not to exceed fourteen days, to make the correction. The second notice shall state that if the correction is not made within the additional specified time, the forestry maintenance supervisor or his designee shall enter upon the premises and remove, trim, or otherwise treat such vegetation and the costs shall be assessed against the owner. (Ord. 0-94-16 § 10, 1994: Ord. 0-82-46 § 1 (part), 1982: Ord. 0-73-34 § 1 (part), 1973).

8.06.110 APPLICATION FOR LICENSE. Tree contractors shall make application to the city clerk for a license on forms furnished by the city clerk. The city clerk shall not accept an application which is not complete in every detail. Upon receipt of an application, the city clerk shall refer the applicant to the forestry

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maintenance supervisor or his designee for evaluation of applicant's qualifications. The forestry maintenance supervisor or his designee shall evaluate the applicant's qualifications based on his/her prior experience, or if the applicant has little or no prior experience, the forestry maintenance supervisor or his designee shall administer a standard test to determine applicant's qualifications. The forestry maintenance supervisor or his designee shall recommend approval or denial of the license to the city clerk based on his evaluation of the applicant's experience or test results. If the city clerk finds the applicant has met the requirements of this chapter and has been determined to be qualified by the forestry maintenance supervisor or his designee, the city clerk shall issue the applicant a license. If the city clerk finds the applicant has not met the requirements of this chapter or the forestry maintenance supervisor or his designee determines the applicant is not qualified, the city clerk shall deny issuance of the license. An applicant who is denied a license shall be notified of the denial and the grounds therefore in writing. An applicant may request review of the denial by the city manager or his designee in writing within ten days of his/her receipt of the notice of denial. The decision of the city manager or his designee shall be final. (Ord. 0-94-16 § 11, 1994; Ord. 0-82-46 § 1 (part), 1982; Ord. 0-73-34 § 1 (part), 1973).

8.06.120 LICENSING FEE. Each applicant shall pay an annual license fee of twenty-five dollars. License shall be valid for the current calendar year. (Ord. 0-82-46 § 1 (part), 1982; Ord. 0-73-34 § 1 (part), 1973).

8.06.130 APPLICANT TO FURNISH LIABILITY INSURANCE. Each applicant must furnish at the time of application a certificate of insurance stating the following minimum requirements:

A minimum limit of liability per occurrence of six hundred thousand dollars for bodily injury and/or property damage;

The applicant may furnish such other evidence of financial responsibility as shall be acceptable to the Risk Manager;

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The applicant shall also furnish workmen's compensation in compliance with the Compensation Law of the state; and

A minimum limit of liability per occurrence of six hundred thousand dollars combined single limit for bodily injury and/or property damage for all vehicles. (Ord. 0-94-16 § 12, 1994; Ord. 0-82-46 § 1 (part), 1982; Ord. 0-73-34 § 1 (part), 1973).

8.06.150 INSURANCE — NONRENEWAL. Prior to cancellation of or material change in any required policy a minimum of thirty days written notice shall be given to the Risk Manager of the city by means of certified mail, return receipt requested, which notice shall identify the tree contractor's license to which it applies. (Ord. 0-94-16 § 14, 1994; Ord. 0-82-46 § 1 (part), 1982; Ord. 0-73-34 § 1 (part), 1973).

8.06.170 DENIAL, SUSPENSION, OR REVOCATION OF LICENSE. The City Clerk may refuse to issue, suspend or revoke a license, as the case may be, if a contractor has had his license suspended or revoked in another state or city, has refused to provide the City Clerk with adequate information as requested, or has provided false information regarding himself or his firm in the application for a license. The City Clerk may also suspend or revoke a license if it is determined that the licensee no longer meets the requirements of this chapter or that he or his employees have engaged in any fraudulent or illegal practices. Licenses will be immediately suspended if insurance is allowed to lapse or if the standards for arboricultural practices are not adhered to. (Ord. 0-94-46 § 16, 1994; Ord. 0-82-46 § 1 (part), 1982; Ord. 0-73-34 § 1 (part), 1973).

8.06.180 REGULATION — PESTICIDES. (a) Any tree contractor licensed to do business in the city who applies pesticides in the city shall register his current commercial applicator business license, issued by the Colorado Department of Agriculture, with the city clerk's office.

WOOD BURNING

(b) Any commercial pesticide applicator who applies pesticides within the city shall register his commercial applicator business license number with the city clerk's office. (Ord. 0-94-16 § 17, 1994; Ord. 0-82-46 § 1 (part), 1982; Ord. 0-73-34 § 1 (part), 1973).

8.06.200 UNLAWFUL ACTS. (a) It shall be unlawful for any tree contractor to engage in any tree or shrub maintenance or removal within the city without a tree contractor's license.

(b) It shall be unlawful for any licensee hereunder to violate or neglect or refuse to comply with any rules and regulations promulgated by the director pursuant to Section 8.06.030 of this chapter. (Ord. 0-94-16 § 19, 1994; Ord. 0-82-46 § 1 (part), 1982; Ord. 0-73-34 § 1 (part), 1973).

Chapter 8.12

WOOD BURNING

Sections:

- 8.12.010 Definitions.
- 8.12.020 Installation.
- 8.12.030 Woodburning—Prohibition.
- 8.12.040 Exemption.
- 8.12.050 Inspections.

8.12.010 DEFINITIONS. The following words and phrases have the following meanings unless the context clearly indicates otherwise:

- (1) "Barbeque devices" means devices that are utilized solely for the purpose of cooking food.
- (2) "Fireplace" means a hearth, fire chamber or similarly prepared place and a chimney.

WOOD BURNING

(3) "High pollution day" means a period of time designated as a high pollution day by the Colorado Department of Health.

(4) "Fireplace insert" means any woodburning device designed to be installed in an existing fireplace which meets the Phase III Wood Stove standard, as such term is defined in Subsection (5) of this section.

(5) "Phase III Wood Stove" means any woodburning device that meets the most stringent standards adopted by the Air Quality Control Commission pursuant to Section 25-7-106.3(1), C.R.S., or any nonaffected woodburning device that is approved by the Commission.

(6) "Sole source of heat" means one or more solid fuel burning devices which constitute the only source of heating in a private residence. No solid fuel burning device or devices shall be considered to be the sole source of heat if the private residence is equipped with a permanently installed furnace or heating system utilizing oil, natural gas, electricity, or propane.

(7) "Solid fuel burning device" means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes, without limitation, solid fuel burning stoves, fireplaces or wood stoves of any nature, solid fuel burning cooking stoves, combination fuel furnaces or boilers which burn solid fuel, or any other device used for the burning of solid combustible material. Solid fuel burning devices do not include barbeque devices or natural gas-fired fireplace logs. (Ord. 0-92-61 § 1 (part), 1992).

8.12.020 INSTALLATION. On or after January 1, 1993, any new or remodeled fireplace to be installed shall be one of the following:

- (1) A gas appliance;
- (2) An electric device; or
- (3) A fireplace or fireplace insert that meets the most stringent emissions standards for wood stoves established by the Air Quality Control Commission, or any other clean burning device that is approved by the Air Quality Control Commission. (Ord. 0-92-61 § 1 (part), 1992).

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8.12.030 **WOODBURNING — PROHIBITION.** (a) It is unlawful for any person to operate a solid fuel burning device during a high pollution day unless an exemption has been granted pursuant to Section 8.12.040. It is the duty of all persons owning or operating a solid fuel burning device to be aware of any declaration of a high pollution day by the Colorado Department of Health.

(b) At the time of the declaration of a high pollution day, the City Manager shall allow three hours for the burndown of existing fires in solid fuel burning devices prior to the initiation of enforcement. (Ord. 0-92-61 § 1 (part), 1992).

8.12.040 **EXEMPTION.** (a) It is an affirmative defense to a charge of burning on a high pollution day that a person:

- (1) Was utilizing an appliance listed in Section 8.12.020, or
- (2) Has been granted a temporary exemption.

(b) The city manager may grant such exemptions according to the following standards:

(1) A person shall demonstrate economic need by providing proof of eligibility for energy assistance according to economic guidelines established by the United States Office of Management and Budget under the Low-income Energy Assistance Program (L.E.A.P.), as administered by Jefferson County.

(2) A person applying for an exemption must provide a sworn statement that he relies on a solid fuel burning device installed prior to December 1, 1986, as the sole source of heat.

(c) An exemption granted under this section shall be valid for one year from the date it is granted. (Ord. 0-94-16 § 20, 1994; Ord. 0-92-61 § 1 (part), 1992).

8.12.050 **INSPECTIONS.** For the purpose of determining compliance with the provisions of this chapter, city inspectors are authorized to make inspections of all air contamination sources, including solid fuel burning devices which are being operated on

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high pollution days, but only consistent with the constitutional rights of the owner or occupant of the premises. If any person refuses or restricts entry and free access to a city inspector to any part of a premise, or refuses to allow an inspection, the inspectors shall seek from the municipal court of the city of Lakewood a search warrant authorizing an inspector to enter the premises and conduct an inspection. (Ord. 0-94-16 § 21, 1994; Ord. 0-92-61 § 1 (part), 1992).

Chapter 8.14

GARBAGE, TRASH AND REFUSE STORAGE AND DISPOSAL

Sections:

- 8.14.010 Definitions.
- 8.14.020 Requirement to provide containers.
- 8.14.030 Frequency of removal.
- 8.14.040 Disposal at approved site.
- 8.14.050 Enforcement.

8.14.010 DEFINITIONS. (1) Garbage: Waste material resulting from the preparation, cooking, consumption, handling, storage or sale of food.

(2) Owner: Any person possessing title to any real estate, residence, apartment building, store, building or premises within the City.

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(3) Person: Any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust, or its manager, officer or employee.

(4) Refuse: Solid or liquid waste, except hazardous waste, whether putrescible or nonputrescible, combustible or noncombustible, organic or inorganic, including by way of illustration and not limited to, waste and materials commonly known as trash, garbage, debris or litter, animal carcasses, offal or manure, paper, ashes, cardboard, cans, yard clippings, glass, rags, discarded clothes or wearing apparel of any kind, or any other discarded object.

(5) Tenant: Any person leasing, renting, or otherwise occupying, without possessing title, any real estate, residence, apartment building, store, building or premises within the City.

(6) Trash: Combustible refuse, including but not limited to paper, cartons, boxes, barrels, tree branches, yard trimmings, dead plant material, wood or upholstered furniture or bedding, or other similar substances or materials and noncombustible material including but not limited to metals, tin or aluminum cans, metal furniture, dirt, rock, pieces of concrete, glass crockery or other mineral waste. (Ord. 0-93-60 §§ 1, 2, 1993; Ord. 0-93-2 § 1 (part), 1993).

8.14.020 REQUIREMENT TO PROVIDE CONTAINERS. (1)

It shall be the duty of every owner or tenant where garbage, trash or refuse is generated to provide and at all times maintain in good order and repair container(s) for such garbage, trash or refuse. Said owner or tenant shall provide containers of such size and number as defined herein so that all garbage, trash or refuse generated from the property can be accommodated in such containers without overflowing.

(2) Garbage containers shall be either a commercial type dumpster with a lid or a residential type garbage container with the following design:

- not more than 32-gallon capacity.
- water tight.

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- composed of a solid and durable grade of metal or plastic or similar and suitable material, such as fiberglass or rubber.
- suitable handle or handles on the outside.
- tight fitting insect and rodent resistant cover.

(3) Plastic bags may be used in lieu of a container provided they have a closing mechanism to prevent the emission of odors and are of sufficient thickness and strength to contain the refuse, trash or garbage without tearing and ripping under normal handling.

(4) If plastic bags at any location are repeatedly subject to tearing or ripping by animals or other causes, then after notice by the City to the owner or tenant, the use of plastic bags shall be prohibited at that location and garbage containers meeting requirements of Section 8.14.020(2) shall be used.

(5) Anything to the contrary notwithstanding, the owner of any multi-family residence consisting of four (4) or more units per lot, or any entity which owns common areas that serve four (4) or more units per lot, or the owner of any commercial or industrial zoned property, shall provide a commercial type dumpster for the occupants of the unit after notification from the Director of Planning, Permits and Public Works to so provide said dumpster. The Director will notify the owner or entity only after the Director has reasonable cause to order such action. Reasonable cause shall include but not be limited to the following:

(a) An excessive number of containers or bags are used to storage garbage, trash or refuse generated from any property under separate ownership. More than eight (8) containers or bags per property shall constitute an excessive number.

(b) The existence of a filled container or bag that weighs more than 50 pounds.

(c) Insects, rodents, other animals, or odor problems are in evidence.

(d) Spillage or leakage is in evidence.

(e) Reasonable cause exists to believe that the occupants of the multi-family residence are dumping their garbage, trash or refuse in

GARBAGE, TRASH AND REFUSE STORAGE/DISPOSAL

the dumpster of adjacent property owners. (Ord. 0-83-60 §§ 3—5, 1993; Ord. 0-93-2 § 1 (part), 1993).

8.14.030 FREQUENCY OF REMOVAL. It shall be the duty of every owner to remove or cause to be removed garbage, trash or refuse at least once per week or at more frequent times as necessary to prevent an accumulation in excess of the capacity of containers to store such material, unless such material is being used in a compost pile. (Ord. 0-93-2 § 1 (part), 1993).

8.14.040 DISPOSAL AT APPROVED SITE. All garbage, trash or refuse shall be disposed of by delivery to a state approved sanitary landfill or an approved solid waste collection and transfer facility. (Ord. 0-93-2 § 1 (part), 1993).

8.14.050 ENFORCEMENT. The ordinance codified in this chapter may be enforced in Lakewood Municipal Court or by any other method of enforcement approved by the City Attorney. (Ord. 0-93-2 § 1 (part), 1993).

PUBLIC PEACE AND SAFETY

Title 9

PUBLIC PEACE AND SAFETY*

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- 9.06 False Reporting to Authorities
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CUSTODY OF LOST, STOLEN PROPERTY

I. OFFENSES BY OR AGAINST OFFICERS AND GOVERNMENT

Chapter 9.02

CUSTODY OF LOST, STOLEN, CONFISCATED OR ABANDONED PROPERTY

Sections:

- 9.02.010 Custodian of property.
- 9.02.020 Property held as evidence.
- 9.02.030 Records.
- 9.02.040 Disposition generally.
- 9.02.050 Notification of owner.
- 9.02.060 Disposal of unclaimed property.
- 9.02.070 Failure to claim property.
- 9.02.080 Exceptions generally.
- 9.02.090 Disposition of weapons and contraband.
- 9.02.100 Exceptions—Rights of finder.
- 9.02.110 Intangible property.

9.02.010 CUSTODIAN OF PROPERTY. The Chief of Police or his designee is designated the official custodian of all tangible lost, stolen, confiscated, or abandoned property coming into possession of the police or the City. Nothing in this chapter shall be held to require the Chief to take possession of or make a disposition of any property, the disposition or possession of which is otherwise provided for in this code. (Ord. 0-92-38 § 1, (part), 1992).

9.02.020 PROPERTY HELD AS EVIDENCE. The Chief of Police or his designee shall keep in his custody all articles of tangible or intangible property seized or held as evidence, which property has been delivered to the custodian or one of his subordinates for care, custody, and control for use in any pending or prospective court proceeding, unless otherwise ordered by a court having jurisdiction, or upon proper authorization of a prosecuting attorney, until

CUSTODY OF LOST, STOLEN PROPERTY

final disposition of any pending charges, including appeals or the lapse of time for filing an appeal. Thereafter, unless ordered to the contrary by the court having jurisdiction, the custodian or a designee thereof shall dispose of such property in accordance with the provisions of this chapter hereinafter set forth. (Ord. 0-94-33 § 1, 1994; Ord. 0-92-38 § 1, (part), 1992).

9.02.030 RECORDS. The custodian or his designee shall keep a record of all tangible or intangible property which may be seized or otherwise taken possession of by the Police Department. Such records shall show the date any such property is seized or otherwise comes into the possession of the Police Department, the means by which the property came into possession of the Police Department, any claims made by any persons for such property, and the final disposition of any such property. (Ord. 0-92-38 § 1, (part), 1992).

9.02.040 DISPOSITION GENERALLY. All lost, stolen, confiscated, or abandoned property that has been delivered to the Chief of Police or his designee for care, custody, and control, not being held pending disposition of charges pursuant to Section 9.02.020 of this chapter, shall be subject to disposition according to the provisions of this chapter and Chapter 3.10 of this code, unless otherwise ordered by any court or otherwise provided for in this code. (Ord. 0-92-38 § 1, (part), 1992).

9.02.050 NOTIFICATION OF OWNER. The Chief of Police or his designee shall examine any such property, and if the identity of the owner appears from such examination, or if the identity of the owner is readily available to the custodian from public records available to him, or otherwise known to him, the custodian shall notify the apparent owner by letter, mailed by first class United States mail, postage prepaid to the last known address of such apparent owner, mailed within a reasonable time after identification of the apparent owner, describing the property and stating that the same is held by the custodian and may be sold or otherwise disposed

CUSTODY OF LOST, STOLEN PROPERTY

of unless claimed within thirty days of mailing of such notice. (Ord. 0-94-33 § 2, 1994; Ord. 0-92-38 § 1, (part), 1992).

9.02.060 **DISPOSAL OF UNCLAIMED PROPERTY.** If any such property remains unclaimed sixty days after the same is no longer required to be held as evidence pursuant to Section 9.02.020 of this chapter, or sixty days after the same has come into the possession of the Chief of Police or his designee, or thirty days after the mailing of any letter of notice provided for in Section 9.02.050, such property shall be delivered to the City Manager or a designee thereof for disposal pursuant to the provisions of Chapter 3.10 of this code, except as otherwise provided in this chapter. (Ord. 0-92-38 § 1, (part), 1992).

9.02.070 **FAILURE TO CLAIM PROPERTY.** Failure to make claim of ownership within the time limits prescribed in this chapter, and before sale or donation of any article, shall forever bar the owner or any person claiming ownership by, through, or under the owner from making any subsequent claim of ownership. (Ord. 0-94-33 § 3, 1994; Ord. 0-92-38 § 1, (part), 1992).

9.02.080 **EXCEPTIONS GENERALLY.** Notwithstanding the foregoing provisions of this chapter, objects and articles of property as described in Section 9.02.090 may be kept, held, or disposed of as in this chapter provided. The provisions of this chapter shall not apply to the sale of abandoned automobiles as provided for in Chapter 3.11; the disposition of lost or stray animals; or to the disposition of any property which is governed by the terms of any specific ordinance or applicable state statute. (Ord. 0-92-38 § 1, (part), 1992).

9.02.090 **DISPOSITION OF WEAPONS AND CONTRABAND.** (1) Unless ordered to the contrary by a court of competent jurisdiction, or otherwise required by state or national law, firearms and other weapons which may not lawfully be kept, possessed, or retained by the owner or person otherwise entitled to possession thereof, or which may not otherwise lawfully be returned to the

CUSTODY OF LOST, STOLEN PROPERTY

owner thereof, or which are unclaimed after notice to the owner pursuant to Section 9.02.050, or the owner of which is not known, may be kept and retained by the Police Department for use in its training programs or otherwise disposed of pursuant to the provisions of this section, except that antique or unique firearms, as determined by the Chief, may be disposed of pursuant to the provisions of Section 3.10.020(4) of this code. Whenever such firearms or weapons are retained by the Police Department for use in its training programs or otherwise, such items shall be accounted for in accordance with the provisions of Section 3.10.020(5) of this code.

(2) The Chief of Police or his designee may destroy each and every article of the following described property: burglary tools; firearms; cartridges; explosives; armor or bulletproof clothing; dangerous weapons; gambling apparatus; medicines; beer, wine, spirituous liquors or fermented malt beverages; soiled, bloody, or unsanitary clothing; solids or liquids of unknown or uncertain composition; drugs or hallucinogenic substances, hypodermic syringes and needles; obscene pictures, prints, effigies, or statues; any poisonous or noxious solids or liquids; or any other property which reasonably might result in injury to the health or safety of the public or be the subject of unlawful use. (Ord. 0-94-33 § 4, 1994; Ord. 0-92-38 § 1 (part), 1992).

CUSTODY OF LOST, STOLEN PROPERTY

9.02.100 EXCEPTIONS—RIGHTS OF FINDER. Notwithstanding any other provision of this chapter, whenever any item of tangible or intangible property has been found and delivered to the Chief of Police or his designee for care, custody, and control, such property shall be returned to the original finder whenever claim has been made by the finder and the following conditions have been met:

(1) The claimant is a person who originally found the lost or abandoned property;

(2) The claimant, after surrendering the property to the custodian, has served written notice to the custodian of his intention to make a claim on that item within sixty days of surrender of the item;

(3) Lost or abandoned property has remained unclaimed by the owner or person having a right to the property for sixty days after surrender of the same to the custodian;

(4) The lost or abandoned property is not stolen or confiscated property, nor property held under the exceptions outlined in Sections 9.02.080 through 9.02.090, nor property held as evidence pursuant to Section 9.02.020.

(5) Any tangible or intangible property found within the City by a City employee during his working hours shall be delivered to the Chief of Police or his designee and shall be processed in accordance with the provisions of this chapter. Any such employee shall have no rights of a finder under this section. (Ord. 0-92-38 § 1, (part), 1992).

9.02.110 INTANGIBLE PROPERTY. A. For purposes of this chapter, "intangible property" shall be deemed to include such items of value, which are in the possession, custody or control of the Chief or the City, such as:

(1) Checks, drafts, deposits, interest, dividends, income, stocks and bonds;

(2) Deposits for any City service or program;

CUSTODY OF LOST, STOLEN PROPERTY

- (3) Overpayment or refunds on any City charge;
- (4) Street cut permit guarantees;
- (5) Refundable developer deposit accounts in the capital improvement fund;
- (6) Monies unclaimed by beneficiaries of a pension or other custodial fund;
- (7) Intangible property left in safekeeping at any municipally owned or leased facility;
- (8) Uncashed payroll checks;
- (9) Municipal court cash bonds;
- (10) Lost and found money or other intangible property which is not claimed by the finder pursuant to the provisions of Section 9.02.100 hereof;
- (11) Uncashed court-ordered restitution payments; and
- (12) Any other intangible property in the custody and control of the City.

B. The City Manager or his designee is the custodian of all articles of intangible property except for intangible property which is being held pursuant to the provisions of Section 9.02.020 or Section 9.02.100 and shall keep a record of such articles of intangible property of which he is the custodian.

C. All intangible property in the custody and control of the City Manager or his designee shall be deemed abandoned one year after the date upon which it became payable or distributable. The City Manager or his designee shall examine any such intangible property which has been deemed to be abandoned and, if the owner is readily ascertainable to the custodian from public records available to him, or otherwise known to him, the custodian shall notify the apparent owner by letter, mailed by first class United States mail, postage prepaid to the last known address of such apparent owner, mailed within a reasonable time after identification of the apparent owner, describing the intangible property and stating that the same is being held by the custodian and may be disposed of unless claimed within thirty days of mailing of such notice.

D. All intangible property presumed abandoned in the custody of the City Manager or his designee shall be disposed of or shall

FALSE REPORTING TO AUTHORITIES

escheat to the City in the same manner and under the same procedures as tangible property under the provisions of this chapter. (Ord. 0-94-33 § 5, 1994; Ord. 0-92-38 § 1, (part), 1992).

Chapter 9.06

FALSE REPORTING TO AUTHORITIES*

Sections:

- 9.06.010 False reporting to authorities.
- 9.06.020 False information during investigation.

9.06.010 FALSE REPORTING TO AUTHORITIES. (a) It is unlawful for any person to report the existence of a fire or other emergency to the police, fire department or any other agency empowered to deal with an emergency involving risk or injury to persons or property, when such person knows the report to be false. For purposes of this subsection, fire department means any fire protection district or fire-fighting agency of the state, county or municipality, whether the employees or officers of such agency are volunteers or receive compensation for their services as firemen, or both.

(b) It is unlawful for any person to report or cause to be reported to any police agency any information concerning the commission of any offense or other incident, which would require police action, when:

- (1) He knows that no such offense or other incident has occurred;
- or
- (2) He knows the information is false.

(c) This section does not apply to reports of the existence or placement of a bomb or other explosive in any public or private place or vehicle designed for transportation of persons or property. (Ord. 0-94-33 § 6, 1994; Ord. 0-74-1 § 1 (part), 1974).

* For statutory provisions regarding giving false fire alarms, see C.R.S. § 89-6-44.

IMPERSONATING OFFICERS AND EMPLOYEES

9.06.020 FALSE INFORMATION DURING INVESTIGATION. It is unlawful for any person to knowingly make a false statement or otherwise provide false information or to give a false name and/or address or to display any false identification to a police officer or fireman, when said police officer or fireman, while acting in his official capacity, is conducting an investigation into the commission or alleged commission of a crime or traffic violation or if there is reasonable cause to believe that a crime or traffic violation is being or has been committed. (Ord. 0-84-64 § 1, 1984).

Chapter 9.08

IMPERSONATING OFFICERS AND EMPLOYEES*

Sections:

- 9.08.010 Unlawful to impersonate police officer.
- 9.08.020 Counterfeit insignias.
- 9.08.030 Impersonating city officers and employees unlawful.

*For statutory provisions regarding impersonating peace officers, see C.R.S. § 99-2-3; for provisions regarding false impersonation generally, see C.R.S. Art. 40-17.

IMPERSONATING OFFICERS AND EMPLOYEES

9.08.010 UNLAWFUL TO IMPERSONATE POLICE OFFICER. (a) It is unlawful for any person other than a police officer of the city to wear the insignia of office of a police officer of the city or any other insignia of office like or similar to or a colorable imitation of that adopted and worn by the police officers of the city.

(b) It is unlawful for any person other than a police officer of the city to in any manner represent himself to another as a police officer of the city. (Ord. 0-74-1 § 1 (part), 1974).

9.08.020 COUNTERFEIT INSIGNIAS. It is unlawful for any person to counterfeit, imitate, or cause to be counterfeited, imitated or colorably imitated, the badge or insignia of office used by the Police Department of the city. (Ord. 0-94-33 § 7, 1994; Ord. 0-74-1 § 1 (part), 1974).

9.08.030 IMPERSONATING CITY OFFICERS AND EMPLOYEES UNLAWFUL. (a) It is unlawful for any person other than a city officer or city employee to wilfully or fraudulently represent himself to be a city officer or an employee of the city.

(b) It is unlawful for any person to purport to perform the duties of any city officer or employee when he is not an authorized officer or employee of the city. (Ord. 0-74-1 § 1 (part), 1974).

INTERFERING WITH PUBLIC OFFICERS

Chapter 9.10

INTERFERING WITH PUBLIC OFFICERS*

Sections:

- 9.10.010 Impeding police, firemen or other officials by vehicle at scene of disaster.
- 9.10.020 Interference with police officers, firemen, city employees and public officials in the performance of their duties.
- 9.10.030 Resisting arrest—Escaping—Rescuing a prisoner.
- 9.10.040 Disobeying an order of a police officer or fireman—Refusing to aid a police officer.

9.10.010 IMPEDING POLICE, FIREMEN OR OTHER OFFICIALS BY VEHICLE AT SCENE OF DISASTER. It is unlawful for any person to drive a vehicle to or close by the scene of a fire, explosion, traffic accident, riot or impending riot, other disaster or investigation in such a manner as to obstruct or impede the arrival, departure or operation of any fire truck, police vehicle, ambulance or any other emergency vehicle, or to fail to move a vehicle from the scene when ordered to do so by a police officer, fireman, emergency personnel or military personnel in the performance of their duties in coping with such fire, explosion, traffic accident, riot or impending riot, other disaster or investigation. (Ord. 0-74-1 § 1 (part), 1974).

9.10.020 INTERFERENCE WITH POLICE OFFICERS,

*For statutory provisions regarding resisting officers, see C.R.S. 40-7-17; for provisions regarding aiding the escape of prisoners, see C.R.S. 40-7-27 and 40-7-31; for provisions regarding rescuing prisoners, see C.R.S. 40-7-20, 40-7-21 and 40-7-29.

INTERFERING WITH PUBLIC OFFICERS

FIREMEN, CITY EMPLOYEES AND PUBLIC OFFICIALS IN THE PERFORMANCE OF THEIR DUTIES. (a) It is unlawful for any person to knowingly resist, interfere with or impede or obstruct any police officer, fireman, city employee or other public official who is attempting to discharge or who is in the course of discharging an official duty.

(b) It is unlawful for any person to threaten violence, reprisal or any other injurious act to any police officer, fireman, city employee or other public official who is engaged in the performance or attempted performance of his official duties or to make such a threat by reason or on account of the performance or attempted performance of his official duties. (Ord. 0-94-33 § 8, 1994; Ord. 0-74-1 § 1 (part), 1974).

9.10.030 RESISTING ARREST — ESCAPING — RESCUING A PRISONER. (a) It is unlawful for any person to prevent or attempt to prevent a peace officer, acting under color of his official authority, from effecting an arrest of any person 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 substantial risk of causing physical injury to the peace officer or another.

(b) "Peace officer," as used in this section, means any person defined as a peace officer by Section 18-1-901, Colorado Revised Statutes, who is in uniform or who has displayed his credentials to the person whose arrest is attempted. "Uniform," as used herein, refers to the dress or apparel and insignia required to be worn by agents of the Police Department of the city, pursuant to the order or direction of the Chief of Police and intended as a means of identifying the peace officers and agents of the Lakewood Police Department.

(c) A peace officer is "acting under color of sufficient authority" when, in the course of his duties, he is called upon to make or does in fact make a good faith judgment based on surrounding facts and circumstances that an arrest should be made. It is no defense to a

INTERFERING WITH PUBLIC OFFICERS

prosecution under this section that the arrest was unlawful if the peace officer was acting under color of his official authority and did not use unreasonable or excessive force in effecting the arrest.

(d) It is unlawful for any person to escape or attempt to escape from the custody of a police officer, or in any manner aid another to escape who is in the custody of a peace officer, or to rescue or attempt to rescue a person from the custody of a peace officer or from the custody of any person aiding such peace officer; provided, however, the provisions of this section shall not apply whenever the escapee is being held on account of a felony or charged with or held for any felony. (Ord. 0-94-33 § 9, 1994; Ord. 0-77-16 § 1, 1977; Ord. 0-74-1 § 1 (part), 1974).

9.10.040 DISOBEYING AN ORDER OF A POLICE OFFICER OR FIREMAN — REFUSING TO AID A POLICE OFFICER. (a) It is unlawful for any person to knowingly disobey the lawful or reasonable order of any police officer, fireman, emergency personnel or military personnel given incident to the discharge of the official duties of such police officer or fireman, or incident to the duties of emergency personnel or military personnel when coping with an emergency, explosion or other disaster.

(b) A person commits an unlawful act when, upon command by a person known to him as a police officer, he unreasonably refuses to aid such police in coping with any emergency situation. (Ord. 0-74-1 § 1 (part), 1974).

LIMITATIONS ON USE OF CERTAIN EQUIPMENT

Chapter 9.12

LIMITATIONS ON USE OF CERTAIN VEHICLES AND EQUIPMENT*

Sections:

- 9.12.010 Designated.
9.12.020 Solicitation of towing business.

9.12.010 DESIGNATED. It is unlawful for any person to drive, install, cause the installation to be made, or use upon any motor vehicle any siren, exhaust whistle, or bell, or any red lights visible from the front of a motor vehicle, or any red spot light, except nothing in this chapter shall prevent the possession, use or installation of such equipment on any city, county, state or federal-owned vehicle, or any vehicle authorized or permitted to have or use any such equipment by the laws of this state, if there is compliance with all requirements of any such state laws, including obtaining necessary permits or licenses, or approval or approvals, as required by any such state laws, or by any applicable municipal ordinance. (Ord. 0-74-1 § 1 (part), 1974).

9.12.020 SOLICITATION OF TOWING BUSINESS. (a) It is unlawful for any person or persons to drive or cause any tow truck or vehicle equipped to provide towing service to be driven to, or to stop or park any such vehicle, or cause the same to be stopped or parked, at or near the scene of any fire, explosion, traffic accident or other disaster, when such tow truck or vehicle has not been called to the scene by the owner or operator of a damaged vehicle, or the owner of property required to be towed from the scene, or by his

* For statutory provisions regarding unlawful use of equipment on vehicles, see C.R.S. 13-2-7; for provisions regarding lighting equipment on vehicles, see C.R.S. 13-5-101; for provisions regarding horns and warning devices, see C.R.S. 13-5-104; for provisions regarding emergency lighting equipment, see C.R.S. 13-5-110.

REPORTS TO PUBLIC OFFICIALS

duly authorized agent or insurance carrier, or by an agent or representative of the Police Department of the city, or by a fireman or other peace officer attending the scene.

(b) It is unlawful for any person or persons to solicit any other person or persons at or near the scene of any fire, explosion, traffic accident or other disaster, for the purpose of procuring towing business, that is, for the purpose of securing authorization or agreement from any person or persons at or near such scene to tow or haul away any vehicle or other personal property from any such scene, for hire. (Ord. 0-94-33 § 10, 1994; Ord. 0-74-1 § 1 (part), 1974).

Chapter 9.14

REPORTS TO PUBLIC OFFICIALS

Sections:

9.14.010 Physicians to report wounds.

9.14.010 PHYSICIANS TO REPORT WOUNDS. It shall be the duty of every physician or surgeon practicing within the City, who attends or has under his charge or care any patient or other person suffering from any gunshot, puncture or cutting wounds which appear to be a result of violence inflicted by another, to report to the Chief of Police the name of such patient or other person and all facts pertaining to such case within the knowledge of such physician or surgeon. (Ord. 0-94-33 § 11, 1994; Ord. 0-74-1 § 1 (part), 1974).

INTERFERING WITH POLICE DOGS

Chapter 9.16

MISTREATING, INJURING, DISABLING, KILLING, OR INTERFERING WITH POLICE DOGS

Sections:

9.16.010 Cruelty to police dogs—Unlawful.

9.16.010 CRUELTY TO POLICE DOGS — UNLAWFUL. It is unlawful for any person to knowingly torture, torment, beat, kick, strike, mutilate, injure, disable, or kill any dog used by the Police Department of the City when such dog is being used in the performance of the functions or duties of such department. (Ord. 0-94-33 § 12, 1994; Ord. 0-80-10 § 1, 1980).

ASSAULT

II. OFFENSES AGAINST THE PERSON

Chapter 9.20

ASSAULT*

Sections:

- 9.20.010 Assault.
- 9.20.020 Menacing—Without deadly weapon.
- 9.20.040 Reckless endangerment.

9.20.010 ASSAULT. A person commits the crime of assault if he knowingly or recklessly causes bodily injury to another person or with criminal negligence he causes bodily injury to another person by means of a deadly weapon; provided, however, that this provision does not apply in the event of serious bodily injury. (Ord. 0-83-87 § 1, 1983; Ord. 0-74-1 § 1 (part), 1974).

9.20.020 MENACING – WITHOUT DEADLY WEAPON. A person commits the crime of menacing if, by any threat or physical action, he knowingly places or attempts to place another person in fear of imminent serious bodily injury; provided, however, that if committed by the use of a deadly weapon, then this section shall not apply. (Ord. 0-87-27 § 1, 1987; Ord. 0-74-1 § 1 (part), 1974).

*For statutory provisions regarding assault, see C.R.S. 40-2-32, 40-2-33, 40-2-34 and 40-2-48.

ABANDONED CONTAINERS

9.20.040 RECKLESS ENDANGERMENT. It is unlawful for any person to recklessly engage in conduct which creates substantial risk of serious bodily injury to another person. (Ord. 0-74-1 § 1 (part), 1974).

III. OFFENSES AGAINST PUBLIC HEALTH AND SAFETY

Chapter 9.26

ABANDONED CONTAINERS*

Sections:

9.26.010 Regulations generally.

9.26.010 REGULATIONS GENERALLY. (a) It is unlawful for any person to discard, abandon or leave in any place accessible to children any refrigerator, icebox, deep-freeze locker, stove, oven, trunk or any self-latching container having a capacity of one and one-half cubic feet or more, which is no longer in use, and which has not had the door removed or the hinges and such portion of the latch mechanism removed to prevent latching or locking of the door, or for any owner, lessee or manager to knowingly permit such a refrigerator, icebox, deep-freeze locker, stove, oven, trunk or self-latching container to remain on premises under his control without having the door removed or the hinges and such portion of the latch mechanism removed to prevent latching or locking of the door.

(b) The provisions of this section shall not apply to any vendor or seller of refrigerators, iceboxes, deep-freeze lockers, stoves, ovens, trunks or self-latching containers, who keeps or stores them for sale purposes in a showroom or salesroom ordinarily watched or attended by sales personnel during business hours, and locked to prevent entry when not open for business, or if such vendor or seller takes reason-

* For statutory provisions making it unlawful to discard or abandon iceboxes and similar items, see C.R.S. 40-12-27.

FLAMMABLE LIQUIDS

able precaution to effectively secure the door of any such refrigerator, icebox, deep-freeze locker, stove, oven, trunk or self-latching container so as to prevent entrance by children small enough to fit therein. (Ord. 0-94-33 § 13, 1994; Ord. 0-74-1 § 1 (part), 1974).

Chapter 9.28

FLAMMABLE LIQUIDS*

Sections:

9.28.010 Storage or parking of tank vehicles.

9.28.010 STORAGE OR PARKING OF TANK VEHICLES.
It is unlawful to store or cause to be stored or parked, except for loading and unloading, any vehicle used for the purpose of transporting flammable liquids, gases, explosives or toxicants upon any streets or ways or avenues of the City, or any other part of the City, except those areas zoned for such uses. (Ord. 0-94-33 § 14, 1994; Ord. 0-74-1 § 1 (part), 1974).

* For statutory provisions authorizing cities to regulate the storage of flammable liquids, see C.R.S. 139-32(54).

LITTERING AND DUMPING

Chapter 9.30

LITTERING AND DUMPING*

Sections:

- 9.30.010 Dumping on private or public property.
- 9.30.020 Vehicles causing litter.
- 9.30.030 Storage of trash or garbage.
- 9.30.050 Construction materials covered or secured.

9.30.010 DUMPING ON PRIVATE OR PUBLIC PROPERTY.

(a) It is unlawful to place, deposit or dump, or cause to be placed, deposited or dumped, any offal composed of animal or vegetable substance, any dead animal, excrement, garbage, sewage, trash, debris, rocks or dirt, scrap construction, materials, nails, mud, snow or ice, waste fuel, oil or other petroleum-based products, paint, chemicals or other waste, whether liquid or solid, or dangerous materials that may cause a traffic hazard in or upon any public or private highway or road, including the right-of-way thereof, or to place, deposit or dump such materials in or upon any private property without consent of the owner or in or upon any public grounds, save and except public property designated or set aside for such purposes. Such dumping upon any private property not zoned or designated by a visible sign or signs for dumping purposes shall be prima facie evidence of the lack of consent to such dumping by the owner of such property.

(b) It is an affirmative defense to any charges brought under this chapter that the owner of the property upon which the waste material is placed has given his consent to the placement, depositing or dumping, provided that the placement, depositing or dumping is not in violation of any other ordinance of this city.

* For statutory provisions regarding the State Litter Control Act, see C.R.S. 40-18-44 — 40-18-51; for provisions regarding dumping trash on public property, see C.R.S. 40-18-41; for provisions regarding dumping trash on private property, see C.R.S. 40-18-40.

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(c) The Environmental Manager of the Police Department shall have the nonexclusive power and authority to enforce the provisions of this section. The Environmental Manager shall be considered a peace officer within the meaning of Section 1.04.010(10) of this code for purposes of enforcing this section. (Ord. 0-93-52 § 3, 1993; Ord. 0-87-27 § 3, 1987; Ord. 0-74-1 § 1 (part), 1974).

9.30.020 VEHICLES CAUSING LITTER. (a) It is unlawful for any person to drive or move any truck or other vehicle within this city, unless such vehicle is loaded or covered so as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place.

(b) Garbage Transport Vehicles. It is unlawful for any person to operate or cause to be operated on any highway or public way in the City any truck or vehicle transporting manure, garbage, trash, swill or offal unless such truck or vehicle is fitted with a container thereon so that no portion of such matter will be thrown or fall upon the highway or public way. (Ord. 0-94-33 § 15, 1994; Ord. 0-74-1 § 1 (part), 1974).

9.30.030 STORAGE OF TRASH OR GARBAGE. Persons storing or placing trash, garbage, scrap construction materials, refuse, debris or waste of any nature whatsoever in any receptacle shall do so in such a manner as to prevent the trash, garbage, scrap construction materials, refuse, debris or waste from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Ord. 0-74-1 § 1 (part), 1974).

9.30.050 CONSTRUCTION MATERIALS COVERED OR SECURED. No person shall keep or store any construction materials unless such materials are covered or secured or in some manner protected so as to prevent such materials from being blown, scattered about or otherwise moved by wind, water or other natural causes. (Ord. 0-74-1 § 1 (part), 1974).

SNOW REMOVAL

Chapter 9.31

SNOW REMOVAL

Sections:

- 9.31.010 Snow removal.
- 9.31.020 Snow or ice deposited.
- 9.31.030 Notification.
- 9.31.040 Enforcement.
- 9.31.050 Penalty.

9.31.010 SNOW REMOVAL. The owner, agent, lessee, tenant, or occupant of any property within the city shall remove all snow and ice as is reasonably possible from all public sidewalks and bikeways adjacent to their property no later than twenty-four hours following the last accretion of such snow or ice. (Ord. 0-87-1 § 1 (part), 1987).

9.31.020 SNOW OR ICE DEPOSITED. It shall be unlawful for any person to deposit or cause to be deposited any snow or ice onto a public street, roadway, sidewalk, walkway, bikeway, or any designated emergency access lane, or against any fire hydrant, official traffic control device or appurtenance. (Ord. 0-94-33 § 17, 1994; Ord. 0-87-1 § 1 (part), 1987).

9.31.030 NOTIFICATION. The person or entity listed as the owner of the property with the Clerk and Recorder of Jefferson County is the owner for purposes of service of a summons by certified mail. In lieu of service on the owner by certified mail, the city may personally serve the owner, agent, lessee, tenant, or occupant of the property. (Ord. 0-87-1 § 1 (part), 1987).

9.31.040 ENFORCEMENT. The police agents of the Police Department and the personnel of the Department of Public Works shall have all necessary power and authority to enforce this chapter pertaining to snow removal. (Ord. 0-94-33 § 18, 1994; Ord. 0-91-59 § 17, 1991; Ord. 0-87-1 § 1 (part), 1987).

SNOW REMOVAL

9.31.050 PENALTY. It is unlawful for any person to violate any of the provisions of this chapter. The penalty for violation of any provision of this chapter is a fine not less than twenty-five dollars and no more than three hundred dollars. each day of a continuing violation shall be deemed to be a separate violation. (Ord. 0-87-1 § 1 (part), 1987).

PARKS AND RECREATION

Chapter 9.32

PARKS AND RECREATION*

Sections:

- 9.32.010 Definitions.
- 9.32.020 Authority.
- 9.32.030 Permits.
- 9.32.040 Applicability.
- 9.32.050 Penalties.
- 9.32.070 Hours of use.
- 9.32.080 Disobeying the lawful and reasonable order of the director or his designee.
- 9.32.090 Alcoholic beverages prohibited.
- 9.32.100 Fermented malt beverage regulations.
- 9.32.110 Open fires prohibited.
- 9.32.120 Commercial activity prohibited.
- 9.32.130 Defecation by dogs.
- 9.32.140 Ice activities.
- 9.32.150 Sledding.
- 9.32.160 Snowmobiles.
- 9.32.170 Fishing regulations.
- 9.32.180 Wildlife protected.
- 9.32.190 Vehicle on ice prohibited.
- 9.32.200 Swimming.
- 9.32.210 Nudity prohibited.
- 9.32.220 Horse riding prohibited.

* For statutory provisions regarding municipal authority in the establishment and regulation of the use of parks, see C.R.S. 139-32-1(20).

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- 9.32.230 Group and nonrecreational activities.
- 9.32.240 Hang gliding prohibited.
- 9.32.250 Camping prohibited.
- 9.32.260 Destruction of public property.
- 9.32.270 Littering prohibited.
- 9.32.280 Dangerous missiles.
- 9.32.290 Unlawful to sell or use fireworks.
- 9.32.300 Animals running at large unlawful.
- 9.32.310 Motor vehicles.
- 9.32.320 Boating.
- 9.32.330 Horse drawn carriages prohibited.
- 9.32.340 Commercial operation of horse drawn carriages.
- 9.32.350 Golfing prohibited.
- 9.32.360 Violation of park rules and regulations prohibited.

9.32.010 DEFINITIONS. For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section unless the text clearly indicates to the contrary:

- (1) "City Manager" means the City Manager of the city of Lakewood.
- (2) "Department" means the "Department of Community Resources" of the city.
- (3) "Director" means the "Director of the Department of Community Resources" of the city, or his designee.
- (4) "Group activities" means organized group use or activity, including, but not limited to, company picnics, athletic events, theatrical events, group meetings, and similar events, in which such group uses park areas, pavilions, athletic fields and buildings pursuant to reservations scheduled with the Director or his designee.
- (5) "Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion.

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(6) “Nonrecreational activities” means any use or activity not normally associated with the use of park or recreation facilities for amusement or educational purposes. Nonrecreational activities include, but are not limited to, trapping, commercial activities, surveying, construction, excavation, installation of utilities, and any activity associated with a disturbance, whether temporary or permanent, of the surface of the land in any park, or any activity with an adverse effect which could endanger or impact the environment and wildlife in any park or recreation facility.

(7) “Operate” means to navigate or otherwise use a vessel.

(8) “Owner” means a person who claims lawful possession of a vessel by virtue of legal title or an equitable interest which entitles him to such possession.

(9) “Park” means a park, reservation, playground, beach, recreation area, bikeway, trail, greenbelt, or other area in the city owned or used by the city and devoted to active or passive recreation, including developed and undeveloped land.

(10) “Person” means any individual or group of individuals, partnership, association, corporation, governmental entity or quasi-governmental entity, or the agent, manager, lessee, servant, officer or employee of any of them, except employees of the City of Lakewood and those acting under contract with the City of Lakewood.

(11) “Recreation facility” means a building or other structure devoted to recreation.

(12) “Sailboat” means any vessel propelled by the effect of wind on a sail. For the purposes of this chapter, any vessel propelled by both sail and machinery of any sort shall be deemed a motorboat, when being propelled by said machinery.

(13) “Vessel” means every description of watercraft used or capable of being used as a means of transportation of persons and property on the water, other than single-chambered air-inflated

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devices or seaplanes. (Ord. 0-94-33 § 19, 1994; Ord. 0-92-25 §§ 1—6, 1992; Ord. 0-89-3 § 4 (part), 1989; Ord. 0-86-38 § 1, 1986; Ord. 0-83-2 § 1 (part), 1983).

9.32.020 AUTHORITY. (a) The Director shall have the nonexclusive authority to promulgate rules and regulations for the proper management, operation, and control of city parks and recreation facilities within the city. Copies of the proposed rules and regulations shall be on file in the City Clerk's office and available for public inspection during regular business hours.

(b) The Director of Community Resources shall have nonexclusive authority to enforce the rules and regulations promulgated by the Director for the proper management, operation and control of city parks and recreation facilities within the city and all ordinances adopted by the City Council which affect or are applicable within city parks and recreation facilities. Any designee of the Director shall have nonexclusive authority to institute proceedings in the municipal court for the city against any person who violates any park rule and regulation or Chapters 9.32, 9.33, 9.34, or 9.36 of The Lakewood Municipal Code.

(c) The Director shall have the power and authority to prohibit the possession and/or consumption of fermented malt beverages containing not more than three and two-tenths percent of alcohol by weight, in any park within the city in which community events are scheduled to take place for the period of said events, except for any designated area in which fermented malt beverages may be sold due to the issuance of a special events permit or license by the Lakewood Liquor and Fermented Malt Beverage Licensing Authority. In the event the Director prohibits the possession and/or consumption of fermented malt beverages containing not more than three and two-tenths percent of alcohol by weight in a park in which a community event is conducted, the park shall be posted with signs which give

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notice to the public of the fact that such possession and/or consumption is prohibited and the dates and times during which such restriction is in effect. (Ord. 0-92-25 §§ 7, 1992; Ord. 0-89-3 § 4 (part), 1989; Ord. 0-87-50 § 1, 1987; Ord. 0-86-38 § 2, 1986; Ord. 0-83-2 § 1 (part), 1983).

9.32.030 PERMITS. (a) Permits will be required from the Director for the following:

(1) Any person engaging in any group activity who requests a reservation for a specific area of any park or recreation facility of the City.

(2) Any person engaging in any nonrecreational activity in a park or recreation facility; except that permits for parades, rallies and outdoor meetings for purposes of expressive activity on park property shall be governed by Chapter 9.39 of this Code.

(3) Any person engaging in organized community events in a park or recreation facility such as festivals, celebrations, or organized walking or running events.

(4) Any person using or hiring a commercial horse drawn carriage to be operated in any park or recreation areas within the City, except Bear Creek Lake Park.

(b) Permit applications shall be filed on application forms provided by the Director or his designee. Permit applications shall be complete in all respects to be accepted for filing. An application may be denied if the Director finds that there is insufficient time to make the findings described in subsection 9.32.030(e) from the date of the filing of the application until the date of the activity which would be authorized pursuant to the permit. In absence of extraordinary circumstances, as determined by the Director, fifteen (15) days will be sufficient to make such findings.

(c) The Director may promulgate and publish criteria for obtaining a permit to engage in group or nonrecreational activities. The primary purpose of parks is to provide areas for the residents of the city and the general public to engage in recreational activities and

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temporarily exchange the urban environment for a more natural one. Therefore, the Director's primary consideration in issuing or denying a permit shall be to consider the safety and rights of citizens who use the city's parks, and to protect and preserve the city's parks for recreational use by the citizens of the city and the general public.

(d) The Director shall review written permit applications and determine whether to issue such permits relating to any group or nonrecreational use or accommodation of any park or recreation facility. The Director shall establish the conditions for the issuance of any permit, including such reasonable conditions as are necessary and proper to preserve the park or recreation facility including but not limited to requiring proper insurance coverage be obtained by an applicant. The Director may impose a reasonable fee to process the application and impose reasonable fees for group or nonrecreational use of the park or recreation facility.

(e) The Director shall issue a permit when he finds:

(1) That the proposed activity or use of the park or recreation facility will not unreasonably interfere with or detract from the general public enjoyment of the parks or recreation facilities, and is consistent with the primary purpose of the parks or recreation facilities;

(2) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of the public health, welfare, and safety;

(3) That the proposed activity or use is not reasonably anticipated to incite violence, crime, violation of municipal ordinances, or disorderly conduct;

(4) That the proposed activity will not entail unusual, extraordinary or burdensome expense to the city;

(5) That the proposed activity will not violate any conditions of the city's ownership, occupancy or lease of the park or recreation facility;

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(6) That the proposed activity will not unreasonably endanger or impact the environment or wildlife in the park or recreation facility;

(7) That the desired facilities have not been previously reserved for use at the day and hour requested in the application.

(f) The Director may establish such reasonable conditions as he deems necessary to ensure compliance with standards for issuance established in subsection (e) of this section, including a requirement for the posting of a bond or guarantee in a form acceptable to the Director and in an amount sufficient to ensure restoration of the park or recreation facility to its existing condition or to remedy any other unacceptable impact upon the environment or wildlife.

(g) Any permit issued shall describe both the park area or recreation facility and the date(s) and time(s) when it is valid, the nature of the activity permitted, and any conditions imposed upon the issuance of the permit.

(h) The Director shall have the power and authority to revoke any permit for any violation of the conditions of the permit as well as for any violation of the ordinances or rules and regulations governing use of the city parks and recreation facilities. In the event a permit is revoked, no portion of the permit fees shall be refunded to the permit holder.

(i) The Director shall respond, in writing, to a written permit application within two weeks after receipt of all information necessary to make a determination. The City Manager, in his capacity as chief administrative officer, may, in such instances as he deems appropriate, order the Director to issue the permit, with or without conditions, or deny the permit. The Director shall notify the applicant whether the permit has been granted or denied, and if denied, the reasons for the denial.

(j) If the application has been filed at least thirty (30) days before the date of the activity which would be authorized pursuant to the permit, the applicant may request the City Manager or his

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designee to review the denial of the application or the imposition or any conditions by the Director or the revocation of the permit. A permit denial, any conditions imposed by the Director or a permit revocation shall continue in effect unless altered by the City Manager or his designee.

(k) The request for review of a permit denial, any permit conditions imposed by the Director, or a permit revocation shall be presented in writing to the City Manager or his designee within ten days following the Director's action. The City Manager or his designee may consider whatever information he regards as relevant under the standards set forth in this section.

(l) The City Manager or his designee may grant the permit, with or without conditions, deny the permit, or uphold the revocation of the permit. If the permit is denied or the revocation of the permit is upheld, the City Manager or his designee shall notify the applicant of the specific grounds for the denial or revocation. If the permit is issued subject to certain conditions, the permit shall state the conditions imposed. The decision of the City Manager or his designee shall be final.

(m) The person or persons to whom a permit is issued shall be liable for any loss, damage or injury to any park property or recreation facility and for any personal injury or property damage sustained by any person as a result of the negligence of such person or persons or an agent or employee thereof, and shall indemnify the city for any liability it may incur as a result of such negligence. (Ord. 0-94-51 § 1, 1994; Ord. 0-94-33 §§ 20, 21, 1994; Ord. 0-92-25 § 8, 1992; Ord. 0-86-38 § 3, 1986; Ord. 0-83-2 § 1 (part), 1983).

9.32.040 APPLICABILITY. This chapter shall apply throughout the parks and recreational facilities of the municipality of Lakewood, Colorado. (Ord. 0-92-25 § 9, 1992; Ord. 0-83-2 § 1 (part), 1983).

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9.32.050 PENALTIES. Any person convicted of a violation of any provision of this chapter or any park rule and regulation shall, for each offense, be fined a sum of not more than nine hundred ninety-nine dollars, or shall be imprisoned for a term of not more than one hundred eighty days, or shall be both so fined and imprisoned. Any child convicted of a violation of any provision of this chapter shall be subject to a fine not to exceed nine hundred ninety-nine dollars, or shall be placed on probation for a period not to exceed one year, or shall be both so fined and supervised. (Ord. 0-92-25 § 10, 1992; Ord. 0-86-38 § 4, 1986; Ord. 0-83-2 § 1 (part), 1983).

9.32.070 HOURS OF USE. It shall be unlawful to enter or be in any park or recreational facility when it has been declared closed to the public by the Director or his designee. Parks shall normally be open daily during the hours posted on signs located at each entrance to the park area, except for activities and events sponsored by the Director or authorized by the Director. In the event the park is not posted with signs identifying specific open hours, the park shall be closed daily from 11:00 p.m. to 5.00 a.m. The Director may declare any park closed at any time and for any interval of time as necessary to protect the public safety. (Ord. 0-92-25 § 11, 1992; Ord. 0-87-27 § 4, 1987; Ord. 0-86-38 § 6, 1986; Ord. 0-83-2 § 1 (part), 1983).

9.32.080 DISOBEYING THE LAWFUL AND REASONABLE ORDER OF THE DIRECTOR OR HIS DESIGNEE. It shall be unlawful for any person to knowingly disobey the lawful or reasonable order of the Director or his designee given pursuant to the lawful discharge of the official duties of such person. (Ord. 0-92-25 § 2, 1992; Ord. 0-83-2 § 1 (part), 1983).

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9.32.090 ALCOHOLIC BEVERAGES PROHIBITED. It shall be unlawful to possess and/or consume any alcoholic beverage or alcoholic liquor, as defined in the Colorado Liquor Code, Section 12-47-103, C.R.S., in any park or recreation facility within the City of Lakewood; except such possession and/or consumption shall be lawful:

(1) At Fox Hollow at Lakewood Golf Course provided such premises are licensed for sale and consumption of alcoholic beverages or liquors pursuant to the Colorado Liquor Code, C.R.S. § 12-47-101 et seq., or upon premises for which a special events permit has been issued pursuant to C.R.S. § 12-48-101 et seq.

(2) Upon portions of a park or recreation facility rented for a private event and restricted to persons invited to attend the event, provided the Director or his designee has authorized the consumption of alcoholic beverages or liquor upon the rented premises, no sale of alcoholic beverages or liquors occurs, and no person under the age of twenty-one years consumes any alcoholic beverage or liquor. (Ord. 0-92-25 § 13, 1992; Ord. 0-87-50 § 2, 1987; Ord. 0-83-2 § 1 (part), 1983).

9.32.100 FERMENTED MALT BEVERAGE REGULATIONS.

(a) The possession and/or consumption of fermented malt beverages containing not more than three and two-tenths percent of alcohol by weight is permitted in any park within the city so long as said fermented malt beverages have been purchased in a manner authorized and are being consumed by persons permitted by applicable state law. It shall be unlawful to sell any fermented malt beverage within any park within the city unless said sales are made pursuant to a license or permit granted by the Lakewood Liquor and Fermented Malt Beverages Licensing Authority and unless said sales are made in accordance with the Colorado Beer Code, C.R.S. 12-46-101, et seq. This subsection shall not apply to any situation which constitutes a violation of subsection (b) of this section.

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(b) It shall be unlawful to possess and/or consume any fermented malt beverages containing not more than three and two-tenths percent of alcohol by weight in any park within the city during scheduled community events if the Director has prohibited such possession and/or consumption in accordance with Section 9.32.020(c) of this chapter. (Ord. 0-92-25 § 14, 1992; Ord. 0-87-50 § 3, 1987; Ord. 0-83-2 § 1 (part), 1983).

9.32.110 OPEN FIRES PROHIBITED. (a) Open fires shall be unlawful except in designated areas.

(b) It shall be unlawful to allow a fire to burn in a careless manner, to leave any fire unattended, or to fail to completely extinguish any fire on park lands.

(c) When the Director or his designee determines a fire danger exists, he may prohibit all fires in order to ensure the safety of the public and property. In the event all fires are prohibited, the entrances of parks and recreational facilities shall be posted with notice of the prohibition and a public announcement shall be made. (Ord. 0-92-25 §§ 15, 16, 1992; Ord. 0-83-2 § 1 (part), 1983).

9.32.120 COMMERCIAL ACTIVITY PROHIBITED. It shall be unlawful to conduct any commercial activity or sell or offer for sale any service, product or activity for which a fee is charged, except where such activity is authorized in writing by the Director. (Ord. 0-83-2 § 1 (part), 1983).

9.32.130 DEFECATION BY DOGS. It shall be unlawful for the owner or custodian of any dog which has defecated in any park, parkway or recreational facility to fail to clean up and remove such excrement or feces. (Ord. 0-83-2 § 1 (part), 1983).

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9.32.140 ICE ACTIVITIES. It shall be unlawful to enter onto ice on any water body managed by the Department or included in any park or recreation facility unless the specific area to be used is posted to allow such activity or has been otherwise authorized by the Director. Entering onto ice is an inherently dangerous activity and any person engaging in ice activities assumes the risk of such activity. (Ord. 0-92-25 § 17, 1992; Ord. 0-83-2 § 1 (part), 1983).

9.32.150 SLEDDING. It shall be unlawful to sled within any park or recreation facility of the city, except in designated areas. (Ord. 0-83-2 § 1 (part), 1983).

9.32.160 SNOWMOBILES. It shall be unlawful to use snowmobiles in any park unless authorized by the Director. (0-92-25 § 18, 1992; Ord. 0-83-2 § 1 (part), 1983).

9.32.170 FISHING REGULATIONS. It shall be unlawful for any person to violate any of the provisions contained in Chapter 1 of the Rules and Regulations of the Colorado Division of Wildlife, which is adopted by reference, pursuant to Title 31, Article 16, of the Colorado Revised Statutes. Any violation of Chapter 1 of the Rules and Regulations of the Colorado Division of Wildlife shall be a violation of this provision, punishable as specified in Section 9.32.050 of this chapter. (Ord. 0-86-38 § 7, 1986; Ord. 0-83-2 § 1 (part), 1983).

9.32.180 WILDLIFE PROTECTED. It shall be unlawful to place, set, or attend traps on park lands except as authorized by permit, or to possess, pursue, wound, take, or acquire any wildlife except as authorized in Section 9.32.170 of this chapter. (Ord. 0-92-25 § 19, 1992; Ord. 0-86-38 § 7, 1986; Ord. 0-83-2 § 1 (part), 1986).

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9.32.190 VEHICLE ON ICE PROHIBITED. It shall be unlawful for any motorized vehicle of any kind to be on any lake, stream or water area whether such lake or stream is frozen or not. (Ord. 0-83-2 § 1 (part), 1983).

9.32.200 SWIMMING. Any allowed swimming activity shall be subject to specific rules and regulations issued by the Director.

It shall be unlawful:

(a) For any person to swim except in designated areas and as part of a scheduled and supervised recreational program, sponsored by the Department or authorized by Department permit;

(b) To swim from any boat except when engaged in a legitimate rescue attempt. (Ord. 0-83-2 § 1 (part), 1983).

9.32.210 NUDITY PROHIBITED. It shall be unlawful for any person to appear, or disrobe, so as to expose or uncover his or her lower torso in such a manner as to expose the cleft of the buttocks or genital organs. It shall be unlawful for any female who is twelve years or older to appear, or disrobe, in such a manner as to expose the areola. (Ord. 0-83-2 § 1 (part), 1983).

9.32.220 HORSE RIDING PROHIBITED. It shall be unlawful to ride a horse or other animal except upon the authorized bridle path or other areas which are specifically designated by the Director. (Ord. 0-83-2 § 1 (part), 1983).

9.32.230 GROUP AND NONRECREATIONAL ACTIVITIES. It shall be unlawful:

(1) For any person to make false statements or give false information used in connection with an application for a permit hereunder;

(2) For any person to engage, or prepare to engage, in any group or nonrecreational activities in any park or recreation facility within

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the City except as authorized by a written permit issued by the Director. Any person engaging in group or nonrecreational activities within the park or recreation facility pursuant to permit must carry the permit in his possession while engaging in such activities, and must produce it upon the demand of the Director, his designee or a police agent.

Any person engaging in group or nonrecreational activities within the park pursuant to permit must carry the permit in his possession while engaging in such activities, and must produce it upon the demand of a park supervisor or park ranger or an agent of the Police Department. (Ord. 0-94-33 § 22, 1994; Ord. 0-92-25 § 20, 1992; Ord. 0-86-38 § 9, 1986).

9.32.240 HANG GLIDING PROHIBITED. It shall be unlawful to operate or attempt to operate any hang glider, ultralight aircraft, paraglide, or hot air balloon within any park or recreation facility of the city unless such operation is pursuant to a bona fide emergency landing; however, hot air balloons may be allowed to operate if authorized by a permit issued by the Director or his designee, and provided such operation is not in violation of any rule, regulation, or ordinance of the city. (Ord. 0-92-25 § 21, 1992; Ord. 0-86-38 § 10, 1986).

9.32.250 CAMPING PROHIBITED. It shall be unlawful to camp within any park or recreation facility of the city without a valid camping permit, and a valid parks pass when such pass is required to enter a park or recreation facility. Such camping is then only allowed within designated areas approved by the Director. (Ord. 0-92-25 § 22, 1992; Ord. 0-86-38 § 11, 1986).

9.32.260 DESTRUCTION OF PUBLIC PROPERTY. It shall be unlawful for any person to knowingly remove, destroy, mutilate, modify or deface any building, structure, water control device, fence,

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gate, notice, sign, survey or section marker, tree, shrub, or other plant or vegetation or any other item of public property within any park or recreation facility of the city where the aggregate damage to the public property is less than three hundred dollars. (Ord. 0-86-38 § 12, 1986).

9.32.270 **LITTERING PROHIBITED.** It shall be unlawful to leave any garbage, trash, cans, bottles, papers, or other refuse elsewhere within any park or recreation facility of the city than in the receptacles provided therefor. It shall be unlawful for any person to use the receptacles provided for in this section for the purpose of depositing yard clippings or other garbage or trash generated on private property. (Ord. 0-86-38 § 13, 1986).

9.32.280 **DANGEROUS MISSILES.** It shall be unlawful to discharge, fire, or shoot any air gun, slingshot, pellet gun, blowgun, bow and arrow, single-stage projectile, multi-stage projectile or projectile-launching device in any park or recreation facility of the City, except in designated areas, without written consent of the Director, which consent shall not relieve any person engaged in any such activity from liability for any damage or injury caused thereby, nor impose or create any such liability to the City or any of its employees or agents; provided, however, that this section shall not apply to any activity which is a felony under state law. (Ord. 0-94-33 § 23, 1994; Ord. 0-92-25 § 23, 1992; Ord. 0-86-38 § 13, 1986).

9.32.290 **UNLAWFUL TO SELL OR USE FIREWORKS.** Except as provided in Sections 5.20.030 and 5.20.040, it is unlawful in any park or recreation facility of the city for any person to:

- (1) Possess, use or explode any fireworks; or
- (2) Offer for sale, expose for sale or sell any fireworks. (Ord. 0-86-38 § 15, 1986).

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9.32.300 ANIMALS RUNNING AT LARGE UNLAWFUL.

(a) It is unlawful for the owner of any dog or other animal to permit the same to run at large within any park or recreation facility of the city.

(b) For the purposes of this section, the following definitions shall apply:

(1) "Animal" means any animal brought into domestic use by man so as to live and breed in a tame condition, including, but not limited to, dogs, cats, other household pets, horses, livestock, and animals generally regarded as farm or ranch animals;

(2) "Owner" means any person owning, keeping, or harboring any dog or other animal.

(3) "Running at large" means off the premises of the owner and not under effective control of that owner, his agent, servant, or competent member of his family by means of a leash, cord or chain, reasonable in length. (Ord. 0-86-38 § 16, 1986).

9.32.310 MOTOR VEHICLES. It shall be unlawful:

(1) For any person to operate or park a motor vehicle within any park of the city except in designated areas or as authorized by signs, the Director or his designee, or a police agent.

(2) For any person to operate a motor vehicle within Bear Creek Lake park without a valid parks pass, except in areas designated for entrance without a parks pass.

(3) For any person to leave a motor vehicle within any park of the city when it has been declared closed to the public by the Director, unless the motor vehicle is parked in a designated camping area. Parks shall normally be open daily during the hours posted on signs located at each entrance to the park area, except for activities and events sponsored by the Director or authorized by the Director. (Ord. 0-92-25 § 24, 1992; Ord. 0-86-38 § 17, 1986).

PARKS AND RECREATION

9.32.320 BOATING. (a) Boating shall be prohibited in any body of water managed by the Department, or in any park or recreation facility, unless designated for boating by the Director or his designee.

(b) It shall be unlawful for any person to violate any provisions contained in the Regulations of the Colorado Board of Parks and Outdoor Recreation governing the use of vessels on bodies of water, which are adopted by reference, pursuant to Title 31, Article 16 of the Colorado Revised Statutes. Any violation of such vessel regulations shall be a violation of this provision, punishable as specified in Section 9.32.050 of this chapter.

(c) The following vessel operations shall be prohibited:

(1) No person shall operate a vessel in an area which has been declared closed to the public by the Director.

(2) No person shall operate a vessel on Bear Creek Lake above a wakeless speed and/or with a motor in excess of ten horsepower, except as authorized by the Director.

(3) No person shall operate any motorized vessel on Soda Lakes, except as authorized by the Director.

(4) No person shall operate a vessel while towing any person on a surfboard, inner tube, or similar device, except as authorized by the Director.

(d) The Director, his designee, or a police agent shall be authorized to stop and board any vessel to perform a vessel inspection. (Ord. 0-92-25 § 25, 1992).

9.32.330 HORSE DRAWN CARRIAGES PROHIBITED. It shall be unlawful to operate a horse drawn carriage, or conveyance drawn by any other animal, except in areas specifically designated for such conveyances by the Director or his designee. For purposes of this section, horse drawn carriage means any conveyance pulled by one or more horses. (Ord. 0-92-25 § 26, 1992).

PARKS AND RECREATION

9.32.340 COMMERCIAL OPERATION OF HORSE DRAWN CARRIAGES. Commercial operation of any horse drawn carriage shall be prohibited in any park or recreation facility, except on the roadways within Bear Creek Lake Park. Use of any other park or recreation facility for commercial horse drawn carriage activities shall be deemed a nonrecreational activity, shall require a permit issued to the person using or hiring the commercial horse drawn carriage service, and shall be governed by Section 9.32.030 of this chapter. (Ord. 0-94-51 § 2, 1994; Ord. 0-92-25 § 27, 1992).

9.32.350 GOLFING PROHIBITED. No person shall drive, putt, or in any other fashion play or practice golf or use golf balls or golf clubs in any area of any park or recreation facility of the city except Fox Hollow Golf course and any other area posted for that purpose. (Ord. 0-92-25 § 28, 1992).

9.32.360 VIOLATION OF PARK RULES AND REGULATIONS PROHIBITED. It shall be unlawful for any person to violate any rule and regulation promulgated by the Director pursuant to Section 9.32.020 of the Lakewood Municipal Code. Violations of such rules shall be prosecuted in Municipal Court and punished pursuant to Chapter 1.16 of the Lakewood Municipal Code. (Ord. 0-92-25 § 29, 1992).

SWIMMING REGULATIONS

Chapter 9.33

SWIMMING REGULATIONS

Sections:

9.33.020 Unlawful to swim or wade in irrigation ditches.

9.33.020 UNLAWFUL TO SWIM OR WADE IN IRRIGATION DITCHES. It is unlawful for any person to swim or wade in any irrigation ditch within the city. The provisions of this section shall not apply to any rescue or officially-sanctioned demonstration operations. (Ord. 0-74-1 § 1 (part), 1974).

Chapter 9.34

POLLUTION*

Sections:

9.34.010 Depositing debris in streams and waters.

9.34.010 DEPOSITING DEBRIS IN STREAMS AND WATERS. It is unlawful for any person to throw or deposit or cause or permit to be thrown or deposited in any stream, storm or sanitary sewer, ditch, pond, well, cistern, trough or other body of water, whether artificially or naturally created, or so near thereto as to be liable to pollute the water, any offal composed of animal or vegetable substance or both, any dead animal, sewage, excrement or garbage, trash or debris, any waste

*For statutory provisions regarding water pollution control, see C.R.S. Art. 66-28; for provisions relating to the authority of cities in regard to water pollution control, see C.R.S. 139-32-1(24).

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fuel, oil or other petroleum-based products, paint, chemicals, whether liquid or solid, scrap, construction materials or any other materials that may cause the water to become contaminated. (Ord. 0-74-1 § 1 (part), 1974).

Chapter 9.36

WILDLIFE

Sections:

9.36.010 Harassing, killing or injuring wildlife.

9.36.010 HARASSING, KILLING OR INJURING WILDLIFE. (a) It is unlawful for any person to willfully and unnecessarily shoot, capture, harass, injure or destroy any wild bird or animal or to attempt to shoot, capture, harass, injure or destroy any such wild bird or animal anywhere within this city.

(b) No person shall willfully destroy, rob or disturb the nest, nesting place, burrow, eggs or young of any wild bird or animal anywhere within this city.

(c) Wild bird includes all undomesticated birds native to North America and undomesticated game birds implanted in North America by governmental agencies and includes any domestic duck or goose released by any private person or recreational authority upon any recreational area within this city.

(d) Wild animal includes any animal native to the state, but does not include rattlesnakes, fish or any species of amphibians, Norway rats and common house mice.

(e) The provisions of this chapter do not apply to personnel of any police, fire or animal control agency or the Colorado Division of Wildlife or Department of Health or other state or federal agency when such persons are acting within the scope of

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their official duties as employees of said agencies.

(f) The provisions of this section are not intended to allow the destruction of any bird or animal protected by the laws of the state or the United States of America. (Ord. 0-74-1 § 1 (part), 1974).

Chapter 9.38

SMOKING IN PUBLIC PLACES

Sections:

- 9.38.010 Intent.
- 9.38.020 Definitions.
- 9.38.030 Smoking prohibited in certain public places and common areas.
- 9.38.040 Smoking permitted in certain public places.
- 9.38.050 Designated smoking areas.
- 9.38.060 Signs required to be posted.
- 9.38.070 Responsibilities of proprietors.
- 9.38.080 Enforcement.
- 9.38.090 Penalty.

9.38.010 INTENT. It is the intent of this chapter to protect the public health, safety and welfare by prohibiting smoking in areas which are used by or open to the public and in areas where persons are likely to gather in close proximity to one another unless such areas are designated as smoking areas pursuant to this chapter. (Ord. 0-86-78 § 1 (part), 1986).

9.38.020 DEFINITIONS. As used in this chapter, the following words and phrases are defined as follows:

- (1) "Common area" means a lobby, mall, hallway, elevator,

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restroom, or other enclosed, indoor area where persons are likely to gather in close proximity to one another.

(2) "Public place" means any enclosed, indoor area frequented by the public or serving as a place of work, including, but not limited to, office buildings, restaurants, stores, theaters, banks, educational facilities, recreational facilities, hospitals, nursing homes, health care institutions, libraries, governmental buildings, auditoriums, arenas, meeting rooms, grocery stores and public conveyances.

(3) "Smoke" or "smoking" means the lighting of any cigarette, cigar or pipe, or the possession of any lighted cigarette, cigar or pipe, regardless of the composition of the burning material. (Ord. 0-86-78 § 1 (part), 1986).

9.38.030 SMOKING PROHIBITED IN CERTAIN PUBLIC PLACES AND COMMON AREAS. No person shall smoke in any public place or common area, except in such areas in which smoking is permitted in Sections 9.38.040 and 9.38.050. (Ord. 0-86-78 § 1 (part), 1986).

9.38.040 SMOKING PERMITTED IN CERTAIN PUBLIC PLACES. Smoking is permitted in the following public places:

(1) Establishments in which malt, vinous or spirituous liquors or fermented malt beverages are sold for consumption on the premises pursuant to a license other than an arts license, except for those areas within such establishments which are utilized primarily for restaurant purposes or recreational activities;

(2) Fully enclosed offices or rooms occupied exclusively by smokers, even though the offices or rooms may be visited by nonsmokers;

(3) Retail stores primarily engaged in the sale of tobacco or tobacco products;

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- (4) Restaurants with a seating capacity of thirty or fewer persons;
- (5) Smoking areas designated by the proprietor or person in charge of a public place or common area pursuant to Section 9.38.050;
- (6) Rooms or halls being used for a social or business function where the seating arrangements are under control of the sponsor of the function, not more than fifty percent of the areas of which are designated as smoking areas. (Ord. 0-86-78 § 1 (part), 1986).

9.38.050 DESIGNATED SMOKING AREAS. Portions of the following common areas and public places may be designated by the proprietor or person in charge thereof as smoking areas:

(1) Places of work, provided that in no event shall the proprietor or person in charge fail to provide a smoke-free work area to accommodate an employee who requests the same, and provided that no more than fifty percent of the floor area thereof may be designated as a smoking area.

(2) Restaurants with seating capacities of over thirty persons, provided that the area in which smoking is prohibited is of sufficient size to accommodate, without unreasonable delay, patrons who request to be seated in such an area, and provided that no more than fifty percent of the floor area thereof may be designated as a smoking area, and provided further, that the premises are conspicuously posted at all public entrances, or in a position clearly visible on entry to the restaurant, advising patrons that a nonsmoking area is available. If a waiting area is provided, such area must be a nonsmoking area. If an area is designated for smoking, the proprietor or person in charge of the restaurant shall ensure that any employee directing patron seating shall ask each patron for the patron's preference for seating in a nonsmoking or a smoking area.

(3) Common areas exceeding five thousand square feet, provided that not more than twenty-five percent of the total area is designated as a smoking area, and provided further that any area so designated

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is located such that it is not necessary for nonsmokers to pass through such areas to reach other nonsmoking areas. In no event shall the common areas in any nursing home, hospital or health care facility or public restroom be designated as smoking areas. (Ord. 0-94-33 § 24, 1994; Ord. 0-86-78 § 1 (part), 1986).

9.38.060 SIGNS REQUIRED TO BE POSTED. To advise persons of the existence of "No Smoking" or "Smoking Permitted" areas, signs with letters no less than three-quarter-inch high or symbols no less than three inches high shall be posted as follows:

(1) No proprietor or person in charge of a public place where smoking is prohibited in the entire establishment shall fail to post a sign using the words "No Smoking" or the international no-smoking symbol conspicuously either on all public entrances or in a position clearly visible on entry into the public place.

(2) No proprietor or person in charge of a public place where certain areas are designated as smoking areas pursuant to this chapter shall fail to post a sign using the words "No Smoking Except in Designated Areas" conspicuously either on all public entrances or in a position clearly visible on entry into the public place.

(3) No proprietor or person in charge of a public place where smoking is permitted in the entire establishment shall fail to post a sign using the words "Smoking Permitted" or the international smoking symbol conspicuously either on all public entrances or in a position clearly visible on entry into the public place. (Ord. 0-86-78 § 1 (part), 1986).

9.38.070 RESPONSIBILITIES OF PROPRIETORS. No proprietor or person in charge of a public place or common area shall fail to make reasonable efforts to obtain compliance with this chapter in such places by:

- (1) Posting appropriate signs, as required by this chapter;
- (2) Arranging work areas to provide a smoke-free area, as required by this chapter;

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- (3) Asking smokers to refrain from smoking upon request of a client or employee suffering discomfort from the smoke;
- (4) Affirmatively directing smokers to designated smoking areas;
- (5) Using existing physical barriers and ventilation systems to minimize the toxic effect of transient smoke in adjacent no-smoking areas; and
- (6) Using any other means which may be appropriate to further the intent of this chapter. (Ord. 0-86-78 § 1 (part), 1986).

9.38.080 ENFORCEMENT. The police agents of the Police Department shall have all necessary power and authority to enforce this chapter pertaining to smoking in public places. The Zoning Inspectors shall have all necessary power and authority to enforce Section 9.38.050 and Section 9.38.060 of this Chapter pertaining to smoking in public places. (Ord. 0-94-33 § 25, 1994; Ord. 0-91-59 § 4 (part), 1991; Ord. § 0-86-78 § 1 (part), 1986).

9.38.090 PENALTY. It is unlawful for any person to violate any of the provisions of this chapter. The penalty for violation of any provision of this chapter is a fine of not less than twenty-five dollars, and no more than three hundred dollars. Each day of a continuing violation shall be deemed to be a separate violation. (Ord. 0-86-78 § 1 (part), 1986).

SOLICITATION OF DRINKS

IV. OFFENSES AGAINST PUBLIC
DECENCY

Chapter 9.40

SOLICITATION OF DRINKS

Sections:

9.40.010 Unlawful.

9.40.010 UNLAWFUL. (a) It is unlawful, in any place of business where alcoholic beverages are sold to be consumed upon the premises, for any person to beg or to solicit any patron or customer of or visitor in such premises to purchase any alcoholic beverage, for the one begging or soliciting.

(b) It is unlawful for the proprietor or operator or person in charge of any such establishment to knowingly permit or allow the presence in such establishment of any person who violates the provisions of this section. (Ord. 0-74-1 § 1 (part), 1974).

POSSESSION OF ALCOHOLIC BEVERAGES

Chapter 9.41

CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES

Sections:

- 9.41.010 Definitions.
- 9.41.020 Open containers—Unlawful.
- 9.41.030 Open container in motor vehicle—Unlawful.
- 9.41.040 Presumption.
- 9.41.050 Unlawful to sell or give alcohol to underage person.
- 9.41.060 Purchases of alcohol prohibited.
- 9.41.070 Possession of alcohol prohibited.

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

(1) “Alcoholic liquors” means fermented malt beverage, malt, vinous, or spiritous liquors.

(2) “Fermented malt beverage” means 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 containing not less than one-half of one percent and not more than three and two-tenths percent of alcohol by weight.

(3) “Malt liquor” includes beer and shall be construed to mean any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof, in water containing more than three and two-tenths percent of alcohol by weight.

(4) “Open container” means any bottle, can, box, glass, or other device used for the storage and/or sale of beverage, which has had its cap or other permanent seal broken so as to allow

POSSESSION OF ALCOHOLIC BEVERAGES

access to its contents. Further, "open container" means any item used for the storage or transport of beverage which has no permanent cap, top, or sealer.

(5) "Spirituous liquors" means any alcoholic beverage obtained by distillation, mixed with water and other substances in solution, and includes among other things, brandy, rum,

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whiskey, gin, and every liquid or solid, patented or not, containing at least one-half of one percent alcohol and which is fit for use for beverage purposes. Any liquid or solid containing beer or wine in combination with any other liquor except as provided in subsections (2), (3), and (6) of this section shall not be construed to be fermented malt beverage, malt liquor, or vinous liquor, but shall be construed to be spirituous liquor.

(6) "Vinous liquors" means wine and fortified wines which contain not less than one-half of one percent and not more than twenty-one percent alcohol by volume and shall be construed to mean alcoholic beverage obtained by the fermentation of the natural sugar contents of fruit or other agricultural products containing sugar. (Ord. 0-87-73 § 1 (part), 1987).

9.41.020 OPEN CONTAINERS – UNLAWFUL. It is unlawful for any person to be in possession of any open container containing any alcoholic liquor or to consume any alcoholic liquor on any public highway, street, alley, sidewalk, parking lot, or other public place; or upon any private property without the permission of the owner or person in lawful possession and control of such property or such person's agent; except on any public highway, street, alley, sidewalk, or other public place for which a block party permit has been issued by the City Clerk's Office or a permit or a license has been issued by the Lakewood Liquor and Fermented Malt Beverage Licensing Authority. This provision shall not apply to the possession of a fermented malt beverage in any park or recreation area of the city when permitted by Section 9.32.100 of the Lakewood Municipal Code. (Ord. 0-87-73 § 1 (part), 1987).

9.41.030 OPEN CONTAINER IN MOTOR VEHICLE – UNLAWFUL. It is unlawful for any person to be in possession of any open container containing any alcoholic liquor or to

POSSESSION OF ALCOHOLIC BEVERAGES

consume any alcoholic liquor within or on the passenger compartment of a motor vehicle, including motorcycles, while such vehicle is in motion, parked, stopped or standing on any public highway, street, alley, sidewalk, parking lot, or other public place, or private property without the permission of the owner or person in lawful possession and control of such property or such person's agent. If a vehicle does not have a trunk or compartment separate from the passenger compartment, a container which is open shall be encased or enclosed. This provision shall not apply to the possession of a fermented malt beverage in any park or recreation area of the city when permitted by Section 9.32.100 of the Lakewood Municipal Code. (Ord. 0-87-73 § 1 (part), 1987).

9.41.040 PRESUMPTION. Any liquid found in any container as described in this chapter, and which in the sensory perception of the investigating agent either looks or smells like alcohol, shall constitute in evidence a prima facie presumption that the liquid is an alcoholic liquor. (Ord. 0-94-33 § 26, 1994; Ord. 0-87-73 § 1 (part), 1987).

9.41.050 UNLAWFUL TO SELL OR GIVE ALCOHOL TO UNDERAGE PERSON. It is unlawful for any person to sell, serve, deliver, or give away any alcoholic liquor to any person under the age of twenty-one years. (Ord. 0-94-33 § 27, 1994; Ord. 0-87-73 § 1 (part), 1987).

9.41.060 PURCHASES OF ALCOHOL PROHIBITED. It is unlawful for any person under the age of twenty-one years to purchase or attempt to purchase any alcoholic liquor. (Ord. 0-94-33 § 28, 1994; Ord. 0-87-73 § 1 (part), 1987).

9.41.070 POSSESSION OF ALCOHOL PROHIBITED. It is unlawful for any person under the age of twenty-one years to have in his possession or under his control any alcoholic liquor. (Ord. 0-94-33 § 29, 1994; Ord. 0-87-73 § 1 (part), 1987).

HARBORING OF MINORS

Chapter 9.42

HARBORING OF MINORS

Sections:

9.42.010 Harboring of minors unlawful.

9.42.010 HARBORING OF MINORS UNLAWFUL. (a) It is unlawful for any person to harbor, keep secret, or provide shelter for an unmarried child under eighteen years of age without the consent of the parent, legal guardian, or other person having legal custody of such child.

(b) It is unlawful for any person to harbor, keep secret, or provide shelter for an unmarried child under eighteen years of age when such person knows the child to be a parole violator or a fugitive from legal process.

OFFENSES RELATING TO MARIJUANA

(c) This chapter shall not apply to peace officers working in their official capacities or other persons working in their official capacities as employees or members of the staffs of agencies authorized by the state of Colorado to harbor minors. (Ord. 0-84-76 § 1, 1984).

Chapter 9.43

OFFENSES RELATING TO MARIJUANA

Sections:

- 9.43.010 Legislative intent.
- 9.43.020 Definitions.
- 9.43.030 Possession of marijuana.
- 9.43.040 Public display, consumption, or use of marijuana.
- 9.43.050 Penalty.
- 9.43.060 Exemption.

9.43.010 **LEGISLATIVE INTENT.** It is the intent and purpose of this chapter not to cover or include offenses which are felonies under the Colorado Revised Statutes, as amended, and this chapter shall not be otherwise construed. (Ord. 0-91-28 § 1 (part), 1991).

9.43.020 **DEFINITIONS.** As used in this Chapter, unless the context otherwise requires:

(1) "Marijuana" or "Marihuana" mean all parts of the plant *cannabis sativa* L., 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. It does not include fiber produced from the stalks, oil or cake made from the seeds of the plant, or sterilized

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seed of the plant which is incapable of germination, if these items exist apart from any other item defined as "marijuana" in this subsection (1). "Marijuana" does not include marijuana concentrate as defined in subsection (2) of this section.

(2) "Marijuana concentrate" means hashish, tetrahydrocannabinols, or any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized, of tetrahydrocannabinols. (Ord. 0-91-28 § 1 (part), 1991).

9.43.030 POSSESSION OF MARIJUANA. It is unlawful for any person to knowingly possess not more than one ounce of marijuana. (Ord. 0-91-28 § 1 (part), 1991).

9.43.040 PUBLIC DISPLAY, CONSUMPTION, OR USE OF MARIJUANA. It is unlawful for any person to openly and publicly display, consume, or use not more than one ounce of marijuana. (Ord. 0-91-28 § 1 (part), 1991).

9.43.050 PENALTY. (a) A person convicted of possession of not more than one ounce of marijuana shall be punished by a fine of not more than one hundred dollars.

(b) A person convicted of openly and publicly displaying, consuming or using not more than one ounce of marijuana shall be punished, at a minimum, by a fine of not less than one hundred dollars, or at a maximum, by a fine of not more than one hundred dollars and by fifteen days imprisonment, unless such imprisonment is prohibited because such person is a juvenile.

(c) The court and the prosecuting attorneys may utilize treatment, probation, community service, and deferred prosecution or deferred judgment and sentencing for any person who violates Section 9.43.030 or Section 9.43.040 of this chapter. (Ord. 0-91-28 § 1 (part), 1991).

9.43.060 EXEMPTION. The provisions of this chapter shall not apply to any person who possesses, uses, prescribes, dispenses,

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or administers marijuana pursuant to the "Dangerous Drugs Therapeutic Research Act", part 9 of article 5 of title 25, C.R.S. 1973, or who possesses, uses, prescribes, dispenses, or administers any drug classified under group C guidelines of the national cancer institute, as amended, approved by the federal food and drug administration. (Ord. 0-91-28 § 1 (part), 1991).

DISORDERLY CONDUCT

V. OFFENSES AGAINST PUBLIC PEACE

Chapter 9.50

DISORDERLY CONDUCT*

Sections:

- 9.50.010 Disorderly conduct—Unlawful.
- 9.50.020 Disrupting lawful assembly.
- 9.50.040 Harassment.
- 9.50.050 Interference with staff, faculty or students of educational institutions.
- 9.50.060 Public buildings—Trespass, interference—Penalty.
- 9.50.070 Urination and defecation in public.
- 9.50.080 Public indecency.
- 9.50.100 Window peeping.

9.50.010 DISORDERLY CONDUCT — UNLAWFUL. (a) It is unlawful for any person to intentionally, knowingly or recklessly:

(1) Make a coarse and obviously offensive utterance, gesture or display in a public place when such utterance, gesture or display causes injury or tends to invite an immediate breach of the peace;

(2) Abuse or threaten a person in a public place in an obviously offensive manner when such abusive or threatening

*For statutory provisions relating to offenses against the public peace generally, see C.R.S. 40-8; for provisions authorizing cities to prevent disorderly conduct, see C.R.S. 139-32-1(53); for provisions authorizing cities to prevent and suppress riots, routs, noises, etc., see C.R.S. 139-32-1(55).

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act causes injury or tends to invite immediate breach of the peace; or

(3) Fight with another in a public place except as a participant in a sporting event.

(b) It is an affirmative defense to prosecution under subdivision (2) of subsection (a) of this section where the actor has significant provocation for his abusive or threatening conduct. (Ord. 0-77-16 § 2, 1977; Ord. 0-74-1 § 1 (part), 1974).

9.50.020 DISRUPTING LAWFUL ASSEMBLY. It is unlawful for any person to disrupt a lawful assembly if, with the intent 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 utterances or any other means. (Ord. 0-74-1 § 1 (part), 1974).

9.50.040 HARASSMENT. (1) A person commits harassment if, with intent to harass, annoy, or alarm another person, he:

(a) Strikes, shoves, kicks, or otherwise touches a person or subjects him to physical contact; or

(b) In a public place directs obscene language or makes an obscene gesture to or at another person; or

(c) Follows a person in or about a public place; or

(d) Initiates communication with a person, anonymously or otherwise in writing, in a manner intended to harass or threaten bodily harm or property damage, or makes any comment, request, suggestion, or proposal in writing which is obscene; or

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(e) Initiates communication with a person, anonymously or otherwise by telephone, in a manner intended to harass or threaten bodily harm or property damage, or makes any comment, request, suggestion, or proposal by telephone which is obscene; or

(f) Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or

(g) Repeatedly insults, taunts, or challenges another in a manner likely to provoke a violent or disorderly response.

(1.5) As used in this section, unless the context otherwise requires, "obscene" means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus, or excretory functions.

(2) Any act prohibited by subdivision (d) or (e) of subsection (1) of this section may be deemed to have occurred or to have been committed at the place at which the writing or the telephone call was either made or received. (Ord. 0-94-33 § 30, 1994; Ord. 0-87-27 §§ 6, 7, 1987; Ord. 0-80-24 § 1, 1980; Ord. 0-77-16 § 3, 1977; Ord. 0-74-1 § 1 (part), 1974).

9.50.050 INTERFERENCE WITH STAFF, FACULTY OR STUDENTS OF EDUCATIONAL INSTITUTIONS. (a) It is unlawful for any person, on or near the premises or facilities of any educational institution, to willfully deny to students, school officials, employees and invitees:

(1) Lawful freedom of movement on the premises; or

(2) Lawful use of the property or facilities of such institution;

or

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(3) The right of lawful ingress and egress to the institution's physical facilities.

(b) It is unlawful for any person, on the premises of any educational institution or at or in any building or other facility being used by any educational institution, to willfully impede the staff or faculty of such institution in the lawful performance of their duties, or willfully impede a student of such institution in the lawful pursuit of his educational activities, through the use of restraint, coercion or intimidation, or when force and violence are present or threatened.

(c) It is unlawful for any person to willfully refuse or fail to leave the property of, or any building or other facility used by, any educational institution upon being requested to do so by the chief administrative officer, his designees charged with maintaining order on the school premises and in its facilities, or a dean of such educational institution, if such person is committing, threatens to commit or incites others to commit any act which would disrupt, impair, interfere with or obstruct the lawful missions, processes, procedures or functions of the institution.

(d) It is unlawful for any person with intent to interfere with or disrupt the school program or with intent to interfere with or endanger school children, to loiter in a school building or on school grounds or within one hundred feet of school grounds when persons under the age of eighteen are present in the building or on the grounds, not having any reason or relationship involving custody of, or responsibility for, a pupil or any other specific, legitimate reason for being there, and having been asked to leave by a school administrator or his representative or by a peace officer. "Loiter" means to be dilatory, to stand idly around, to linger, delay, or wander about, or to remain, abide or tarry in a public place.

(e) Nothing in this section shall be construed to prevent

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lawful assembly and peaceful and orderly petition for the redress of grievances, including any labor dispute between an educational institution and its employees, any contractor or subcontractor, or any employee thereof. (Ord. 0-87-27 § 8, 1987; Ord. 0-74-1 § 1 (part), 1974).

9.50.060 PUBLIC BUILDINGS – TRESPASS, INTERFERENCE – PENALTY. (a) It is unlawful for any person to so conduct himself at or in any public building owned, operated or controlled by the city, the state or any of its political subdivisions, as to willfully deny to any public official, public employee or any invitee on such premises, the lawful rights of such official, employee or invitee to enter, use the facilities of, or to leave, any such public building.

(b) It is unlawful for any person, at or in any such public building, to willfully impede any public official or employee in the lawful performance of duties or activities through the use of restraint, coercion or intimidation, or by force and violence or threat thereof.

(c) It is unlawful for any person to willfully refuse or fail to leave any such public building upon being requested to do so by the chief administrative officer, or designee, charged with maintaining order in such public building, if such person has committed, is committing, threatens to commit or incites others to commit any act which did, or would if completed, disrupt,

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impair, interfere with or obstruct the lawful missions, processes, procedures or functions being carried on in such public building.

(d) It is unlawful for any person, at any meeting or session conducted by any judicial, legislative or administrative body or official at, or in, any public building, to wilfully impede, disrupt or hinder the normal proceedings of such meeting or session by any act of intrusion into the chamber or other areas designated for the use of the body or official conducting such meeting or session, or by any act designed to intimidate, coerce or hinder any member of such body or official engaged in the performance of duties of such meeting or session.

(e) It is unlawful for any person, by any act of intrusion into the chamber or other areas designated for the use of any executive body or official, or in any public building, to wilfully impede, disrupt or hinder the normal proceedings of such body or official. (Ord. 0-94-33 § 31, 1994; Ord. 0-74-1 § 1 (part), 1974).

9.50.070 URINATION AND DEFECATION IN PUBLIC. It is unlawful for any person to urinate or defecate in the public view, whether in or on public or private property, except in a room or area designated and equipped for such purposes. (Ord. 0-83-75 § 1, 1983).

9.50.080 PUBLIC INDECENCY. It is unlawful for any person to commit public indecency. Any person who performs any of the following in a public place or where the conduct may reasonably be expected to be viewed by members of the public commits public indecency:

- (1) An act of sexual intercourse; or
- (2) An act of deviate sexual intercourse; or
- (3) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of any person; or

NIGHTTIME LOITERING BY JUVENILES

(4) A lewd fondling or caress of the body of another person. (Ord. 0-85-3 § 1, 1985).

9.50.090 INDECENT EXPOSURE. It is unlawful for any person to commit indecent exposure. A person commits indecent exposure if he knowingly 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. 0-85-3 § 2, 1985).

9.50.100 WINDOW PEEPING. It shall be unlawful for any person to knowingly look, peer, or peep into any window, door, skylight, or other opening of any dwelling of another, in a situation where the person being observed has a reasonable expectation of privacy, without that person's consent, with the intent of spying on another or invading another's privacy, or going onto another's premises for that purpose. This section shall not apply to any act committed by a peace officer in the lawful discharge of his duties. (Ord. 0-93-72 § 1, 1993).

Chapter 9.51

NIGHTTIME LOITERING BY JUVENILES

Sections:

- 9.51.010 Findings of fact.
- 9.51.020 Definitions.
- 9.51.030 Juvenile nighttime loitering.
- 9.51.040 Parental responsibility for juvenile nighttime loitering.

9.51.010 FINDINGS OF FACT. The City Council hereby finds:
(a) Juveniles congregating in the City on public streets and public places in the late evening and early morning hours have caused general disturbances to residents, disorderly assemblies,

NIGHTTIME LOITERING BY JUVENILES

fighters, and have been involved in an excessive number of other criminal activities such as drug and alcohol related crimes, thefts, violent crimes against persons, and property crimes.

(b) Juveniles loitering in public during the nighttime hours are frequently the victims of criminal activity perpetrated by both juveniles and adults.

(c) Special regulation of juveniles is necessary to protect juveniles from each other and from other persons in public during nighttime hours, to aid in crime prevention, to promote parental supervision and authority over juveniles, to assist parents to assert control and responsibility over their children, to decrease nighttime juvenile criminal activity, and to protect the public from nighttime criminal activities by juveniles. (Ord. 0-93-53 § 1 (part), 1993).

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9.51.020 DEFINITIONS. For the purposes of this chapter, the words and phrases used herein, unless the context otherwise indicates, shall have the following meaning:

(a) "Loiter" or "loitering" shall mean to remain idle in essentially one location, to be dilatory, to tarry, to dawdle, whether in or out of a motor vehicle, and shall include but not be limited to standing around, hanging out, sitting, kneeling, sauntering, or prowling.

(b) "Permit or allow" means to consent, to tolerate, to give permission, to authorize, or to give opportunity. (Ord. 0-93-53 § 1 (part), 1993).

9.51.030 JUVENILE NIGHTTIME LOITERING. It shall be unlawful for any person under the age of 18 years to loiter on or about any street, avenue, highway, road, sidewalk, curb, gutter, parking lot, alley, vacant lot, park, playground, yard, building, place of amusement, or eating place, whether public or private, without the consent or permission of the owner or occupant thereof, between the hours of 11:00 p.m. on any day and 6:00 a.m. of the following day; provided, however; that on Saturday and Sunday the effective hours of this prohibition are between 12:00 a.m. and 6:00 a.m. of the same day. No violation of this provision will have occurred if the person under the age of 18 years is accompanied by a parent, guardian, or other adult person over the age of 21 years who is authorized by a parent or guardian of such juvenile to take said parent's or guardian's place in accompanying said juvenile for a designated period of time and purpose within a specified area. (Ord. 0-93-53 § 1 (part), 1993).

9.51.040 PARENTAL RESPONSIBILITY FOR JUVENILE NIGHTTIME LOITERING. It shall be unlawful for the parent, guardian, or other adult person having the care and custody of a juvenile under the age of 18 years to knowingly permit or allow such juvenile to loiter at the places and within the time prohibited by Section 9.51.030 of this chapter. The term "knowingly" includes knowledge which a parent should be reasonably expected to have concerning the whereabouts of a juvenile in that parent's or guardian's custody. It shall be no defense that a parent, guardian, or

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other person having the care and custody of the juvenile was indifferent to the activities, conduct or whereabouts of such juvenile. No violation of this provision will have occurred if the responsible adult has made a missing person notification to his local police department prior to the juvenile's violation of Section 9.51.030 of this chapter. (Ord. 0-93-53 § 1 (part), 1993).

Chapter 9.52

NOISE*

Sections:

I. Short Title, Policy and General Definitions

- 9.52.010 Short title.
- 9.52.020 Declaration of policy.
- 9.52.030 Definitions.

II. Prohibited Noise—General Prohibition

- 9.52.040 Unlawful to make.
- 9.52.050 Unlawful noises generally.
- 9.52.060 Bells and chimes.
- 9.52.070 Radios, television sets, phonographs and similar devices—Use restricted.
- 9.52.080 Animals or birds.
- 9.52.090 Exhausts—Mufflers.
- 9.52.100 Defect in vehicle or load.

*For statutory provisions authorizing cities to prevent and suppress noise, see C.R.S. 31-15-401(1)(e).

Prior ordinance history: Ords. 0-74-1, 0-85-13.

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- 9.52.110 Quiet zone.
- 9.52.120 Dynamic braking devices.
- 9.52.130 Truck loading.

III. Prohibited Noise Sound Level Standards

- 9.52.140 Construction activities.
- 9.52.150 Power equipment.
- 9.52.155 Temporary exemption from ordinance.

IV. Amplified Sound

- 9.52.160 Amplified sound.
- 9.52.170 Application for permit to use sound-amplifying equipment in a motor vehicle.
- 9.52.180 Application for a permit to use sound-amplifying equipment until midnight.
- 9.52.190 Permit issuance.

I. Short Title, Policy and General Definitions

9.52.010 **SHORT TITLE.** This chapter shall be known as the Lakewood Noise Control Ordinance. (Ord. 0-86-42 § 1 (part), 1986).

9.52.020 **DECLARATION OF POLICY.** It is declared that at certain levels, noise is detrimental to public health, comfort, convenience, safety and welfare of the citizens of the city. This chapter is enacted to protect, preserve and promote the health, welfare, peace and quiet of the citizens of Lakewood through the reduction, prohibition and regulation of noise. It is the intent of this chapter to establish and provide for sound levels that will eliminate unreasonable and excessive noise, reduce community noise, promote a comfortable enjoyment of life, property and conduct of business, and prevent sound levels which are physically harmful and detrimental to individuals and the community. (Ord. 0-86-42 § 1 (part), 1986).

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9.52.030 DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this chapter.

(1) "Commercial district" means the following: (A) an area where offices, clinics and the facilities needed to serve them are located; (B) an area with local shopping and service establishments; (C) a tourist-oriented area where hotels, motels and gasoline stations are located; (D) a business strip along a main street containing offices, retail businesses and commercial enterprises; (E) other commercial enterprises and activities which do not involve the manufacturing, processing or fabrication of any commodity. "Commercial district" includes, but is not limited to, any parcel of land zoned as a convenience commercial district, a neighborhood commercial district, a community commercial district, a commercial district, a large lot commercial district or an office district, under the zoning ordinance of the city.

(2) "Commercial purpose" means and includes the use, operation or maintenance of any sound or amplifying equipment, for the purpose of advertising any business, any goods or any services, or for the purpose of attracting the attention of the public to or advertising for or soliciting the patronage of customers to or for any performance, show, entertainment, exhibition or event, or for the purpose of demonstrating any such sound equipment.

(3) "Construction activities" means any and all activity incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, structures, roads or appurtenances thereto, including land clearing, grading, excavating and filling.

(4) "Continuous noise" means a steady, fluctuating or impulsive noise which exists, essentially without interruption, for a period of ten minutes or more, with an accumulation of an hour or more during a period of eight hours.

(5) "Device" means any mechanism which is intended to

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produce or which actually produces sound when operated or handled.

(6) “Dynamic braking device” means a device used primarily on trucks for the conversion of the motor from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

(7) “Emergency work” is work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger or potential danger.

(8) “Industrial district” means an area in which enterprises and activities which involve the manufacturing, processing or fabrication of any commodity are located. “Industrial district” includes, but is not limited to, any parcel of land zoned as an industrial district or a planned development district with uses permitted in an industrial district under the zoning ordinance of the city.

(9) “Motor vehicle” means any vehicle, such as, but not limited to, a passenger vehicle, truck, truck-trailer, trailer or semi-trailer, propelled or drawn by mechanical power, and includes motorcycles, snowmobiles, minibikes, go-carts and any other vehicle which is self-propelled.

(10) “Muffler” means any apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.

(11) “Noncommercial purpose” means the use, operation or maintenance of any sound-amplifying equipment for other than a commercial purpose. “Noncommercial purpose” means and includes, but is not limited to, philanthropic, political, patriotic and charitable purposes.

(12) “Residential district” means an area of single or multiple-family dwellings and includes areas where multiple-unit dwellings, highrise apartments and high-density residential districts are located. “Residential district” also includes, but is not limited to, hospitals, nursing homes, homes for the aged, schools, courts and similar institutional facilities. “Residential district” includes, but is not limited to, land zoned as a large lot residential district, a small lot

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residential district, a duplex residential district, a high-density residential district, a medium-density residential district, or a mobile home residential district under the zoning ordinance of the city.

(13) "Sound-amplifying equipment" means any machine or device for the amplification of a human voice, music or any other sound, or by which the human voice, music or any other sound is amplified.

(14) "Unreasonable noise" means any excessive or unusually loud sound, or any sound which disturbs the peace and quiet of any neighborhood or causes damage to any property or business. (Ord. 0-94-33 §§ 32, 33, 1994; Ord. 0-86-42 § 1 (part), 1986).

II. Prohibited Noise — General Prohibition

9.52.040 UNLAWFUL TO MAKE. No person shall knowingly make or continue, or cause to be made or continued, any unreasonable noise within the city. (Ord. 0-86-42 § 1 (part), 1986).

9.52.050 UNLAWFUL NOISES GENERALLY. The following acts, enumerated in Sections 9.52.060 through 9.52.160, are declared to cause unreasonable noises in violation of this chapter; provided, however, that the following enumeration is not in limitation of Section 9.52.040, and is not exclusive. (Ord. 0-86-42 § 1 (part), 1986).

9.52.060 BELLS AND CHIMES. No person shall use, operate, cause or permit to be sounded any bell or chime, or any device for the production or reproduction of the sounds of bells or chimes, from any church, clock or school, between the hours of ten p.m. of one day and seven a.m. of the following day. (Ord. 0-86-42 § 1 (part), 1986).

9.52.070 RADIOS, TELEVISION SETS, PHONOGRAPHS AND SIMILAR DEVICES — USE RESTRICTED. It is unlawful for any person to use, operate or permit to be played any radio receiving set, musical instrument, television, phonograph, drum or

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other machine or device for the production or reproduction of sound in such a manner as to cause any unreasonable noise. (Ord. 0-94-33 § 34, 1994; Ord. 0-86-42 § 1 (part), 1986).

9.52.080 ANIMALS OR BIRDS. No person shall keep or maintain or permit the keeping of, on any premises owned, occupied or controlled by such person, any animal or bird otherwise permitted to be kept, which by frequent or habitual howling, barking, meowing, squawking or other noise unreasonably disturbs the peace and quiet of any neighborhood or causes discomfort or annoyance to any person. (Ord. 0-86-42 § 1 (part), 1986).

9.52.090 EXHAUSTS — MUFFLERS. No person shall discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, air compressor equipment, motorboat, motor vehicle or other power device, which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unreasonable noise, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass or similar device. (Ord. 0-86-42 § 1 (part), 1986).

9.52.100 DEFECT IN VEHICLE OR LOAD. It is unlawful for any person to operate, or cause or permit to be operated or used, any automobile, truck, motorcycle or other motor vehicle so out of repair, so loaded or in such a manner as to cause any unreasonable noise. (Ord. 0-94-33 § 35, 1994; Ord. 0-86-42 § 1 (part), 1986).

9.52.110 QUIET ZONE. The creation of any unreasonable noise is prohibited within the vicinity of any school, institution of learning, church or court while the same is in use or session, which unreasonably interferes with the workings of such institution, or within the vicinity of any hospital, nursing home or home for the aged, or which disturbs or unduly annoys patients in the hospital or

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residents in the nursing home or home for the aged, provided conspicuous signs are displayed in adjacent, surrounding or contiguous streets indicating that the same is a school, hospital, nursing home, home for the aged, church or court. (Ord. 0-86-42 § 1 (part), 1986).

9.52.120 DYNAMIC BRAKING DEVICES. No person shall operate any motor vehicle with a dynamic braking device engaged which is not properly muffled. (Ord. 0-86-42 § 1 (part), 1986).

9.52.130 TRUCK LOADING. No person shall load any garbage, trash or compactor truck, or any other truck, whereby the loading, unloading or handling of boxes, crates, equipment or other objects is conducted within a residential district or

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within three hundred feet of any hotel or motel between the hours of ten p.m. of one day and seven a.m. of the following day. (Ord. 0-86-42 § 1 (part), 1986).

III. Prohibited Noise — Sound Level Standards

9.52.140 CONSTRUCTION ACTIVITIES. Except as otherwise provided in this chapter, no person shall engage in, cause or permit any person to be engaged in construction activities in any residential or commercial district between the hours of nine p.m. of one day and six a.m. of the following day. Construction activities directly connected with the abatement of an emergency are excluded from the provisions of this section. (Ord. 0-86-42 § 1 (part), 1986).

9.52.150 POWER EQUIPMENT. No person shall operate or permit to be operated on any private property, or on the public way within any residential or commercial district(s), any power equipment used for home or building repair or grounds maintenance, or any construction equipment used for construction activities, between the hours of ten p.m. of one day and seven a.m. of the next day. Such power equipment shall include, but not be limited to, lawn mowers, garden tools, snow removal equipment, electric or chain saws, pavement breakers, log chippers, riding tractors, or powered hand tools. (Ord. 0-86-42 § 1 (part), 1986).

9.52.155 TEMPORARY EXEMPTION FROM ORDINANCE.
(a) Applications for a temporary exemption from the provisions of Sections 9-52.140 and 9.52.150 shall be made to the City Manager or his designee.

(b) In approving or denying a temporary exemption, consideration shall be given to effective dates, hours of operation, type of noise, location, loudness, equipment noise characteristics and public health, safety and welfare.

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(c) Any temporary exemption approved hereunder may provide for, without limitation, a public information program prior to construction, restrictions on effective dates, hours of operation, type of noise, location, loudness, and equipment type relating to that particular activity giving rise to the relief requested.

(d) The City Manager shall promptly notify the City Council of each temporary exemption approved. (Ord. 0-92-4 § 1, 1992).

IV. Amplified Sound

9.52.160 AMPLIFIED SOUND. (a) No person shall use or operate any loudspeaker, public address system, or other sound-amplifying equipment for the purpose of giving instructions, directions, talks, addresses or lectures, or for transmitting

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music or sound to any persons or assemblages of persons, between the hours of ten p.m. of one day and seven a.m. of the following day, in such a manner as to be plainly audible at the property line; provided, however, that if a permit has been issued by the City Clerk pursuant to Section 9.52.190, the intensity and loudness of any amplified sound between the hours of ten p.m. and midnight of the same day shall not be unreasonable. In any event, the intensity and loudness of any amplified sound, which is transmitted between the hours of seven a.m. and ten p.m. of one day, shall not be unreasonable.

(b) No person shall use or operate any loudspeaker, public address system, or other sound-amplifying equipment in a motor vehicle in such a manner as to be plainly audible at twenty-five feet from the motor vehicle, unless a permit has been issued by the City Clerk pursuant to Section 9.52.190 which allows such amplification. If such a permit has been issued, the intensity and loudness of any amplified sound, which is transmitted between the hours of seven a.m. and ten p.m. of one day, shall not be unreasonable.

(c) The provisions of this section shall not apply to any bell or chime or any device for the production or reproduction of the sound of bells or chimes from any church, clock or school.

(d) The provisions of this section shall not apply to sound made on property owned by, controlled by, or leased to the city, the federal government, or to any branch, subdivision, institution or agency of the government of this state or any political subdivision within it, and 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. 0-86-42 § 1 (part), 1986).

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9.52.170 APPLICATION FOR PERMIT TO USE SOUND-AMPLIFYING EQUIPMENT IN A MOTOR VEHICLE. Any person, partnership, association, or corporation desiring to use or operate any loudspeaker, public address system, or other sound-amplifying equipment in or from a motor vehicle for either commercial or noncommercial purposes must first obtain a permit from the City Clerk. The permit may authorize the use or operation of such sound-amplifying equipment between the hours of seven a.m. and ten p.m. of one day. The application for the permit shall be filed with the City Clerk and shall provide the following information:

- (1) The name, address and telephone number of both the owner and the user of the sound-amplifying equipment;
- (2) The license number of the motor vehicle which is to be used;
- (3) The general description of the sound-amplifying equipment which is to be used;
- (4) Whether the sound-amplifying equipment will be used for commercial or noncommercial purposes; and
- (5) The dates upon which and the streets over which the equipment is proposed to be operated. (Ord. 0-86-42 § 1 (part), 1986).

9.52.180 APPLICATION FOR PERMIT TO USE SOUND-AMPLIFYING EQUIPMENT UNTIL MIDNIGHT. Any person, partnership, association or corporation desiring to use or operate any loudspeaker, public address systems, or other sound-amplifying equipment for the purpose of giving instructions, directions, talks, addresses, or lectures, or for transmitting music or sound to any persons or assemblages of persons between the hours of ten p.m. and midnight of the same day, for either a commercial or noncommercial purpose, must first obtain a permit from the City Clerk. Such a permit may only be

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issued by the City Clerk for Friday or Saturday evenings. The City Clerk may not approve more than two permits per calendar year to be used at any one site within the city. The application for a permit shall be filed with the City Clerk and shall provide the following information:

- (1) The name, address and telephone number of both the owner and the user of the sound amplifying equipment;
- (2) The general description of the sound-amplifying equipment which is to be used;
- (3) Whether the sound-amplifying equipment will be used for commercial or noncommercial purposes;
- (4) The location where the sound-amplifying equipment will be operated; and
- (5) The date upon which the sound amplifying equipment will be used. (Ord. 0-86-42 § 1 (part), 1986).

9.52.190 PERMIT ISSUANCE. Permits required by Sections 9.52.170 and 9.52.180 may be issued by the City Clerk if the City Clerk finds that the conditions of motor vehicle movement or pedestrian movement are such that the use of the equipment will not constitute an unreasonable interference with traffic safety, that the applicant will not violate the hour restrictions of the permit, and that the use of the sound-amplifying equipment will not disturb the peace and quiet of any neighborhood. An applicant may appeal the denial of a permit by the City Clerk to the City Manager if such appeal is filed in writing with the City Manager within seven days of the denial of said permit by the City Clerk. The City Manager or his designee shall conduct any hearing and/or review of the denial of the permit request, and his decision shall be final. The City Manager may promulgate rules and regulations or procedures to govern any such hearing and/or review. (Ord. 0-86-42 § 1 (part), 1986).

INJURING OR DESTROYING PROPERTY

VI. OFFENSES AGAINST PROPERTY

Chapter 9.60

INJURING OR DESTROYING PROPERTY*

Sections:

- 9.60.010 Criminal mischief.
- 9.60.020 Injury or removal of signs.
- 9.60.030 Destroying posters.
- 9.60.040 Lug wheels and treaded vehicles prohibited.

*For statutory provisions relating to destruction or damaging property of another, see C.R.S. 40-18-1.

INJURING OR DESTROYING PROPERTY

9.60.010 **CRIMINAL MISCHIEF.** It is unlawful for any person to knowingly injure, damage or destroy the real or personal property of one or more other persons in the course of a single criminal episode where the aggregate damage to the real or personal property is less than four hundred dollars. (Ord. 0-92-32 § 1, 1992; Ord. 0-85-50 § 1, 1985; Ord. 0-82-45 § 1, 1982; Ord. 0-74-1 § 1 (part), 1974).

9.60.020 **INJURY OR REMOVAL OF SIGNS.** It is unlawful for any authorized person to willfully remove, deface, injure, damage or destroy any street sign or official traffic control device erected or placed in or adjacent to any street where the aggregate damage to such street sign or traffic control device is less than four hundred dollars. (Ord. 0-92-32 § 2, 1992; Ord. 0-87-27 § 9, 1987; Ord. 0-74-1 § 1 (part), 1974).

9.60.030 **DESTROYING POSTERS.** It is unlawful for any person to intentionally tear down, deface or cover up any lawfully posted advertisement or bill of any person, firm, corporation or entity; provided, however, that this section shall not apply to any person possessing the lawful right or authority to tear down, deface or cover up any such advertisement or bill. (Ord. 0-94-33 § 36, 1994; Ord. 0-74-1 § 1 (part), 1974).

9.60.040 **LUG WHEELS AND TREADED VEHICLES PROHIBITED.** It is unlawful for any vehicle equipped with treads and/or lug wheels which are injurious to pavement to be operated or caused to be operated by any person upon public streets unless the operator of such vehicle first planks and protects such streets from damage. Nothing in this section shall be construed to prohibit the use of studded snow tires. (Ord. 0-94-33 § 37, 1994; Ord. 0-74-1 § 1 (part), 1974).

OBSTRUCTING TRAFFIC

Chapter 9.62

OBSTRUCTING TRAFFIC*

Sections:

9.62.010 Obstructing traffic.

9.62.010 OBSTRUCTING TRAFFIC. It is unlawful for any person to willfully, maliciously or recklessly place in any doorway or driveway not owned by him or under his lawful control, or on any sidewalk, public highway, street or alley in the city, any item, article or object which causes or tends to cause the obstruction thereof of any part thereof. (Ord. 0-74-1 § 1 (part), 1974).

Chapter 9.63

BAD CHECKS

Sections:

9.63.010 Definitions.

9.63.020 Issuance of bad check.

9.63.010 DEFINITIONS. The following definitions shall apply to this chapter; unless the context otherwise requires:

(a) "Check" means a written, unconditional order to pay a

* For statutory provisions regarding the authority of cities to regulate the use of streets and sidewalks, see C.R.S. 139-32-1(20).

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sum certain in money, drawn on a bank, payable on demand, and signed by the drawer. "Check," for the purposes of this section only, also includes a negotiable order of withdrawal and a share draft.

(b) "Drawee" means the bank upon which a check is drawn or a bank, savings and loan association, industrial bank, or credit union on which a negotiable order of withdrawal or a share draft is drawn.

(c) "Drawer" means a person, either real or fictitious, 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.

(d) "Insufficient funds" means not having a sufficient balance in account with a bank or other drawee for the payment of a check or order when presented for payment within thirty days after issue.

(e) "Issue". A person issues a check when he makes, draws, delivers, or passes it or causes it to be made, drawn, delivered, or passed.

(f) "Negotiable order of withdrawal" and "share draft" mean negotiable or transferable instruments drawn on a negotiable order of withdrawal account or a share draft account, as the case may be, for the purpose of making payments to third persons or otherwise.

(g) "Negotiable order of withdrawal account" means an account in a bank, savings and loan association, or industrial bank, and "share draft account" means an account in a credit union, on which payment of interest or dividends may be made on a deposit with respect to which the bank, savings and loan association, or industrial bank or the credit union, as the case may be, may require the depositor to give notice of an intended withdrawal not less than thirty days before the withdrawal is made, even though in practice such notice is not required and

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the depositor is allowed to make withdrawal by negotiable order of withdrawal or share draft. (Ord. 0-89-24 § 1 (part), 1989).

9.63.020 ISSUANCE OF BAD CHECK. (a) It is unlawful for any person to issue or pass a check or similar sight order for the payment of less than four hundred dollars, knowing that the issuer does not have sufficient funds in or on deposit with the bank or other drawee for the payment in full of the check or order as well as all other checks or orders outstanding at the time of issuance.

(b) It is unlawful for any person to issue or pass two or more checks or similar sight orders within any 60-day period within the City of Lakewood for the payment of money totaling less than four hundred dollars in the aggregate knowing that the issuer does not have sufficient funds in or on deposit with the bank or other drawee for the payment in full of the checks or orders as well as all other checks or orders outstanding at the time of issuance.

(c) It is unlawful for any person to open a checking account, negotiable order of withdrawal account, or share draft account using false identification or an assumed name for the purpose of issuing fraudulent checks.

(d) This section does not relieve the prosecution from the necessity of establishing the required knowledge by evidence. However, for the purposes of this section, the issuer's knowledge of insufficient funds is presumed except in the case of a postdated check or order, if:

(1) He has no account upon which the check or order is drawn with the bank or other drawee at the time he issues the check or order; or

(2) He has insufficient funds upon deposit with the bank or other drawee to pay the check or order, on presentation within thirty days after issue. (Ord. 0-92-32 §§ 3 and 4, 1992; Ord. 0-89-24 § 1 (part), 1989).

SHOPLIFTING

Chapter 9.64

SHOPLIFTING*

Sections:

- 9.64.010 Shoplifting—Unlawful.
- 9.64.020 Price switching.

9.64.010 **SHOPLIFTING—UNLAWFUL.** It is unlawful for any person to knowingly conceal or otherwise carry away, or to knowingly aid another to conceal or otherwise carry away, unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment with the intent to avoid payment therefor and to permanently deprive the store or mercantile establishment of the benefit of the unpurchased goods, wares or merchandise; provided, however, that the aggregate value of such unpurchased goods, wares or merchandise shall be less than four hundred dollars. (Ord. 0-92-32 § 5, 1992; Ord. 0-85-50 § 2, 1985; Ord. 0-82-56 § 1, 1982; Ord. 0-77-16 § 4, 1977; Ord. 0-74-1 § 1 (part), 1974).

9.64.020 **PRICE SWITCHING.** It is unlawful for any person to wilfully alter, remove or switch the indicated price of any unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment; provided, however, that this section shall not apply to goods, wares or merchandise of a value of four hundred dollars or more. (Ord. 0-92-32 § 6, 1992; Ord. 0-85-50 § 3, 1985; Ord. 0-77-16 § 5, 1977; Ord. 0-74-1 § 1 (part), 1974).

*For statutory provisions relating to shoplifting, see C.R.S. 40-5-28—40.5-32.

PETTY THEFT

Chapter 9.65

PETTY THEFT

Sections:

- 9.65.010 Petty theft—Unlawful.
- 9.65.020 Theft of rental property.

9.65.010 PETTY THEFT—UNLAWFUL. It shall be unlawful for any person knowingly to obtain or exercise control over anything, of the value of less than four hundred dollars, of another without authorization, or by threat or deception, or knowing said thing of such value to have been stolen, when the person who so obtained or exercises control over such thing of such value;

(a) Intends to deprive such other person permanently of the use or benefit of such thing of value; or

(b) Knowingly uses, conceals, or abandons such thing of value as to deprive such other person permanently of the use or benefit of the same; or

(c) Uses, conceals, or abandons such thing of value, intending that such use, concealment, or abandonment will deprive such other person permanently of the use or benefit of the same; or

(d) Demands any consideration to which such person is not legally entitled, as a condition of restoring such thing of value to such other person. (Ord. 0-92-32 § 7, 1992; Ord. 0-85-50 § 4, 1985; Ord. 0-78-78 § 1, 1978).

9.65.020 THEFT OF RENTAL PROPERTY. (1) A person commits theft of rental property if he:

(a) Obtains the temporary use of personal property of another, which is available only for hire, by means of threat or deception, or knowing that such use is without the consent of the person providing the personal property; or

TRESPASSING

(b) Having lawfully obtained possession for temporary use of the personal property of another which is available only for hire knowingly fails to reveal the whereabouts of or to return said property to the owner thereof or his representative or to the person from whom he has received it within seventy-two hours after the time at which he agreed to return it.

(2) This section shall not apply to goods, wares, or merchandise of a value of four hundred dollars or more. (Ord. 0-92-32 § 8, 1992; Ord. 0-87-27 § 10, 1987).

Chapter 9.66

TRESPASSING*

Sections:

- 9.66.010 Trespassing—Unlawful.
- 9.66.020 Motor vehicle trespass.

9.66.010 TRESPASSING—UNLAWFUL. (a) It is unlawful for any person to knowingly enter or remain upon premises when consent to enter or remain is absent, denied, or withdrawn by the owner, occupant, or person having lawful control thereof.

(b) It shall be prima facie evidence that consent is absent, denied, or withdrawn, to enter or remain upon the premises of another when:

(1) Any person fails or refuses to remove himself from said premises when requested to leave by the owner, occupant or person having lawful control thereof; or

(2) Private property, which is not then open to the public, is posted with signs which give notice that entrance is forbidden; or

*For statutory provisions regarding trespassing, see C.R.S. 40-3-8.

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(3) Such premises are fenced or otherwise enclosed in a manner designed to exclude intruders. (Ord. 0-87-27 § 11, 1987; Ord. 0-85-33 § 1, 1985; Ord. 0-74-1 § 1 (part), 1974).

9.66.020 MOTOR VEHICLE TRESPASS. It is unlawful for any person to knowingly enter the motor vehicle of another without the consent of the owner, or the person having the right to possession or control thereof, or to fail or refuse to remove himself from said vehicle when requested to leave by the owner or the person having lawful possession or control of said vehicle; provided, however, that if such entry was made with the intent to steal anything of value or with the intent to commit a crime therein, then this section shall not apply. This provision shall include, but is not limited to, unlawful entries into passenger vehicles, semitrailers, tractor-trailer units, the bed of trucks, road machinery, and implements of husbandry. (Ord. 0-92-32 § 9, 1992; Ord. 0-85-4 § 1, 1985).

DANGEROUS OR DEADLY WEAPONS

VII. WEAPONS

Chapter 9.70

DANGEROUS OR DEADLY WEAPONS*

Sections:

- 9.70.010 Definitions.
- 9.70.020 Deadly weapons—Unlawful to conceal.
- 9.70.030 Illegal weapons—Unlawful to possess or use.
- 9.70.040 Firearms—Unlawful to discharge.
- 9.70.050 Deadly weapon—Unlawful to display, brandish or flourish.
- 9.70.060 Deadly or illegal weapons—Confiscation and disposition thereof.
- 9.70.070 Dangerous weapons—Unlawful to carry where vinous, spirituous or malt liquors sold.

*For statutory provisions regarding weapons generally, see C.R.S. 40-11.

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9.70.080 Dangerous missiles—Stones.

9.70.010 DEFINITIONS. The following definitions shall apply to this chapter:

(1) "Blackjack" includes any billy, sandclub, sandbag, sap 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, or any device or article consisting of two or more separate portions, linked together by a chain, strap or other fastener, which configuration is designed to increase the striking force or impact of the device or article.

(2) "Conceal," as used in this chapter, means the deliberate hiding of a weapon upon or near the person with the intent to avoid the lawful detection thereof. It shall be evidence of concealment that the weapon is hidden in such manner as to make it immediately available for use in the fashion in which the weapon is designed to be used.

(3) "Crossbow" includes any device resembling a rifle or handgun in configuration, having a bow or similar device mounted perpendicularly to a stock, grip or frame, and usually equipped with a winch or similar device which draws back the bow-string and cocks the weapon, and which fires an arrow, bolt, quarrel, stone or similar shaft from a groove or depression in the stock, grip or frame by the manipulation of a trigger or similar mechanism.

(4) "Knife" includes any dagger, knife, bayonet, straight-razor, dirk, machete, stiletto, sword or swordcane with a blade over three and one-half inches in length, or any other dangerous instrument designed to inflict cutting, stabbing or tearing wounds; but, as used in this section, does not include a knife or hatchet of the type customarily used in hunting, fishing or camping, when such is being carried for sporting use; and does not include any instruments being used in pursuance of a

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lawful home use, trade, occupation or profession, or otherwise being lawful under federal or state statutes used as an item of display or a collector's item in any home or place of business.

(5) "Firearm" includes any pistol, revolver, self-loading pistol, rifle, shotgun or any other device designed to shoot, project, throw or hurl a projectile or projectiles by means of the explosion of gunpowder or other explosive substance.

(6) "Gravity knife" includes any knife, the blade of which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force, and which blade, upon release, becomes locked in place by means of a button, spring, plate, lever or other device.

(7) "Switchblade knife" includes any knife, the blade of which opens automatically by hand pressure applied to a button, spring or other device in its handle. (Ord. 0-74-1 § 1 (part), 1974).

9.70.020 DEADLY WEAPONS – UNLAWFUL TO CONCEAL. (a) It is unlawful for any person to knowingly carry a knife or firearm concealed on or about his person.

(b) It shall be an affirmative defense that the defendant was:

(1) A person in his own dwelling or place of business or on property owned or under his control at the time of the act of carrying; or

(2) A person in a private automobile or other means of conveyance who carries a weapon for lawful protection of his or another's person or property; or

(3) A person who, prior to the time of carrying a concealed weapon, has been issued a written permit pursuant to Section 18-12-105.1, C.R.S. to carry the weapon by the chief of police of a city or city and county, or the sheriff of a county or has been issued a written permit pursuant to applicable federal law; or

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(4) A peace officer who is allowed by Section 18-12-105, C.R.S. to carry a concealed weapon. (Ord. 0-87-27 § 12, 1987; Ord. 0-74-1 § 1 (part), 1974).

9.70.030 ILLEGAL WEAPONS — UNLAWFUL TO POSSESS OR USE. (a) It is unlawful for any person to knowingly possess, conceal or cause to be concealed in any vehicle, or to use, any blackjack, gravity knife, multifixed bladed stellate throwing knife, switchblade knife or brass or metallic knuckles.

(b) Nothing in this section shall apply to a peace officer who is allowed by Section 18-12-105, C.R.S. to carry a concealed weapon. (Ord. 0-87-27 § 13, 1987; Ord. 0-77-16 § 6, 1977; Ord. 0-74-1 § 1 (part), 1974).

9.70.040 FIREARMS — UNLAWFUL TO DISCHARGE. It is unlawful for any person, other than a peace officer or a member of the armed forces of the United States or the Colorado National Guard acting in lawful discharge of his duties, to discharge or cause to be discharged any firearm within or into the limits of the city; provided, however, that this section shall not apply to persons discharging firearms in shooting galleries or at shooting ranges, where such firearms may be discharged so as not to endanger persons or property and the projectile or projectiles from such firearms are prevented from traversing any grounds or space outside the limits of such gallery or range, or to the discharge of a firearm in lawful defense of person or property when the use of deadly physical force is allowed under Title 18, Article 1, Part 7 of the Colorado Criminal Code, C.R.S.; further provided, however, that this section shall not apply to any activity which is a felony under state law. (Ord. 0-94-33 § 38, 1994; Ord. 0-87-27 § 14, 1987; Ord. 0-74-1 § 1 (part), 1974).

9.70.050 DEADLY WEAPON — UNLAWFUL TO DISPLAY, BRANDISH OR FLOURISH. (a) It is unlawful for any person to display, brandish or flourish a deadly weapon in a manner calculated

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to alarm or for any person to knowingly and without lawful excuse, justification or purpose aim or point a firearm at another person; provided, however, that the provisions of this section shall not apply to any situation that constitutes a felony under state law.

(b) As used herein, "deadly weapon" includes, but is not necessarily limited to, firearms, knives, hatchets and dangerous clubs.

(c) Nothing herein shall apply to peace officers or members of the Colorado National Guard or armed forces of the United States acting in lawful discharge of their duties. (Ord. 0-87-27 § 15, 1987; Ord. 0-74-1 § 1 (part), 1974).

9.70.060 DEADLY OR ILLEGAL WEAPONS — CONFISCATION AND DISPOSITION THEREOF. It shall be the duty of every police officer or agent, upon making any arrest and seizing a weapon carried or used in violation of any provisions of this chapter, to keep and place the same in such place of safekeeping as may be directed by the Chief of Police until the final determination of the prosecution for the offense or any offense in the prosecution of which such weapon may be evidence. Upon entry of a formal judgment of guilt, the Chief of Police or his designee, shall make such disposition of such weapon as may be ordered by the municipal court or other court having jurisdiction, and in the absence of such order, such disposition shall be as provided by Chapter 9.02 or by law. (Ord. 0-94-33 § 39, 1994; Ord. 0-74-1 § 1 (part), 1974).

9.70.070 DEADLY WEAPONS — UNLAWFUL TO CARRY WHERE VINOUS, SPIRITUOUS OR MALT LIQUORS SOLD. (a) It is unlawful for any person to carry, conceal or display any dangerous or deadly weapon while such person is on the premises of any establishment where malt, vinous or spirituous liquors are sold for consumption on the premises.

(b) The provisions of this section shall not apply to peace officers or any other person duly licensed or authorized under applicable Colorado or federal law to carry such weapon concealed, or to

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persons carrying such weapons in their place of business or having control of the premises at the time of the act of carrying. (Ord. 0-74-1 § 1 (part), 1974).

9.70.080 DANGEROUS MISSILES — STONES. It is unlawful for any person to willfully, maliciously or recklessly throw, shoot or project any stone, arrow, pellet, dart, ball bearing or other dangerous missile at or against the person, animal, building, structure, personal property or fixture or vehicle of another, except that the provisions of this section shall not apply to persons throwing, projecting or shooting any such dangerous missile at any animal in order to protect his person or property or the person or property of another from physical injury; further provided, however, that this section shall not apply to any activity which is a felony under state law. (Ord. 0-94-33 § 40, 1994; Ord. 0-74-1 § 1 (part), 1974).

VIII. NUISANCES

Chapter 9.80

ABATEMENT OF NUISANCES

Sections:

- 9.80.010 Definitions.
- 9.80.020 Unlawful condition on property—Responsibility.
- 9.80.030 Method of abatement.
- 9.80.040 Initiate legal action in court.
- 9.80.050 Abatement procedure.
- 9.80.060 Show cause.
- 9.80.070 Summary abatement authorized.
- 9.80.080 Notice.
- 9.80.090 Costs and charges.
- 9.80.100 Right of entry.
- 9.80.110 Cumulative remedies.

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- 9.80.120 Concurrent remedies.
- 9.80.130 Affirmative defense.
- 9.80.140 Towing.
- 9.80.150 Declared nuisances.

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9.80.010 DEFINITIONS. (1) Director is the Director of Planning, Permits and Public Works or his designee.

(2) Junk is:

(a) iron, brass, copper, tin, lead or other base metals; ropes, rags, fibers or fabrics; old bottles or other glass; rubber or rubber products; machinery, motor vehicle parts, junk trailers and junk motor vehicles as defined herein; tools, appliances, fixtures, lumber, unstacked firewood, utensils, cartons, containers, pipe and pipe fittings, conduit and conduit fittings; wastepaper; or other waste or discarded goods.

(b) (1) A junk motor vehicle is a motor vehicle which is inoperable, or does not have a current license plate, or which lacks one or more of the following items which is otherwise standard factory equipment on any particular vehicle model:

- windshield
- side or rear window
- door
- fender
- headlamp
- muffler
- wheel
- properly inflated tire

(2) An inoperable motor vehicle is one that is not capable in its present condition of being promptly started and driven under its own power.

(c) A junk trailer is a trailer which is inoperable due to a flat tire, lack of a wheel, lack of structural integrity, or other similar reasons which render it inoperable.

(3) (a) A nuisance is a substance, act, occupation, condition or use of property which is of such nature and continues for such length of time as to:

(i) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or

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(ii) In any way render the public insecure in life or in the use of property; or

(iii) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway or other public way.

(b) In all cases where no provision is made defining nuisances and how the same may be removed, abated or prevented, in addition to what may be declared such herein, those offenses which are known to the common law of the land and statutes of Colorado as nuisances may, in case the same exist within the City, be treated as such and proceeded against as provided in this article, or in accordance with any other provision of law.

(4) Person means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust, or any of their managers, officers or employees.

(5) Public view means an observation from any location exterior to the property.

(6) Rubbish includes, but is not limited to, all solid and liquid waste and litter, whether combustible or noncombustible, and includes but is not limited to ashes, cans, paper, rags, fiber, refuse, fabric, wrappings, cigarettes, cardboard, yard clippings, leaves, dead plant material, branches, wood, waste-building materials, glass, crockery, abandoned or unsafe household furnishings and appliances, discarded clothes or wearing apparel, carcasses of dead animals and other like materials, and animal feces.

(7) Storage is maintaining or allowing an item to remain unused or unmoved on the property for ten days. (Ord. 0-93-1 § 1 (part), 1993).

9.80.020 UNLAWFUL CONDITION ON PROPERTY—RESPONSIBILITY. (1) It is unlawful for any person having or being entitled to the possession of any real estate or leasehold, residence, apartment building, tenement, store, building or premises within this city, or any part thereof, to permit or allow:

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(a) the existence or storage of junk or rubbish or a nuisance upon any such premises, or part thereof, or on the sidewalk or the alleys abutting such premises, except as otherwise provided in this section.

(b) the growth of weeds or grass in excess of six (6) inches upon a tract or lot occupied by a habitable structure, or twelve (12) inches upon a tract or lot without a habitable structure or in irrigation and drainage ditches.

(i) Mowing requirements do not apply to flower gardens, vegetable gardens, plots of shrubbery, grain plots, or pastures used for feed, fodder or forage, or to city-owned areas kept in their natural state or to grasses or weeds which grow more than one hundred (100) feet from any street or habitable structure. Grasses or weeds which are located within one hundred (100) feet of a street, and in which no habitable structure is located within said one hundred (100) feet, shall be mowed to a height no greater than twelve (12) inches.

(c) Notwithstanding anything to the contrary, noxious plants or designated undesirable plants as defined in Section 35-5.5-101, et seq., 14 C.R.S. (1984) shall be mowed to a height no greater than six (6) inches if located within one hundred (100) feet of a habitable structure or twelve (12) inches if located farther than one hundred (100) feet from a habitable structure.

(2) Storage of motor vehicles.

(a) Irrespective of anything to the contrary, junk motor vehicles may be stored outside provided such vehicles are stored only in the side or rear yard and effectively screened from ordinary public view by means of a solid fence or if covered with an opaque fitted cover made for the express purpose of covering a motor vehicle. Such storage areas shall be kept free of weeds, rubbish, and other waste items.

(b) No more than 50% of the rear yard or side yard shall be used for such storage. If the side yard is less than eight feet wide, the storage of such vehicles in said side yard is prohibited.

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(c) The outside storage of junk motor vehicles shall be limited to no more than a total of two vehicles per lot or tract of land or abutting lots under single ownership.

(3) Storage in Buildings. This section shall not apply to enclosed structures or as otherwise provided by law, except as provided in Section 9.80.150(3).

(4) Each day of continuing violation shall be deemed a separate violation. (Ord. 0-93-1 § 1 (part), 1993).

9.80.030 METHOD OF ABATEMENT. In order to abate or remove any weeds, junk, rubbish, or nuisance, the City may elect to:

(1) Initiate legal action in Lakewood Municipal Court or Jefferson County District Court; or

(2) Cause abatement or removal by means of a notice and demand pursuant to Section 9.80.050; or

(3) Cause abatement or removal by means of an Order to Show Cause pursuant to Section 9.80.060. (Ord. 0-93-1 § 1 (part), 1993).

9.80.040 INITIATE LEGAL ACTION IN COURT. If the City elects to initiate legal action in Lakewood Municipal Court or Jefferson County District Court, notwithstanding Section 9.80.050, no prior notice regarding the abatement or removal need be given to the Defendant. (Ord. 0-93-1 § 1 (part), 1993).

9.80.050 ABATEMENT PROCEDURE. The City shall give notice, as set forth in Section 9.80.080, that weeds, junk, rubbish or nuisance must be abated. If such weeds, junk, rubbish or nuisance are not removed or abated as required in the notice, or if an appeal to the Director has not been commenced, within the 15 days stipulated therein, the Director is authorized and empowered to:

(1) cause such weeds, junk, rubbish or nuisance to be removed or abated and assess the costs as a lien against the property as stated in Section 9.80.090; or

(2) issue a show cause order as set forth in Section 9.80.060. (Ord. 0-93-1 § 1 (part), 1993).

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9.80.060 SHOW CAUSE. (1) If the owner or occupant shall fail to eliminate weeds, junk, rubbish or nuisance after receiving notice to do so, the Director shall give written notice to the owner or occupant or lessee or any party in interest as determined from the records of the County Clerk and Recorder to appear at a hearing before the City Manager or his designee on a specified date to show cause why conditions complained of should not be removed or eliminated.

(2) The notice to show cause referred to in subsection (1) above shall be specific as to the condition of rubbish, weeds, junk or nuisance, shall state that the owner's property may be subject to assessment for all costs associated with removal or elimination by the city of the stated conditions, and shall be served on the necessary parties personally or by mail. In addition, a copy of the notice of hearing shall be posted in a conspicuous place on the premises where the rubbish, weeds, junk or nuisance is found to exist. No further notice shall be necessary.

(3) At the hearing referred to in subsections (1) and (2) above, the City Manager or his designee shall hear such statements and consider such evidence as the Director, or other enforcement officers, the owner, occupant, lessee, or other party in interest, or any other witness shall offer relevant to the existence of and removal or elimination of the weeds, junk, rubbish or nuisance. The hearing officer shall make findings of fact from the statements and evidence offered as to whether the conditions complained of exist and must be eliminated. If the hearing officer determines that weeds, junk, rubbish or nuisance do exist, and must be removed or eliminated, he shall issue an order based on the findings of fact within fourteen (14) days of the hearing directing the owner or occupant or lessee or any other party in interest to remove or eliminate said weeds, junk, rubbish or nuisance.

(4) The order of the hearing officer made pursuant to subsection (3) above, shall be a final decision and may be appealed to the District Court pursuant to Colorado Rules of Civil Procedure 106(a)(4). Failure of a party in interest to timely appeal said order

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constitutes a waiver by him of any right he may otherwise have to contest the city's right to eliminate or remove the weeds, junk, rubbish or nuisance from his property, and charge the resulting costs against him and/or the property.

(5) If an order issued by the hearing officer has not been complied with within thirty (30) days after its issuance, the city at the discretion of the City Manager or his designee may cause the elimination or removal of the rubbish, weeds, junk, or nuisance. (Ord. 0-93-1 § 1 (part), 1993).

9.80.070 SUMMARY ABATEMENT AUTHORIZED. (1) Each and every condition of rubbish, junk, weeds, or nuisance mentioned, declared or defined by any ordinance of the City is prohibited, and the City Manager, Police Chief or their designee is authorized, in his discretion, to cause the same to be summarily abated in such manner as he may direct subject to the limitations of subsection (2) of this section.

(2) Upon authorization by the City Manager, Police Chief or their designee, if any rubbish, junk, weeds, or nuisance is a cause of imminent danger to the public health, safety or welfare, any such rubbish, junk, weeds or nuisance may be summarily abated by action of the City Manager, Police Chief, or their designee, and costs of abatement shall be charged to the landowner. Action for summary abatement shall be taken only where the City Manager, the Police Chief, or their designee determines that there is imminent danger to the public health, safety or welfare which cannot await abatement by any other means available under this chapter. (Ord. 0-93-1 § 1 (part), 1993).

9.80.080 NOTICE. (1) Any person in violation of this chapter shall be given written notice of such fact, unless the City initiates an action in Lakewood Municipal Court or Jefferson County District Court, by the Director posting such notice on the property in a conspicuous place, directing the removal of weeds, junk, rubbish or nuisance. The date of posting of the notice by the City shall be included in the notice. A true copy of such notice shall also at the same time be mailed to the owner of such property as of that date

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as shown upon the tax rolls of Jefferson County, Colorado, at the address of such owner as therein shown. The notice shall inform the addressee that if such weeds, junk, rubbish or nuisance are not removed within fifteen days of the date of the posted notice, or if a notice of appeal in writing is not filed with the Director within fifteen days of the posted notice, the Director can cause such weeds, junk, rubbish or nuisance to be removed, and assess the costs of such removal as a lien against the property (describing the same) pursuant to the terms of this chapter. The notice shall further state, and it shall be the law, that costs and charges relating to the removal of weeds, junk, rubbish or nuisance shall be assessed as set forth at Section 9.80.090. A reasonable extension of time to effect such removal may be granted by the Director.

(2) Any appeal filed with the Director shall be heard within thirty days after receipt of appellant's notice of appeal. The hearing shall be conducted as set forth in Section 9.80.060(3) through (5). (Ord. 0-93-1 § 1 (part), 1993).

9.80.090 COSTS AND CHARGES. (1) The person or persons responsible for any weeds, rubbish, junk or nuisance within the City shall be liable for and pay and bear all costs and expenses of the abatement of the same, including reasonable attorneys' fees for costs of collection, which costs and expenses may be collected by the City in any action at law, or collected in connection with an action to abate a nuisance, or assessed against the property as hereinafter provided.

(2) The notice required in Section 9.80.080 shall state, in addition to the requirements of that section, that if the weeds, rubbish, junk or nuisance are not abated or removed within the time stated in the notice, the cost of such abatement or removal, together with an additional fee of at least Seventy-Five (\$75.00) Dollars for inspection and incidental costs, shall be assessed as a lien against the property pursuant to the terms of this chapter, and collected in the same manner as real estate taxes against the property. The notice shall further state that if the cost of abatement or removal plus the Seventy-Five (\$75.00) Dollar fee for inspection and incidental costs

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is not paid to the City within thirty (30) days, the amount owed will be certified to the Treasurer of Jefferson County as set forth in subsections (4) and (5) of this section, and an additional amount of at least Seventy-Five (\$75.00) Dollars will be assessed for administrative and other incidental costs incurred in certifying said amount to the county.

(3) If after the expiration of the 30-day period of time provided for in the notice, or as extended, those costs or expenses incurred by or on behalf of the City in the abatement or in connection with that abatement of the weeds, junk, rubbish or nuisance, are not otherwise collected, then the Director shall mail a notice to the owner of the premises as shown by the tax roll, at the address shown upon the tax rolls, by registered or certified mail notifying such owner that work has been performed pursuant to this chapter, stating the date of performance of the work, the nature of the work and demanding payment of the costs thereof (as certified by the City Manager or his representative), together with a fee of at least Seventy-Five (\$75.00) Dollars for inspection and other incidental costs in connection therewith. Such notice shall state that if said amount is not paid within thirty (30) days of mailing the notice, it shall become an assessment on and a lien against the property of the owner, describing the same, and will be certified as an assessment against such property, together with an additional fee of at least Seventy-Five (\$75.00) Dollars for administrative and other incidental costs incurred in certifying said amount to the Treasurer of Jefferson County, and the above-mentioned assessments will be collected in the same manner as a real estate tax upon the property.

(4) If the Director does not receive payment within the period of thirty (30) days following the mailing of such notice, the Director shall transmit all relevant information to the City Clerk who shall subsequently certify to the Treasurer of Jefferson County the whole cost of such work, including a charge of at least One Hundred Fifty (\$150.00) Dollars which is the total amount owing for inspection costs, administrative costs and other incidental costs in connection therewith, upon the lots and tracts of land upon which the nuisance

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was abated. The Treasurer of Jefferson County shall collect the assessment in the same manner as other taxes are collected.

(5) Each such assessment shall be a lien against each lot or tract of land until paid and shall have priority over other liens except general taxes and prior special assessments.

(6) The minimum amount of such inspection, administrative and incidental costs which shall be certified to the Treasurer of Jefferson County as an assessment shall be One Hundred Fifty (\$150.00) Dollars.

(7) The amount of such inspection, administrative and incidental costs which shall be certified to the Treasurer of Jefferson County as an assessment for a second violation on the same property within a time period of twenty-four months may be up to Three Hundred (\$300.00) Dollars.

(8) The amount of such inspection, administrative and incidental costs which shall be certified to the Treasurer of Jefferson County as an assessment for a third violation or more on the same property within a time period of twenty-four months may be up to Four Hundred Fifty (\$450.00) Dollars. (Ord. 0-93-1 § 1 (part), 1993).

9.80.100 RIGHT OF ENTRY. (1) It shall be lawful for the Director or his designee or a police officer to go upon private property to ascertain the existence of weeds, junk, rubbish or nuisance if:

(a) Emergency conditions dangerous to the public health, safety or welfare exist;

(b) The Director or police officer has obtained a search warrant;
or

(c) The Director or police officer has obtained the consent of the person in possession of the property.

(2) Search Warrants — Jurisdiction of the Municipal Court. Any municipal judge of the municipal court of the City shall have the power to issue search warrants upon a showing of probable cause that emergency conditions dangerous to the public health, safety or welfare exist. (Ord. 0-93-1 § 1 (part), 1993).

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9.80.110 CUMULATIVE REMEDIES. No remedy provided herein shall be exclusive, but the same shall be cumulative, and the taking of any action hereunder, including charge or conviction of violation of this chapter in the municipal court of the City, shall not preclude or prevent the taking of other action hereunder to abate or enjoin any nuisance found to exist. (Ord. 0-93-1 § 1 (part), 1993).

9.80.120 CONCURRENT REMEDIES. Whenever a nuisance exists, no remedy provided for herein shall be exclusive of any other charge or action, and when applicable the abatement provisions of this chapter shall serve as and constitute a concurrent remedy over and above any charge or conviction of any municipal offense or any other provision of law. Any application of this chapter that is in the nature of a civil action shall not prevent the commencement or application of any other charges brought under the municipal ordinances or any other provision of law. (Ord. 0-93-1 § 1 (part), 1993).

9.80.130 AFFIRMATIVE DEFENSE. It is an affirmative defense to a charge of storage of junk or rubbish if the zone district where such junk or rubbish is stored allows for such use. (Ord. 0-93-1 § 1 (part), 1993).

9.80.140 TOWING. The towing, storage and sale of any junk motor vehicle, as defined herein, shall be subject to the public tow provisions for abandoned motor vehicles, pursuant to Section 42-4-1601, et seq., 17 C.R.S. (1984).

(1) Any section of the Colorado Revised Statutes in conflict with this chapter is hereby superseded by the ordinance codified in this chapter.

(2) At the time of towing and storage, the City shall perform an inventory search of the vehicle.

(3) The Director of the Department of Planning, Permits and Public Works shall have the power to adopt rules and regulations for implementation of the towing and storage of junk motor vehicles by the city.

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(4) Nothing in this chapter shall affect the right of a private land owner to request that a junk motor vehicle be towed from his/her property pursuant to the private tow provisions of Section 42-4-1605, 17 C.R.S. (1984). (Ord. 0-93-1 § 1 (part), 1993).

9.80.150 DECLARED NUISANCES. The following matters are declared to be nuisances:

(1) COMPOST. It is unlawful and constitutes a nuisance for any person to maintain a compost pile which substantially annoys, injures, or endangers the comfort, health or safety of the public. Such annoyance includes, but is not limited to, strong offensive odors or the presence of mice, rats or other vermin.

(2) GENERAL FLOOD HAZARD AREA. It is unlawful and constitutes a nuisance for any person to obstruct any flood hazard area of the City as defined by Ordinances of the City of Lakewood.

(3) INTERIOR OF STRUCTURE. It is unlawful and constitutes a nuisance for any person to allow junk or rubbish to accumulate inside a residence or other structure to the extent it is a health and safety hazard to the occupants or the public.

(4) POLLUTING STORM SEWERS. It is unlawful and constitutes a nuisance to pollute a municipal storm sewer as such violation is defined in Chapter 13.14 of the Lakewood Municipal Code.

(5) OFFENSIVE AND DANGEROUS BUSINESSES OR TRADE OR CONDITION.

(a) Any business where people congregate, which tolerates or permits a disturbance of the peace, or where the conduct of persons in or about that place is such as to disturb the peace of the occupants of or persons attending such place, or the residents in the vicinity, or the passersby on the street, highway or sidewalk, constitutes a nuisance.

(b) Any business which tolerates or permits illegal gambling, unlawful use of drugs, narcotics or alcohol, unlawful sale or distribution of drugs, narcotics or alcohol, solicitation for prostitution or traffic in stolen property, constitutes a nuisance.

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(c) In no event shall conviction of a crime involving the enumerated types of conduct be necessary to support a finding that such types of conduct have taken place.

(6) SCATTERING DEBRIS. Dumping, throwing, placing or allowing any rubbish, junk, cans, boxes, debris, grass clippings or other waste materials on any public place in the City is a nuisance and is prohibited. Dumping of waste materials in a public area specifically designated by order of the City Manager or his designee in compliance with such regulations the City Manager may direct shall not be deemed a violation of this section.

(7) VIOLATIONS OF CODES OR ORDINANCES. It is unlawful and constitutes a nuisance for any person to maintain any property or building or any other structure in the City in a condition which is in violation of the Codes or Ordinances of the City.

(8) STAGNANT WATER, CONTAMINATED OR IMPURE WELL OR CISTERN.

(a) Any well or cistern on any property within the limits of the City, whenever a chemical analysis or other proper test shows that the water of the well or cistern is contaminated, impure or unwholesome, or where the location of the well or cistern is dangerous, is a nuisance.

(b) Every owner, tenant, occupant, lessee or other person in possession of any premises or any part thereof, upon which there is located a well containing contaminated, impure or unwholesome water, shall abandon the use of the same, and cause the same to be filled with earth or such other material as may be designated by the City Manager or his designee.

(9) OBSCENITY. Any activity which takes place in or on any structure shall be deemed a nuisance and prohibited when such structure is:

(a) Used to promote or display with intent to promote or display obscene material or obscene performances;

(b) Used as a public or private place of prostitution;

(c) The definition of "obscene" is that found at Section 18-7-101, 8B C.R.S. (1986). (Ord. 0-93-1 § 1 (part), 1993).

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Chapter 9.85

DEFACED PROPERTY

Sections:

- 9.85.010 Legislative intent.
- 9.85.020 Definitions.
- 9.85.030 Declaration of public nuisance.
- 9.85.040 Concurrent remedies.
- 9.85.050 Enforcement.
- 9.85.060 Notification of nuisance.
- 9.85.070 Abatement procedure.
- 9.85.080 Administrative hearing.
- 9.85.090 Costs and charges.

9.85.010 **LEGISLATIVE INTENT.** The City Council finds and declares that defacing of public or private property by painting, drawing, writing, etching, or carving, by use of paint, spray paint, ink, knife, or any similar method, commonly referred to as "gang graffiti," constitutes a serious and growing menace, injurious to the public health, safety, morals, and general welfare of the residents of the City; that gang graffiti contributes substantially to the spread of gang activity, violence and crime; and that prompt eradication of gang graffiti is one measure to control the spread of gang activity, violence and crime, prevent additional accumulations of gang graffiti, and promote the public health, safety, morals and general welfare of the residents of the City. (Ord. 0-91-29 § 1 (part), 1991).

9.85.020 **DEFINITIONS.** The following definitions shall apply to this Chapter:

(1) "Gang Graffiti" means the defacing of public or private property by members of gangs by means of painting, drawing, writing, etching, or carving with paint, spray paint, ink, knife, or any similar method.

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(2) "Gang" means a group of three or more individuals with a common interest, bond, or activity characterized by criminal or delinquent conduct.

(3) "Owner" and "property owner" mean any person owning, leasing, occupying, or having control or possession of any property in the City. (Ord. 0-91-29 § 1 (part), 1991).

9.85.030 DECLARATION OF PUBLIC NUISANCE. All property defaced by gang graffiti which is visible to public view is hereby declared to be a public nuisance and in the interest of public health, safety, morals, and general welfare, shall be abated as set forth in this Chapter. (Ord. 0-91-29 § 1 (part), 1991).

9.85.040 CONCURRENT REMEDIES. The abatement procedures set forth in this Chapter for defaced property shall not be exclusive and shall not restrict the City from concurrently enforcing other city ordinances, or pursuing any other remedy provided by law. (Ord. 0-91-29 § 1 (part), 1991).

9.85.050 ENFORCEMENT. The Codes Administrator of the Department of Public Works or his designee shall be responsible for enforcement of this Chapter. After notice of the violation to the property owner, as set out in Section 9.85.060, the Codes Administrator is authorized to commence the abatement procedure set out herein and pursue any other remedy provided by law. (Ord. 0-94-33 § 41, 1994; Ord. 0-91-29 § 1 (part), 1991).

9.85.060 NOTIFICATION OF NUISANCE. (a) The owner of any property defaced by gang graffiti, which is located within this municipality, shall be given written notice to abate the public nuisance on his property by removal or eradication of the gang graffiti within five (5) days after service of the notice. Such notice shall be by personal service to the owner, or by posting the notice on the

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defaced property together with written notice mailed to the owner by first class mail, postage prepaid.

(b) The notice to the property owner shall direct the owner to remove or eradicate the gang graffiti from the property within five (5) days after service of the notice. The notice shall contain:

- (1) The location of and a description of the violation;
- (2) A demand that the owner remove or eradicate the gang graffiti from the property within five (5) days after service or posting of the notice;
- (3) A statement that the owner may voluntarily agree to immediate removal or eradication of the gang graffiti by the City with the costs assessed to the property owner;
- (4) A statement that the owner's failure or refusal to remove or eradicate the gang graffiti may result in abatement by the City, in addition to any other available remedies, and the costs of such abatement, together with an additional fee of seventy-five dollars (\$75.00) for inspection and incidental costs, may be assessed as a lien against the property pursuant to the terms of this Chapter, and collected in the same manner as real estate taxes against the property;
- (5) A statement that if the costs of abatement plus the seventy-five dollar (\$75.00) fee for inspection and incidental costs is not paid to the City within thirty (30) days after notice to the property owner of costs owed to the City, the amount owed will be certified to the County Treasurer and an additional seventy-five dollars (\$75.00) will be assessed for administrative and other incidental costs incurred in certifying said amount to the County Treasurer; and
- (6) A statement that the owner may make written demand to the Codes Administrator for an administrative abatement hearing before the City Manager or his designee, provided the written demand is made within five (5) days after service of the notice, and provided the written demand for a hearing contains the owner's current address and a telephone number where he can be reached between

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the hours of 8:00 o'clock a.m. and 5:00 o'clock p.m., Monday through Friday. Written demand for a hearing shall be sent to the Codes Administrator, City of Lakewood, 445 South Allison Parkway, Lakewood, Colorado 80226. (Ord. 0-94-33 § 42, 1994; Ord. 0-91-29 § 1 (part), 1991).

9.85.070 ABATEMENT PROCEDURE. If the owner of property defaced by gang graffiti fails or refuses to remove or eradicate the gang graffiti as directed within the time permitted, and has not made written demand for an administrative abatement hearing, the Codes Administrator shall notify the City Manager of the violation. The City Manager or his designee may then cause the gang graffiti to be removed or eradicated by city employees or private contractor, and such persons are hereby expressly authorized to enter upon such property for that purpose, proceeding with due care and without any unnecessary destruction of property. (Ord. 0-91-29 § 1 (part), 1991).

9.85.080 ADMINISTRATIVE HEARING. (a) Upon receipt of a written demand by the property owner for an administrative abatement hearing, the Codes Administrator shall notify the City Manager or his designee and a hearing shall be held within seven (7) days after receipt of the demand. Notice of the hearing date and location shall be mailed to the owner at the address listed in the written demand.

(b) At the administrative abatement hearing the City Manager or his designee shall hear such statements and consider such evidence as the Codes administrator, code enforcement officers, the owner of the property, or any other witness, shall offer which is relevant to the violation. The property owner and the Codes Administrator may be represented by legal counsel at such hearing. The City Manager or his designee shall make written findings of fact based upon the evidence offered at the hearing regarding the violation and shall determine whether the gang graffiti shall be

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removed or eradicated. The City manager or his designee shall within three (3) days after the hearing issue a written order stating whether a violation exists on the property in issue. If the City Manager or his designee finds a violation exists and the gang graffiti shall be removed, the order shall direct the owner of the property to remove or eradicate the gang graffiti. The written order shall be mailed to the property owner by first class mail, postage prepaid.

(c) If an order issued by the City Manager or his designee directing an owner to remove or eradicate gang graffiti has not been complied with within seven (7) days after its issuance, the City Manager or his designee may cause the gang graffiti to be removed or eradicated by the City employees or private contractor and all costs associated with such removal or eradication shall be charged to the owner of the property. Persons designated by the City to remove or eradicate the gang graffiti are expressly authorized to enter upon the property for that purpose, proceeding with due care and without unnecessary destruction of property.

(d) Any property owner who fails to comply with such an order may be charged with the costs and expenses incurred in the removal or eradication of the graffiti. Costs and expenses shall include costs of removal, inspection fees, postal charges, attorneys fees to enforce or collect such costs, legal expenses, and any other costs or expenses incurred by the City as a result of the enforcement of this Chapter.

(e) The order of the City Manager or his designee shall be subject to review by court action, in accordance with Rule 106 of the Colorado Rules of Civil Procedure. The City shall be considered to be a party to every proceeding before the City Manager or his designee.

(f) A record of hearings before the City Manager or his designee shall be kept, whether by electronic transcription, secretarial minutes or otherwise and such records shall be kept in the custody of the City Clerk for a period of one year following the

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date of the hearing and shall be made available for transcription as may be required. The costs of any transcription shall be paid by the person or entity requesting the transcription. (Ord. 0-91-29 § 1 (part), 1991).

9.85.090 COSTS AND CHARGES. (a) The property owner shall be liable for and pay and bear all costs and expenses of the graffiti removal or eradication, including reasonable attorney's fees for costs of collection, which costs and expenses may be collected by the City in any action at law, referred for collection by the City Attorney on a contingency basis, in his discretion, collected in connection with an action to abate a nuisance, or assessed against the property as hereinafter provided.

(b) The notice required in Section 9.85.060, shall, in addition to the requirements of that section, state that if the graffiti is not removed or eradicated within the time stated in the notice, the cost of such removal or eradication, together with an additional fee of seventy-five dollars (\$75.00) for inspection and incidental costs, may be assessed as a lien against the property pursuant to the terms of this chapter, and collected in the same manner as real estate taxes against the property. The notice shall further state that if the cost of graffiti removal or eradication plus the seventy-five dollar fee for inspection and incidental costs is not paid to the City within thirty (30) days, the amount owed will be certified to the County treasurer as set forth in subsections d and e, and an additional seventy-five dollars (\$75.00) will be assessed for administrative and other incidental costs incurred in certifying said amount to the County Treasurer. If the owner of the property is not personally served with a copy of such notice, then a copy of such notice shall be mailed by registered or certified mail, return receipt requested, to the owner of such property as shown upon the tax rolls of Jefferson County, Colorado, at the address of such owner as therein shown.

(c) If after the expiration of the period of time provided for in the notice, or as extended by the Codes Administrator for good

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cause, costs or expenses are incurred by or on behalf of the City in the removal or eradication of graffiti, or in connection with such removal or eradication, and the costs are not otherwise collected, then the City Manager or his representative may thereafter certify to the City Clerk the legal description of the property upon which such work was done, together with the name of the owner thereof as shown by the tax rolls of Jefferson County, Colorado, together with a statement of the work performed, the date of performance, and the costs thereof.

(d) Upon receipt of such a statement from the City Manager or his representative, the City Clerk shall mail a notice to the owner of the premises as shown by the tax rolls, at the address shown upon the tax rolls, by registered or certified mail notifying such owner that work has been performed pursuant to this chapter, stating the date of performance of the work, the nature of the work and demanding payment of the costs thereof (as certified by the City Manager or his representative), together with a fee of seventy-five dollars (\$75.00) for inspection and other incidental costs in connection therewith. Such notice shall state that if said amount is not paid within thirty (30) days of mailing the notice, it shall become an assessment on and a lien against the property of the owner, describing the same, and will be certified as an assessment against such property in the amount set forth in subsection b of this section, together with an additional fee of seventy-five dollars (\$75.00) for administrative and other incidental costs incurred in certifying said amount to the County Treasurer, and the above-mentioned assessments will be collected in the same manner as a real estate tax upon the property.

(e) If the City Clerk does not receive payment within the period of thirty (30) days following the mailing of such notice, the City Clerk shall certify to the County Treasurer the whole cost of such work, including a charge of one hundred fifty dollars (\$150.00) which is the total amount owing for inspection costs, administrative costs and other incidental costs in connection therewith (as set forth

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in subsections b and d) upon the lots and tracts of land upon which the graffiti was removed or eradicated. The County Treasurer shall collect the assessment in the same manner as other taxes are collected.

(f) Each such assessment shall be a lien against each lot or tract of land until paid and shall have priority over other liens except general taxes and prior special assessments. (Ord. 0-91-29 § 1 (part), 1991).

IX. PROVISIONS APPLICABLE TO OFFENSES GENERALLY

Chapter 9.90

AFFIRMATIVE DEFENSES

Sections:

9.90.010 Affirmative defenses.

9.90.010 AFFIRMATIVE DEFENSES. The affirmative defenses available in Section 18-1-701 through 18-1-709, C.R.S. shall be available as affirmative defenses to prosecutions in the municipal court under those provisions covered by this title. (Ord. 0-87-27 § 16, 1987; Ord. 0-74-1 § 1 (part), 1974).

LEGISLATIVE INTENT

Chapter 9.92

LEGISLATIVE INTENT

Sections:

9.92.010 Legislative intent and construction.

9.92.010 LEGISLATIVE INTENT AND CONSTRUCTION. It is the intent and purpose of this title not to cover and include those offenses which are felonies under the Colorado Revised Statutes and this title shall be so construed notwithstanding any language contained in the same which might otherwise be construed to the contrary. (Ord. 0-87-27 § 17, 1987; Ord. 0-74-1 § 1 (part), 1974).

Chapter 9.94

DEFINITIONS

Sections:

9.94.010 Definitions.

9.94.010 DEFINITIONS. Terms used in this title shall be as defined in Title 18, Colorado Revised Statutes 1973, as amended. Terms not defined in Title 18 shall be as otherwise defined in this code, and if not herein defined, shall be construed as being used in their ordinary, usual and accepted sense and meaning. (Ord. 0-77-16 § 7, 1977; Ord. 0-74-1 § 1 (part), 1974).

VEHICLES AND TRAFFIC

Title 10

VEHICLES AND TRAFFIC

Chapters:

I. GENERAL PROVISIONS

10.03 General Provisions

II. RULES OF THE ROAD AND REQUIRED
VEHICLE EQUIPMENT

10.06 Right-of-way

10.09 Through Streets, Stop and Yield Intersections

10.12 Special Stops at Railroad Crossings, Driveways, Etc.

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10.21 Turning and Starting, Signals on Stopping and
Turning

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- 10.69** **Traffic Administration**
- 10.72** **Traffic Violations Bureau**
- 10.75** **Words and Phrases Defined**
- 10.76** **Traffic Infractions**

GENERAL PROVISIONS

I. GENERAL PROVISIONS

Chapter 10.03

GENERAL PROVISIONS

Sections:

- 10.03.010 Short title.
- 10.03.020 Uniform standards applicable.
- 10.03.030 Interpretation.
- 10.03.040 Application.

10.03.010 **SHORT TITLE.** This title may be known and cited as the "Lakewood traffic code" or the "traffic code." (Ord. 0-74-44 § 1 (part), 1974).

10.03.020 **UNIFORM STANDARDS APPLICABLE.** The uniform standards for traffic regulation, as required by the laws of the state, shall apply to this title. (Ord. 0-74-44 § 1 (part), 1974).

10.03.030 **INTERPRETATION.** This title shall be so interpreted and construed as to effectuate its general purpose to make uniform the local traffic regulations contained herein. Article and section headings of this title shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof. (Ord. 0-74-44 § 1 (part), 1974).

10.03.040 **APPLICATION.** This title shall apply to every street, alley, sidewalk area, driveway, park and to every other public way or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The

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provisions of Sections 10.18.010; 10.18.020; 10.33.040; 10.36.020; as it applies to fire lanes, emergency access lanes and handicap parking restrictions or prohibitions; 10.36.030; 10.45.120; 10.57.080; 10.60.180; 10.50.200; and 10.69.030, shall apply not only to public places and ways, but also throughout this municipality. Additionally, the provisions of the sections regarding stopping, standing and parking, except those specifically mentioned above, where official signs are posted giving notice of stopping or standing, parking or other restrictions or prohibitions as authorized in Section 10.69.080, shall only apply to public streets, ways and places within this municipality. For the purposes of this application, whenever official traffic-control devices are placed in position approximately conforming to the requirements of this title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary shall be established by competent evidence. (Ord. 0-81-86 § 1, 1981; Ord. 0-77-86 § 1, 1977; Ord. 0-74-44 § 1 (part), 1974).

RIGHT-OF-WAY

II. RULES OF THE ROAD AND REQUIRED
VEHICLE EQUIPMENT

Chapter 10.06

RIGHT-OF-WAY

Sections:

- 10.06.010 Vehicle approaching or entering intersection not controlled by signs or signals.
10.06.020 Vehicle turning left.

10.06.010 VEHICLE APPROACHING OR ENTERING INTERSECTION NOT CONTROLLED BY SIGNS OR SIGNALS. (a) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(b) The foregoing rule is modified at through highways and otherwise as stated in the Lakewood Traffic Code.

(c) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-94-34 § 1, 1994; Ord. 0-80-76 § 1, 1980; Ord. 0-77-86 § 2, 1977; Ord. 0-75-96 § 1, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.06.020 VEHICLE TURNING LEFT. Subject to the provisions of Section 10.45.050(a)(1)(B), the driver of a vehicle intending to turn to the left within an intersection, whether or not such intersection is controlled by official traffic-control devices, or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, or so close to the left-turning vehicle as to constitute an immediate hazard. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-77-86 § 3, 1977; Ord. 0-75-96 § 2, 1975; Ord. 0-74-44 § 1 (part), 1974).

THROUGH STREETS, STOP AND YIELD INTERSECTIONS

Chapter 10.09

THROUGH STREETS, STOP AND YIELD INTERSECTIONS

Sections:

- 10.09.010 Through streets designated and entrances thereto controlled.
- 10.09.020 Entering stop or yield intersection.

10.09.010 THROUGH STREETS DESIGNATED AND ENTRANCES THERETO CONTROLLED. (a) Those streets and parts of streets so designated by state law and described in traffic control schedules or official Lakewood street maps are declared to be through streets.

(b) Whenever a through street is designated and described as provided in this title, it shall be the duty of the Traffic Engineer and other officials vested with responsibility for traffic control to place and maintain a stop sign or yield sign on each and every street intersecting through street unless traffic at any such intersection is controlled at all times by traffic-control signals; provided, however, that at the intersection of two such through streets or at the intersection of a through street and a heavily travelled street not so designated, stop signs shall be erected at the approaches of either of said streets as determined upon the basis of a traffic investigation. (Ord. 0-94-34 § 2, 1994; Ord. 0-74-44 § 1 (part), 1974).

10.09.020 ENTERING STOP OR YIELD INTERSECTION. (a) The driver of a vehicle which is required by subsections (b) and (c) of this section to stop in obedience to a stop sign or to yield or to stop in compliance with a yield sign shall proceed cautiously yielding to vehicles not so obligated to stop or yield and which are within the intersection or approaching so closely as to constitute an

THROUGH STREETS, STOP AND YIELD INTERSECTIONS

immediate hazard during the time such driver is moving across or within the intersection; provided, that if such driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign, such collision shall be deemed prima facie evidence of his failure to yield right-of-way.

(b) Except when directed to proceed by a law enforcement officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it.

(c) The driver of a vehicle approaching a yield sign in obedience to such sign, shall slow to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver

SPECIAL STOPS AT RAILROAD CROSSINGS, ETC.

has a view of approaching traffic on the intersecting roadway before entering it.

(d) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-77-86 § 4, 1977; Ord. 0-75-96 § 4, 1975; Ord. 0-74-44 § 1 (part), 1974).

Chapter 10.12

SPECIAL STOPS AT RAILROAD CROSSINGS, DRIVEWAYS, ETC.

Sections:

- 10.12.010 Obedience to stop sign at railroad crossing.
- 10.12.020 Obedience to railroad signal.
- 10.12.030 Certain vehicles to stop at all grade crossings.
- 10.12.040 Moving heavy equipment at railroad crossing.
- 10.12.050 Emerging from or entering alley, driveway or building.
- 10.12.060 Stopping for school buses.
- 10.12.070 Stop when traffic obstructed.
- 10.12.080 Driving in a road or highway work area.

10.12.010 OBEDIENCE TO STOP SIGN AT RAILROAD CROSSING. Where stop signs are erected at railroad crossings, either by authority of the State Department of Highways or by authority of this municipality, the driver of any vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such grade crossing and shall proceed only upon exercising due care. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 5, 1975; Ord. 0-74-44 § 1 (part), 1974).

SPECIAL STOPS AT RAILROAD CROSSINGS, ETC.

10.12.020 OBEDIENCE TO RAILROAD SIGNAL. (a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet from but not less than fifteen feet from the nearest rail of such railroad and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

(3) A railroad train approaching within approximately one thousand five hundred feet of the highway crossing emits a signal audible from such distance, and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;

(4) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed, nor shall any pedestrian pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.

(c) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-77-86 §§ 5, 6, 1977; Ord. 0-75-96 § 6, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.12.030 CERTAIN VEHICLES TO STOP AT ALL GRADE CROSSINGS. (a) Except as otherwise provided in this section, the driver of any motor vehicle carrying more than six passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosives or hazardous

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materials as a cargo or part of a cargo, or of any vehicle designed to carry flammable liquids, whether empty or loaded, such hazardous materials or flammable liquids to be described in regulations issued pursuant to subsection (5.5) of Section 42-4-608 C.R.S. 1973, as amended, before crossing at grade any tracks of a railroad shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train and shall not proceed until he can do so safely.

(b) After stopping as required in this section and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not manually shift gears while crossing the tracks.

(c) When stopping is required at such railroad crossing the driver shall keep as far to the right of the roadway as possible and shall not form two lanes of traffic unless the street or roadway is marked for four or more lanes of traffic.

(d) Subsections (a) and (b) of this section shall not apply at:

(1) Any railroad grade crossing protected by crossing gates or an alternately flashing light intended to give warning of the approach of a railroad train;

(2) Any railroad grade crossing at which traffic is regulated by a traffic-control signal;

(3) Any railroad grade crossing at which traffic is controlled by a law enforcement officer or human flagman;

(4) Any railroad crossing where state or local road authorities within their respective jurisdictions have determined that trains are not operating during certain periods or seasons of the year and have erected an official sign carrying the legend "exempt crossing," which shall give notice when so posted that

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such crossing is exempt from the stopping requirement provided for in this section;

(5) Street railway grade crossing within a business district.

(e) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-77-86 § 7, 1977; Ord. 0-75-96 § 7, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.12.040 MOVING HEAVY EQUIPMENT AT RAILROAD CROSSING. (a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with this section.

(b) Notice of any such intended crossing shall be given to a superintendent of such railroad and a reasonable time shall be given to such railroad to provide proper protection at such crossing.

(c) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(d) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car.

(e) Subsection (c) of this section shall not apply where it has been determined by this municipality or the state that trains are not operating during certain periods or seasons of the year and an official sign carrying the legend "exempt crossing" has been erected giving notice when so posted that such crossing is

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exempt from the stopping requirement.

(f) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 8, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.12.050 EMERGING FROM OR ENTERING ALLEY, DRIVEWAY OR BUILDING. (a) The driver of a vehicle emerging from an alley, driveway, building, parking lot, or other place, immediately prior to driving onto a sidewalk or into the sidewalk area extending across any such alleyway, or entranceway, shall yield the right-of-way to a pedestrian upon or about to enter such sidewalk or sidewalk area extending across such alleyway, driveway, or entranceway, as may be necessary to avoid collision, and when entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway, which are close enough to constitute an immediate hazard.

(b) The driver of a vehicle entering an alley, driveway or entranceway shall yield the right-of-way to any pedestrian within or about to enter the sidewalk or sidewalk area extending across such alleyway, driveway or entranceway.

(c) No person shall drive any vehicle upon a sidewalk or sidewalk area, except upon the permanent or duly authorized temporary driveway.

(d) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-77-86 § 8, 1977; Ord. 0-75-96 § 9, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.12.060 STOPPING FOR SCHOOL BUSES. (a) The driver of a vehicle upon any street or highway, upon meeting or overtaking from either direction any school bus which has stopped, shall stop his vehicle before reaching such school bus if there are in operation on the school bus visual signal lights as specified in Section 10.57.060 of this title, and said driver shall

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not proceed until the visual signal lights are no longer being actuated; but in the case of small passenger-type vehicles operated as school buses having a seating capacity of not more than nine, no such visual signal lights need be displayed or actuated.

(b) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway. For the purposes of this section, "highway with separate roadways" means a highway which is divided into two or more roadways by a depressed, raised, or painted median or other intervening space serving as a clearly indicated dividing section or island.

(c) A driver of any school bus who observes a violation of subsection (a) of this section shall notify his school district transportation dispatcher. The school bus driver shall provide the school district transportation dispatcher with the color, basic description, and license plate number of the vehicle involved in the violation, information pertaining to the identity of the alleged violator, and the time and the approximate location at which the violation occurred. Any school district transportation dispatcher who has received information by a school bus driver concerning a violation of subsection (a) of this section shall provide such information to the appropriate law enforcement agency or agencies. A Lakewood police agent or officer may issue a citation on the basis of such information to the driver of the vehicle involved in the violation.

(d) Every school bus shall stop as far to the right off the highway, road, or street as possible before discharging or loading passengers and, when possible, shall not stop where the visibility is obscured for a distance of two hundred feet either way from the bus. The driver of a school bus which has stopped shall allow time for any vehicles which have stopped behind the school bus to pass the school bus, if such passing is legally

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permissible where the school bus is stopped, after the school bus's visual signal lights, if any, are no longer being displayed or actuated and after all children who have embarked or disembarked from the bus are safe from traffic.

(e) Any person who violates any provision of subsection (a) of this section commits a Class 2 traffic offense. (Ord. 0-89-75 § 1, 1989; Ord. 0-77-86 § 9, 1977; Ord. 0-75-96 § 10, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.12.070 STOP WHEN TRAFFIC OBSTRUCTED. No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on either side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians or railroad trains, notwithstanding the indication of any traffic-control indication to proceed. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-77-86 § 10, 1977; Ord. 0-75-96 § 11, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.12.080 DRIVING IN A ROAD OR HIGHWAY WORK

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AREA. (a) The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian engaged in work upon a road or highway within any road or highway construction or maintenance work area indicated by official traffic-control devices.

(b) The driver of a vehicle shall yield the right-of-way to any authorized vehicle engaged in work upon a road or highway whenever such vehicle displays flashing lights meeting the requirements of Section 42-4-221(4) C.R.S. 1973, as amended.

(c) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-77-86 § 11, 1977).

Chapter 10.15

SPEED REGULATIONS

Sections:

- 10.15.010 Speed limits.
- 10.15.020 Decrease of speed limits in certain zones.
- 10.15.030 Increase of speed limits in certain zones.
- 10.15.040 Special hazards.
- 10.15.050 Minimum speed regulation.
- 10.15.060 Speed contests.
- 10.15.070 Regulation of speed by traffic signals.
- 10.15.080 Emergency vehicles not subject to speed limits.

10.15.010 SPEED LIMITS. (a) No person shall drive a vehicle on a street or highway within this municipality at a speed greater than is reasonable and prudent under the conditions then existing.

(b) Except when a special hazard exists that requires lower speed, the following speeds shall be lawful:

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- (1) Twenty-five miles per hour in any business district;
- (2) Thirty miles per hour in any residence district;
- (3) Fifteen miles per hour on any alley or alleyway;
- (4) Forty-five miles per hour for all vehicles in the business of transporting trash, where higher speeds are posted, when said vehicle is loaded as an exempted vehicle pursuant to Section 42-4-406(2)(b)(II), C.R.S.;
- (5) Any speed not in excess of a speed limit designated by an official traffic control device.

(c) Notwithstanding any other provision of this section, no person shall drive a vehicle on a street or highway within this municipality in excess of a maximum lawful speed of fifty-five miles per hour. No speed limit shall be authorized above fifty-five miles per hour, and all fifty-five mile per hour speed limits shall be considered maximum lawful speed limits and not prima facie speed limits.

(d) Except as otherwise provided in subsection (c) of this section, any speed in excess of the lawful speeds set forth in subsection (b) of this section shall be prima facie evidence that such speed was not reasonable or prudent under the conditions then existing.

(e) The conduct of a driver of a vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:

(1) 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 desirability of avoiding the consequences sought to be prevented by this section; or

(2) With respect to authorized emergency vehicles, the

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applicable conditions for exemption, as set forth in Section 10.63.070, exist.

(f) The minimum requirement for the commission of a violation of this section is the performance by a driver of prohibited conduct, which includes a voluntary act or the omission to perform an act which said driver is physically capable of performing.

(g) It shall not be a defense to prosecution for a violation of this section that:

(1) The defendant's conduct was not performed intentionally, knowingly, recklessly, or with criminal negligence; or

(2) The defendant's conduct was performed under a mistaken belief of fact, including, but not limited to, a mistaken belief of the defendant regarding the speed of the defendant's vehicle; or

(3) The defendant's vehicle has a greater operating or fuel-conserving efficiency at speeds greater than the reasonable and prudent speed under the conditions then existing or at speeds greater than the maximum lawful speed limit.

(h) A violation of driving one to twenty-four miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of fifty-five miles per hour is a Class 3 traffic offense; a violation of driving twenty-five or more miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of fifty-five miles per hour is a Class 2 traffic offense. (Ord. 0-87-87 § 1, 1987; Ord. 0-77-86 § 12, 1977; Ord. 0-75-96 § 12, 1975; Ord. 0-74-100 § 1, 1974; Ord. 0-74-44 § 1 (part), 1974).

10.15.020 DECREASE OF SPEED LIMITS IN CERTAIN

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ZONES. Whenever it is determined by the Traffic Engineer, after a traffic survey, that the speed heretofore set as the prima facie speed limit on any portion of any street within the city is greater than that speed which is reasonable and prudent under the conditions shown by the traffic survey, the Traffic Engineer shall be empowered to declare a lower prima facie speed limit which will take effect upon posting of official signs giving notice of the new speed limit; provided, however, that decreased speed limits on streets which are part of the state highway system shall be subject to approval by the State Highway Department as specified in Section 10.69.090. (Ord. 0-94-34 § Ord. 0-77-86 § 13, 1977: Ord. 0-75-96 § 13, 1975: Ord. 0-74-44 § 1 (part), 1974).

10.15.030 INCREASE OF SPEED LIMITS IN CERTAIN ZONES. Whenever it is determined by the Traffic Engineer, after a traffic survey, that the speed heretofore set as the prima facie speed limit on any portion of any street within the city is less than necessary for the safe operation of vehicles, the Traffic Engineer shall be empowered to declare a higher prima facie speed limit which will take effect upon posting of official signs giving notice of the new speed limit; provided, however, that increased speed limits on streets which are part of the state highway system shall be subject to approval by the State Highway Department as specified in Section 10.69.090. (Ord. 0-94-34 § 4, 1994: Ord. 0-77-86 § 14, 1977: Ord. 0-74-44 § 1 (part), 1974).

10.15.040 SPECIAL HAZARDS. (a) The driver of a motor vehicle shall decrease his or her speed when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions, and such speed shall be decreased as may be necessary to avoid colliding with any person, vehicle or other conveyance, or object on or entering the street

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in compliance with legal requirements and with the duty of all persons to use due care.

(b) It is no defense to subsection (a) of this section that the driver's speed was lower than the speed limit established by law.

(c) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-85-53 § 1, 1985; Ord. 0-80-76 § 2, 1980; Ord. 0-78-79 § 1, 1978; Ord. 0-77-86 § 15, 1977; Ord. 0-75-96 § 14, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.15.050 MINIMUM SPEED REGULATION. (a) No person shall drive a motor vehicle on any street at such a slow speed as to impede or block the normal and reasonable forward movement of traffic, except when a reduced speed is necessary for safe operation of such vehicle or in compliance with law.

(b) Whenever it is determined upon the basis of an engineering and traffic investigation that slow speeds on certain streets consistently impede the normal and reasonable movement of traffic on such facilities, the Traffic Engineer may establish minimum speeds on such streets and those speeds so established shall be effective when signs are erected giving notice thereof; provided, however, that the minimum speed limits on streets or expressways which are a part of the state highway system shall be subject to the approval of the State Department of Highways.

(c) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 15, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.15.060 SPEED CONTESTS. (a) No person shall engage in any motor vehicle speed or acceleration contest or exhibition of speed or acceleration on a street, and no person shall aid or abet in any such motor vehicle speed or acceleration contest or exhibition on any street.

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(b) No person shall, for the purpose of facilitating or aiding or as an incident to any motor vehicle speed or acceleration contest on a street, in any manner obstruct or place any barricade or obstruction or assist or participate in placing any such barricade or obstruction on any street.

(c) Any person who violates any provision on this section commits a Class 2 traffic offense. (Ord. 0-84-63 § 1, 1984; Ord. 0-75-96 § 16, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.15.070 REGULATION OF SPEED BY TRAFFIC SIGNALS. Traffic signals may be timed, as authorized in Section 10.69.080 of this title, so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the prima facie speed limit otherwise applicable to the street or area. (Ord. 0-74-44 § 1 (part), 1974).

10.15.080 EMERGENCY VEHICLES NOT SUBJECT TO SPEED LIMITS. (a) The speed limitations set forth in this title shall not apply to an authorized emergency vehicle when the driver is responding to an emergency call and is making use of visual and audible signals as prescribed by law, nor shall said speed limits apply to a police vehicle while in actual pursuit of a suspected violator of any law so long as such pursuit is being made to obtain verification of or evidence of the guilt of the suspected violator.

(b) The provisions of subsection (a) of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall said provisions protect the driver of any such vehicle from the consequences of a reckless disregard for the safety of others. (Ord. 0-94-34 § 5, 1994; Ord. 0-74-44 § 1 (part), 1974).

RECKLESS DRIVING AND CARELESS DRIVING

Chapter 10.18

RECKLESS DRIVING AND CARELESS DRIVING

Sections:

- 10.18.010 Reckless driving.
- 10.18.020 Careless driving.

10.18.010 RECKLESS DRIVING. Any person who drives any motor vehicle anywhere within this municipality in such a manner as to indicate either a willful or wanton disregard for the safety of persons or property is guilty of reckless driving. Any person who violates this section commits a Class 2 traffic offense. (Ord. 0-75-96 § 17, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.18.020 CARELESS DRIVING. Any person who drives any motor vehicle anywhere within this municipality in a careless and imprudent manner, without due regard for road and traffic conditions or the safety of persons or property, is guilty of careless driving. Any person who violates any provision of this section commits a Class 2 traffic offense. (Ord. 0-75-96 § 18, 1975; Ord. 0-74-44 § 1 (part), 1974).

Chapter 10.21

TURNING AND STARTING, SIGNALS ON STOPPING AND TURNING

Sections:

- 10.21.010 Starting parked vehicle.
- 10.21.020 When signal required.
- 10.21.030 Position and method of turning at intersections.

TURNING AND STARTING, SIGNALS

- 10.21.040 Signals by hand and arm or signal device.
- 10.21.050 Method of giving hand and arm signals.
- 10.21.060 Limitations on turning around.
- 10.21.070 Obedience to turn prohibition signs.
- 10.21.080 Driving through private property or driveways.

10.21.010 **STARTING PARKED VEHICLE.** No person shall start or move a vehicle which is stopped, standing, or parked unless such movement can be made with reasonable safety. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 19, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.21.020 **WHEN SIGNAL REQUIRED.** (a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 10.21.030, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after giving an appropriate signal in the manner provided in Sections 10.21.040 and 10.21.050.

(b) A signal of intention to turn right or left when required shall be given continuously during at least the last one hundred feet traveled by the vehicle before turning, except that such signal shall be given continuously for at least two hundred feet on all highways where the prima facie speed limit is more than forty miles per hour. Such signals shall be given regardless of existing weather conditions.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving a signal in the manner provided in Sections 10.21.040 and 10.21.050 to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

TURNING AND STARTING, SIGNALS

(d) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 20, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.21.030 POSITION AND METHOD OF TURNING AT INTERSECTIONS. (a) Except where official markers, buttons, or signs direct a different course, the driver of a vehicle intending to turn at an intersection shall so do as follows:

(1) Both the approach for a right turn and the right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable the left turn shall be made to the left of the center of the intersection so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.

(3) Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic-control devices in the manner prescribed in the State Traffic Control Manual, a left turn shall not be made from any other lane, and the vehicle shall not be driven in said special lane except when preparing for and making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law.

(b) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-77-86 § 16, 1977; Ord. 0-75-96 § 21, 1975; Ord. 0-74-44 § 1 (part), 1974).

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10.21.040 SIGNALS BY HAND AND ARM OR SIGNAL DEVICE. (a) Any stop or turn signal required by Section 10.21.020 shall be given either by means of the hand and arm or by a signal light or signal device of a type approved by the State Department of Revenue, except as otherwise provided in subsection (b) of this section.

(b) Any motor vehicle in use on a street in this municipality shall be equipped with, and required signals shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside of the body, cab or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

(c) The signals provided for in subsection (b) of this section shall be used to indicate an intention to turn, change lanes or start from a parked position and shall not be flashed on one side only on a parked or disabled vehicle, or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear.

(d) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 22, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.21.050 METHOD OF GIVING HAND AND ARM SIGNALS. (a) All signals herein required to be given by hand and arm shall be given by the driver from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

- (1) Left turn: hand and arm fully extended horizontally;
- (2) Right turn: hand and arm fully extended upward;
- (3) Stop or decrease of speed: hand and arm fully extended downward.

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(b) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 23, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.21.060 LIMITATIONS ON TURNING AROUND. (a) The driver of a vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street or highway within this municipality, i.e., make a "U-turn," under any of the following conditions:

(1) Upon any curve or upon the approach to or near the crest of a grade where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within such distance as is necessary to avoid interfering with or endangering approaching traffic;

(2) At any place where official signs are erected prohibiting such movement.

(b) The driver of a vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street or highway within this municipality, i.e., make a "U-turn," unless such movement can be made in safety and without interfering with other traffic.

(c) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-77-86 § 17, 1977; Ord. 0-75-96 § 24, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.21.070 OBEDIENCE TO TURN PROHIBITION SIGNS. Whenever official signs are erected prohibiting or restricting a right or left turn, a "U-turn," or all turns, as authorized in Section 10.69.080 of this title, no driver shall disobey the directions of any such signs. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 25, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.21.080 DRIVING THROUGH PRIVATE PROPERTY OR DRIVEWAYS. (a) It is unlawful for any person to drive

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from a public street or public way of this city over, across or through any private property or driveway to avoid traffic-control signals, stop signs, or other traffic-control devices or as a route or shortcut from one public street or public way to another. Any person who violates any provision of this section commits a Class 4 traffic offense.

(b) As used in subsection (a) of this section, “private property” includes but is not limited to any property not dedicated as a public street or public way, alley, right-of-way or easement.

(c) It shall be an affirmative defense to a charge of violation of subsection (a) of this section that the person charged is the owner of the property or driveway through or across which the motor vehicle is driven or of leasehold or easement rights therein, or of the right to the possession or use thereof. (Ord. 0-75-96 § 26, 1975; Ord. 0-74-44 § 1 (part), 1974).

Chapter 10.24

DRIVING ON RIGHT SIDE OF ROADWAY, OVERTAKING, FOLLOWING

Sections:

- 10.24.010 Drive on right side—Exceptions.
- 10.24.020 Passing oncoming vehicles.
- 10.24.030 Overtaking a vehicle on the left.
- 10.24.040 When overtaking on the right is permitted.
- 10.24.050 Limitations on overtaking on the left.
- 10.24.060 Following too closely.

10.24.010 DRIVE ON RIGHT SIDE – EXCEPTIONS. (a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

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(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(2) When an obstruction exists making it necessary to drive to the left of the center of the street or highway; provided, that any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the street or highway within such distance as to constitute an immediate hazard;

(3) Upon a roadway divided into three lanes for traffic under the rules applicable thereon; or

(4) Upon a roadway restricted to one-way traffic as indicated by official traffic-control devices.

(b) Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the centerline of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subdivision (2) of subsection (a) of this section. However, this subsection does not prohibit the crossing of the centerline in making a left-turn into or from an alley, private road, or driveway when such movement can be made in safety and without interfering with, impeding or endangering other traffic lawfully using the highway.

(d) Any person who violates any provision of this section

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commits a Class 3 traffic offense. (Ord. 0-77-86 § 18, 1977; Ord. 0-75-96 § 27, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.24.020 PASSING ONCOMING VEHICLES. Drivers of vehicles proceeding in opposite directions shall pass each other

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to the right, and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 28, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.24.030 OVERTAKING A VEHICLE ON THE LEFT.

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(c) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 29, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.24.040 WHEN OVERTAKING ON THE RIGHT IS PERMITTED. (a) A driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(1) When the vehicle overtaken is making or giving indication of the making a left turn;

(2) Upon a street or highway with unobstructed pavement not occupied by parked vehicles and marked for two or more lanes of moving vehicles in each direction: or

(3) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and marked for two or more lanes of moving vehicles.

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(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main traveled portion of the roadway.

(c) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-87-32 § 1, 1987; Ord. 0-75-96 § 30, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.24.050 LIMITATIONS ON OVERTAKING ON THE LEFT. (a) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this section and unless such left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction of any vehicle overtaken.

(b) In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable, and in the event the passing movement is made on highways outside a business or residence district and involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle.

(c) No vehicle shall be driven to the left side of the roadway under the following conditions:

(1) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(2) When approaching within one hundred feet of or traversing any intersection or railroad crossing;

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(3) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct or tunnel.

(d) Where signs or markings are in place to define a no-passing zone, and such signs or markings are clearly visible to an ordinarily observant person, no driver shall at any time drive on the left side of the roadway within such no-passing zone or

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on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

(e) The provisions of this section shall not apply upon a one-way roadway, nor under the conditions described in Section 10.24.010(a)(2), nor to the driver of a vehicle turning left into or from an alley, private road or driveway when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.

(f) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-77-86 § 19, 1977; Ord. 0-75-96 § 31, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.24.060 FOLLOWING TOO CLOSELY. (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and condition of the street or highway.

(b) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

(c) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

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(d) Any person who violates any provision of subsection (a) of this section commits a Class 2 traffic offense, and any person who violates any provision of subsections (b) or (c) of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 32, 1975; Ord. 0-74-44 § 1 (part), 1974).

ONE-WAY STREETS AND ALLEYS

Chapter 10.27

ONE-WAY STREETS AND ALLEYS, ROADWAYS LANED FOR TRAFFIC

Sections:

- 10.27.010 One-way streets and alleys.
- 10.27.020 Driving on roadways laned for traffic.

10.27.010 ONE-WAY STREETS AND ALLEYS. Upon those streets and parts of streets and in those alleys designated as authorized in Section 10.69.080 of this title and described in traffic-control schedules, a vehicle shall be driven only in the indicated direction when official signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 33, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.27.020 DRIVING ON ROADWAYS LANED FOR TRAFFIC. (a) Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all other consistent herewith shall apply:

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until such movement can be made with safety.

(2) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such device.

(3) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and

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drivers of vehicles shall obey the directions of every such device.

(b) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 34, 1975: Ord. 0-74-44 § 1 (part), 1974).

Chapter 10.30

DRIVING ON DIVIDED STREETS, CONTROLLED-ACCESS HIGHWAYS

Sections:

- 10.30.010 Driving on divided streets.
- 10.30.020 Controlled-access roads and use thereof.

10.30.010 DRIVING ON DIVIDED STREETS. (a) Whenever any street or highway has been divided into separate roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, unless directed or permitted by official traffic-control devices to use another roadway.

(b) No vehicle shall be driven over, across or within any dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection as established, unless specifically prohibited by official signs and markings, or by the provisions of Section 10.21.060. However, this subsection does not prohibit a left-turn across a median island formed by standard pavement markings or other mountable or traversable devices as prescribed in State Traffic Control Manual when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.

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(c) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-77-86 § 20, 1977; Ord. 0-75-96 § 35, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.30.020 CONTROLLED-ACCESS ROADS AND USE THEREOF. (a) No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

(b) Whenever an acceleration lane has been provided in conjunction with a ramp entering a controlled-access highway, and the ramp intersection is not designated or signed as a stop or yield intersection as provided in Section 10.09.020 of this title, drivers may use the acceleration lanes to attain a safe speed for merging with through traffic when conditions permit such acceleration with safety; provided that traffic so merging shall be obligated to signal its intention to change lanes and to make such lane changes only when the driver has ascertained that such lane changes can be made with safety.

(c) Whenever a deceleration lane has been provided in conjunction with a ramp leaving a controlled-access highway, drivers shall use such lane to slow to a safe speed for making an exit turn after leaving the main stream of traffic.

(d) Pedestrians, bicyclists or other nonmotorized traffic, or any person operating a motor-driven cycle, shall not use any controlled-access roadway described in traffic-control schedules when official signs are erected on or at entrances to any such roadway giving notice thereof.

(e) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

(f) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-94-34 § 6, 1994; Ord. 0-75-96 § 36, 1975; Ord. 0-74-44 § 1 (part), 1974).

PARKING REGULATIONS—NO SIGNS REQUIRED

Chapter 10.33

STOPPING, STANDING OR PARKING REGULATIONS—NO SIGNS REQUIRED

Sections:

- 10.33.010 Stopping, standing or parking in specified places.
- 10.33.030 Parking for certain purposes prohibited.
- 10.33.040 Stopping, standing or parking on highway.
- 10.33.050 Parking not to obstruct traffic or maintenance.
- 10.33.060 Parking in alleys.
- 10.33.070 Parking of certain types of vehicles prohibited.
- 10.33.080 Abandonment of vehicles prohibited.

10.33.010 STOPPING, STANDING OR PARKING IN SPECIFIED PLACES. (a) No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with directions of a police officer or traffic-control device, in any of the following places:

- (1) On a sidewalk;
- (2) Within an intersection;
- (3) On a crosswalk;
- (4) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the end of the safety zone, unless the Traffic Engineer indicates a different length by signs or markings;
- (5) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (6) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (8) On any railroad tracks;
- (9) On any controlled-access highway;
- (10) In the area between roadways of a divided highway, including crossovers.

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(b) In addition to the restrictions specified in subsection (a) of this section, no person shall stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device, in any of the following places:

- (1) Within five feet of a public or private driveway;
- (2) Within fifteen feet of a fire hydrant;
- (3) Within twenty feet of a crosswalk at an intersection;
- (4) Within thirty feet upon the approach to any flashing beacon or signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
- (5) Within twenty feet of the driveway entrance to any fire station or, on the side of the street opposite the entrance of any fire station, within seventy-five feet of said entrance when properly sign posted.

(c) In addition to the restrictions specified in subsections (a) and (b) of this section, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device, within fifty feet of a railroad crossing.

(d) Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-94-34 § 7, 1994; Ord. 0-84-60 § 1, 1984; Ord. 0-78-79 § 2, 1978; Ord. 0-77-86 § 21, 1977; Ord. 0-75-96 § 37, 1975; Ord. 0-75-21 § 1 (part), 1975).

10.33.030 PARKING FOR CERTAIN PURPOSES PROHIBITED. (a) No person shall park a vehicle upon a roadway or the right-of-way for the principal purpose of:

- (1) Displaying such vehicle for sale;
- (2) Painting or repairing such vehicle;
- (3) Stripping or salvaging any part of or all of such vehicle; or

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- (4) Displaying advertising.
- (b) No person shall park or leave unattended an inoperable vehicle upon a street or right-of-way.
- (c) The following definitions shall apply to this section:
 - (1) “Driven under its own power” means any motor vehicle that is able to be started, stopped, driven forward, or driven backward.
 - (2) “Inoperable vehicle” means one that is not capable of being promptly started and driven under its own power, does not have a current license plate, or which lacks one or more of the following items which are otherwise standard factory equipment on any particular vehicle model: windshield, side or rear window, door, fender, headlamp, muffler, wheel, properly inflated tire.
- (d) When any vehicle is parked in violation of subsections (a) or (b) of this section for a period of twenty-four hours or more, an agent of the Lakewood Police Department may require the vehicle to be towed to an impound lot.
- (e) Any person who violates any provision of this section commits a Class 4 traffic offense.
- (f) Nothing in this section shall apply to the driver of any vehicle which is disabled while on the paved, improved, or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position, subject, when applicable, to the emergency lighting requirements set forth in Section 10.39.080. (Ord. 0-93-1 § 3, 1993; Ord. 0-89-32 § 3, 1989; Ord. 0-84-60 § 2, 1984; Ord. 0-75-96 § 39, 1975; Ord. 0-75-21 § 1 (part), 1975).

10.33.040 STOPPING, STANDING OR PARKING ON

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HIGHWAY. No person shall stop, stand or park a vehicle on any highway, ramp or any other portion of the main-traveled way of such highway. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 40, 1975; Ord. 0-75-21 § 1 (part), 1975).

10.33.050 PARKING NOT TO OBSTRUCT TRAFFIC OR MAINTENANCE. No person shall stand or park any vehicle upon a street or highway in such a manner or under such conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 41, 1975; Ord. 0-75-21 § 1 (part), 1975).

10.33.060 PARKING IN ALLEYS. (a) No person shall stand or park a vehicle within an alley except during the necessary and expeditious loading and unloading of merchandise or freight.

(b) No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

(c) Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 42, 1975; Ord. 0-75-21 § 1 (part), 1975).

10.33.070 PARKING OF CERTAIN TYPES OF VEHICLES PROHIBITED. (a) It is unlawful for any person to park any commercial vehicle, truck exceeding six thousand (6,000) pounds empty weight, trailer coach, motor vehicle, or a combination of a trailer coach and motor vehicle exceeding twenty-five (25) feet in length or eight (8) feet in width, on a public right-of-way adjacent to any lot in any zoned residential district; except when said vehicle is being used to render services to a property located within two hundred (200) feet of where the prohibited vehicle is parked.

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(b) It is unlawful for any person to park any trailer, vessel, or any vehicle which is not self-propelled for a period of time longer than six (6) hours during any day on a public right-of-way adjacent to any lot in any zoned residential district; except when said vehicle, vessel or trailer is being used to render services to a property located within two hundred (200) feet of where the prohibited vehicle or vessel is parked. This subsection shall not prohibit the parking of any trailer coach or mobile home.

(c) This section shall be enforced by the Codes Administrator of the Department of Planning, Permits and Public Works as set forth in Sections 10.66.290 through 10.66.330 of this title. It shall not be a violation of this section to park a commercial vehicle or a vehicle which is not self-propelled on the public right-of-way if a variance for the parking of said vehicle has been granted as set forth in Sections 10.66.340 through 10.66.360 of this chapter and said vehicle is parked in compliance with the terms and conditions of the variance.

(d) For the purpose of this Section commercial vehicle shall be defined as follows: Any truck tractor, dump truck, semi-trailer, commercial trailer, tow truck or vehicle equipped to provide towing services, bus or vehicle with an empty weight of six thousand (6,000) pounds or greater or any vehicle, regardless of weight, which is used, or normally associated with, the transportation of materials, products, freight, other vehicles, or equipment in furtherance of any commercial activity or is used "for hire" except that any passenger vehicle designed to transport no more than nine (9) persons or any pickup truck or van not exceeding twenty-two (22) feet in length shall not be considered commercial vehicles. (Ord. 0-94-34 § 8, 1994; Ord. 0-91-59 § 4 (part), 1991; Ord. 0-89-32 § 4, 1989; Ord. 0-77-60 § 1, 1977).

10.33.080 ABANDONMENT OF VEHICLES PROHIBITED.

(a) No person shall abandon a vehicle upon a roadway or the right-of-way. Any vehicle left unattended within any portion of a roadway or the right-of-way for a period of twenty-four hours or more shall

PARKING REGULATIONS—DECLARED BY OFFICIAL SIGNS

be presumed abandoned under the conditions prescribed by Section 42-4-1102 C.R.S., as amended. An agent of the Lakewood Police Department may require the towing of the vehicle to an impound lot.

(b) Any person who violates subsection (a) of this section commits a Class 4 traffic offense. (Ord. 0-94-34 § 9, 1994; Ord. 0-84-60 § 3, 1984).

Chapter 10.36

STOPPING, STANDING OR PARKING REGULATIONS — DECLARED BY OFFICIAL SIGNS

Sections:

- 10.36.010 Regulations not exclusive.
- 10.36.020 Obedience to stopping, standing or parking regulations.
- 10.36.030 Parking privileges for individuals with disabilities.
- 10.36.040 All-night parking.
- 10.36.060 Parking in fire lanes or emergency access lanes.
- 10.36.070 Parking in bicycle lanes or pedestrian walkways.

10.36.010 **REGULATIONS NOT EXCLUSIVE.** The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places, at specified times, or in a specified manner. (Ord. 0-75-21 § 1 (part), 1975).

10.36.020 **OBEDIENCE TO STOPPING, STANDING OR PARKING REGULATIONS.** Upon any public street or at any public place within this municipality where official signs are posted giving notice of stopping, standing, or parking restrictions or prohibitions, including fire lane, emergency access lane and restrictions or prohibitions for individuals with disabilities, no person shall stop, stand or

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park a vehicle in any manner in violation of the provisions contained on such sign or signs except when necessary to avoid conflict with other traffic, or in compliance with the direction of a police agent or except for the purpose of loading or unloading passengers when such stopping does not obstruct, impede or endanger any traffic; provided that in school zones no person shall stop on the roadway to load or unload passengers where prohibited by signs. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-94-34 § 10, 1994; Ord. 0-81-86 § 2, 1981; Ord. 0-75-96 § 43, 1975; Ord. 0-75-21 § 1 (part), 1975).

10.36.030 PARKING PRIVILEGES FOR INDIVIDUALS WITH DISABILITIES. (a) Only a vehicle with distinguishing license plates or an identifying placard issued by the Department of Motor Vehicles, which indicates that the occupant of said vehicle is a person with a disability, may be parked in any parking space identified as being reserved for use by persons with disabilities, whether on public property or private property available for public use, or along any public street regardless of any time limitations imposed by official signs upon parking in such area; except that such privilege shall not apply to zones in which:

(1) Stopping, standing or parking of all vehicles is prohibited at all times;

(2) Only special vehicles may be parked; or

(3) Parking is not allowed during special periods of the day in order to accommodate heavy traffic.

(b) The owner of private property available for public use may install signs which clearly identify certain parking spaces as reserved for use by persons with disabilities. The installation of such signs shall be a waiver of any objection the owner of private property may assert concerning enforcement of this section by peace officers.

(c) It is unlawful for any person other than a person with a disability to park in a parking space on public or private property

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which is clearly identified as being reserved for use by persons with disabilities unless such person is parking the vehicle for the benefit of a person with a disability and the vehicle displays a placard or a license plate issued to persons with disabilities.

(d) Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-94-34 § 11, 1994; Ord. 0-93-73 § 1, 1993; Ord. 0-87-32 § 2, 1987; Ord. 0-81-86 § 3, 1981; Ord. 0-75-96 § 44, 1975; Ord. 0-75-21 § 1 (part), 1975).

10.36.040 ALL-NIGHT PARKING. (a) No person shall park a vehicle on any street signed to prohibit all-night parking, for a period of time longer than thirty minutes between the hours of two a.m. and five a.m. of any day.

(b) The provisions of subsection (a) of this section shall not apply to physicians or other persons on emergency calls.

(c) Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 45, 1975; Ord. 0-75-21 § 1 (part), 1975).

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10.36.060 PARKING IN FIRE LANES OR EMERGENCY ACCESS LANES. No person shall stop, stand or park any vehicle in an area designated by official signs and/or official pavement or curb markings as a fire lane or emergency access lane. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 47, 1975: Ord. 0-75-21 § 1 (part), 1975).

10.36.070 PARKING IN BICYCLE LANES OR PEDESTRIAN WALKWAYS. No person shall stop, stand or park any motor vehicle in any area designated by official signs and/or pavement or curb markings as a bikeway, bicycle lane, bicycle path or pedestrian walkway or crosswalk, except in those areas where the on-street bikeway or pedestrian walkway is of sufficient width to allow the parking of motor vehicles and will not interfere with the passage of a bicycle within the designated bikeway or pedestrian walkway. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 48, 1975: Ord. 0-75-21 § 1 (part), 1975).

Chapter 10.39

STOPPING FOR LOADING OR UNLOADING ONLY

Sections:

- 10.39.010 Standing in passenger loading zone.
- 10.39.020 Standing in freight loading zone.

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- 10.39.030 Permits for loading zones.
- 10.39.040 Bus stops regulated.
- 10.39.050 Standing in restricted parking zone.
- 10.39.060 Parking at curb or edge of roadway.
- 10.39.070 Obedience to angle-parking signs or markings.
- 10.39.080 Lamps on parked vehicles.
- 10.39.090 Moving unattended vehicle.
- 10.39.100 Clearance between vehicles.
- 10.39.110 Waiting for parking space being cleared.
- 10.39.120 Unattended motor vehicle.
- 10.39.130 Parking on a grade.

10.39.010 STANDING IN PASSENGER LOADING ZONE. No person shall stop, stand or park a vehicle for any purpose or period of time, other than for the expeditious loading or unloading of passengers, in any place officially marked as a passenger loading zone during hours when the regulations applicable to such loading zone are effective, and then only for a period not to exceed five minutes. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 49, 1975; Ord. 0-75-21 § 1 (part), 1975).

10.39.020 STANDING IN FREIGHT LOADING ZONE.
(a) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place officially marked as a freight loading zone during hours when the provisions applicable to such zones are in effect.

(b) In no case shall the stop for loading and unloading of materials exceed thirty minutes.

(c) Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 50, 1975; Ord. 0-75-21 § 1 (part), 1975).

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10.39.030 PERMITS FOR LOADING ZONES. Whenever special permits are issued to establish or control the use of loading zones or to allow the backing of a vehicle for the purpose of loading or unloading merchandise or materials subject to certain conditions, no permittee or other person shall violate any of the special terms of such permit. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 51, 1975; Ord. 0-75-21 § 1 (part), 1975).

10.39.040 BUS STOPS REGULATED. The operator of a bus shall enter a bus stop on a public street in such a manner that the bus, once stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle as close to the curb as practicable and approximately parallel to the curb so as not to impede the movement of other vehicular traffic. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 52, 1975; Ord. 0-75-21 § 1 (part), 1975).

10.39.050 STANDING IN RESTRICTED PARKING ZONE. No person shall stop, stand or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose specified on official signs marking such restricted zone and during the period of time the restriction is effective, except that the driver of a passenger vehicle may stop momentarily therein for the purpose of and while actually engaged in loading or unloading passengers when said stopping does not interfere with the kind of traffic for which the zone is reserved. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 53, 1975; Ord. 0-75-21 § 1 (part), 1975).

10.39.060 PARKING AT CURB OR EDGE OF

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ROADWAY. (a) Except where angle parking is permitted by this title and, in the case of state highways, is approved by the State Department of Highways, and except as otherwise provided by this title, 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 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(b) Except where angle parking is permitted by this title and, in the case of state highways, is approved by the State Department of Highways, and except as otherwise provided by this title, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(c) Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-77-86 § 22, 1977; Ord. 0-75-96 § 54, 1975; Ord. 0-75-21 § 1 (part), 1975).

10.39.070 OBEDIENCE TO ANGLE-PARKING SIGNS OR MARKINGS. On those streets which have been approved and signed or marked for angle parking, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such official signs or markings. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-84-60 § 4, 1984; Ord. 0-75-96 § 54, 1975; Ord. 0-75-21 § 1 (part), 1975).

10.39.080 LAMPS ON PARKED VEHICLES. (a) Whenever a vehicle is lawfully parked upon a highway other than a local

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roadway during the hours between sunset and sunrise, and in the event there is sufficient light to reveal any person or object within a distance of one thousand feet upon such highway, no lights need be displayed upon such parked vehicle.

(b) Whenever a vehicle is parked or stopped upon a roadway

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other than a local roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between sunset and sunrise, and there is not sufficient light to reveal any person or object within a distance of one thousand feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more operating lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of five hundred feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or a combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

(c) Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

(d) Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 56, 1975; Ord. 0-75-21 § 1 (part), 1975).

10.39.090 MOVING UNATTENDED VEHICLE. No person shall move a vehicle, which he does not own or have lawful control over, into any prohibited area or away from a curb such distance as is unlawful. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-84-60 § 5, 1984; Ord. 0-75-96 § 57, 1975; Ord. 0-75-21 § 1 (part), 1975).

10.39.100 CLEARANCE BETWEEN VEHICLES. No person shall stand or park a vehicle in such a manner as to leave available less clearance between vehicles than is required to allow free movement of other vehicles in and out of parking

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spaces. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 58, 1975: Ord. 0-75-21 § 1 (part), 1975).

10.39.110 WAITING FOR PARKING SPACE BEING CLEARED. The driver of a vehicle, while waiting for a parking space to be cleared by another vehicle which is in the actual process of leaving such parking space, shall stop on the roadway side of and immediately to the rear of such leaving vehicle and shall remain in such position until the parking space has been cleared. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 59, 1975: Ord. 0-75-21 § 1 (part), 1975).

10.39.120 UNATTENDED MOTOR VEHICLE. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, and removing the key from the ignition. The Environmental Manager of the Police Department shall have the nonexclusive power and authority to enforce this section. The Environmental Manager shall be considered a peace officer within the meaning of Section 1.04.010(10) of this code solely for purposes of enforcing this section. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-93-52 § 2, 1993: Ord. 0-77-86 § 23, 1977: Ord. 0-75-96 § 60, 1975: Ord. 0-75-21 § 1 (part), 1975).

10.39.130 PARKING ON A GRADE. No person driving or in charge of a motor vehicle shall permit it to stand on any perceptible grade without effectively setting the brake thereon and turning the front wheels in such a direction as will prevent the vehicle from rolling into the traveled portion of any roadway or damaging the property of another. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 61, 1975: Ord. 0-75-21 § 1 (part), 1975).

PARKING ON PRIVATE PROPERTY

Chapter 10.42

PARKING ON PRIVATE PROPERTY

Sections:

- 10.42.010 Parking on private property—Consent of person in legal control of property required.
- 10.42.020 Parking on private property for certain purposes prohibited—Consent of person in legal control of property required.

10.42.010 PARKING ON PRIVATE PROPERTY — CONSENT OF PERSON IN LEGAL CONTROL OF PROPERTY REQUIRED. (a) It is unlawful for any person to park or stand a vehicle, whether such vehicle is occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading the vehicle, when the vehicle limits the normal access to use of private property without the express consent of the owner or person in lawful control of such property. Whenever the attention of any agent of the Lakewood Police Department is brought by the owner or person in lawful control of such property to a vehicle parked in such a manner, the agent may order the vehicle towed to an impound lot.

(b) No person shall abandon any vehicle upon property other than his own without the express consent of the owner or person in lawful control of such property. Any vehicle left on said property for a period longer than twenty-four hours shall be presumed to be abandoned unless prior arrangements with the owner or lessee of said property have been made, under the conditions prescribed by Section 42-4-1102 C.R.S., as amended. An agent of the Lakewood Police Department may require the vehicle to be towed to an impound lot.

(c) Any person who violates any provision of this Section commits a Class 4 traffic offense. (Ord. 0-94-34 § 12, 1994; Ord. 0-84-60 § 6, 1984; Ord. 0-80-82 § 3, 1980; Ord. 0-75-96 § 62, 1975; Ord. 0-75-21 § 1 (part), 1975).

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10.42.020 PARKING ON PRIVATE PROPERTY FOR CERTAIN PURPOSES PROHIBITED — CONSENT OF PERSON IN LEGAL CONTROL OF PROPERTY REQUIRED. (a) It is unlawful for any person to park a vehicle upon property other than his own without the express consent of the owner or person in lawful control of such property for the principal purpose of:

- (1) Displaying such vehicle for sale;
- (2) Painting or repairing such vehicle;
- (3) Stripping or salvaging any part of or all of the vehicle;
- (4) Displaying advertising.

(b) No person shall park a vehicle upon property other than his own without the express consent of the owner or person in lawful control of such property when such vehicle is inoperable due to the mechanical condition of the vehicle.

(c) When any vehicle is parked in violation of subsections (a) or (b) of this section for a period of twenty-four hours or more, an agent of the Lakewood Police Department may require the vehicle to be towed to an impound lot.

(d) Any person who violates subsections (a) or (b) of this section commits a Class 4 traffic offense.

(e) The provisions of this section do not supersede or prevent prosecution of a person for violations of any applicable provision of Title 17 of the Lakewood Municipal Code. (Ord. 0-94-34 § 13, 1994; Ord. 0-84-60 § 7, 1984; Ord. 0-80-82 § 2, 1980; Ord. 0-75-21 § 1 (part), 1975).

OFFICIAL TRAFFIC-CONTROL DEVICES

Chapter 10.45

OFFICIAL TRAFFIC-CONTROL DEVICES

Sections:

- 10.45.010 Uniform specifications.
- 10.45.020 Obedience to official devices.
- 10.45.030 Official devices required for enforcement purposes.
- 10.45.040 Official devices—Presumption of legality.
- 10.45.050 Traffic-control signal legend.
- 10.45.060 Flashing signals.
- 10.45.070 Lane-use-control signals.
- 10.45.080 Pedestrian-control signals.
- 10.45.090 When signals are inoperative or malfunctioning.
- 10.45.100 Traffic lanes.
- 10.45.110 Barricades—Driving in highway work area.
- 10.45.120 Unauthorized signs, signals or markings.
- 10.45.130 Interference with official devices.

10.45.010 UNIFORM SPECIFICATIONS. (a) All signs, markings and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout this municipality as required by state law.

(b) All traffic-control devices so erected and not inconsistent with the provisions of state law or this title shall be official traffic-control devices. (Ord. 0-74-44 § 1 (part), 1974).

10.45.020 OBEDIENCE TO OFFICIAL DEVICES. No driver of a vehicle shall disobey the instructions of any official traffic-control device, including any official hand-signal device placed or displayed in accordance with the provisions of this chapter, unless otherwise directed by a police officer, subject to the exceptions in this title granted the driver of an authorized

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emergency vehicle. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 63, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.45.030 OFFICIAL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES. (a) No provision of this title for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

(b) Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place. (Ord. 0-74-44 § 1 (part), 1974).

10.45.040 OFFICIAL DEVICES – PRESUMPTION OF LEGALITY. (a) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary is established by competent evidence.

(b) Any official traffic-control device placed pursuant to the provisions of this title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this title, unless the contrary is established by competent evidence. (Ord. 0-74-44 § 1 (part), 1974).

10.45.050 TRAFFIC-CONTROL SIGNAL LEGEND. (a) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored arrows, successively one at a time or in combination, only the colors

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green, yellow and red shall be used, except for special pedestrian-control signals carrying a word legend as provided in Section 10.45.080, and the lights, arrows and combinations thereof shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green Indication.

(A) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn; but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(B) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(C) Unless otherwise directed by a pedestrian-control signal as provided in Section 10.45.080, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady Yellow Indication.

(A) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.

(B) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in Section 10.45.080, are thereby advised

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that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.

(3) Steady Red Indication.

(A) Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and shall remain standing until an indication to proceed is shown, except that:

(i) Such vehicular traffic, after coming to a stop and yielding the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection, may make a right turn unless an official sign has been erected prohibiting such right turn;

(ii) Such vehicular traffic, when proceeding on a one-way street, and after coming to a stop, may make a left turn onto a one-way street upon which traffic is moving to the left of the driver. Such turn shall be made only after yielding the right-of-way to pedestrians and other traffic proceeding as directed. No turn shall be made pursuant to this subparagraph at an intersection where an official sign has been erected prohibiting such left turn.

(B) Pedestrians facing a steady circular red signal alone shall not enter the roadway, unless otherwise directed by a pedestrian-control signal as provided in Section 10.45.080.

(C) Vehicular traffic facing a steady red arrow signal may not enter the intersection to make the movement indicated by such arrow and, unless entering the intersection to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line, but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and shall remain standing until an indication to make the movement indicated by such arrow is shown.

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(D) Pedestrians facing a steady red arrow signal shall not enter the roadway, unless otherwise directed by a pedestrian-control signal as provided in Section 10.45.080.

(4) Nonintersection Signal.

(A) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature have no application.

(B) Any stop required at a nonintersection signal shall be made at a sign or pavement marking indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made at the signal.

(b) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-80-76 § 6, 1980; Ord. 0-75-96 § 64, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.45.060 FLASHING SIGNALS. (a) Whenever an illuminated flashing red or yellow signal is used in conjunction with a traffic sign or a traffic signal or as a traffic beacon, it shall require obedience by vehicular traffic as follows:

(1) When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but, if none, before entering the crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed past such signal and through the intersection or other hazardous location only with caution.

(b) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad crossings

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shall be governed by provisions of Sections 10.12.010 through 10.12.040 of this title.

(c) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 65, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.45.070 LANE-USE-CONTROL SIGNALS. (a) Whenever lane-use-control signals are placed over the individual lanes of a street or highway, such signals shall indicate and apply to drivers of vehicles as follows:

(1) Downward-pointing Green Arrow (Steady). A driver facing such signal may drive in any lane over which the green arrow signal is located.

(2) Yellow "X" (Steady). A driver facing such signal is warned that the related green arrow movement is being terminated and shall vacate in a safe manner the lane over which the steady yellow signal is located to avoid, if possible, occupying that lane when the steady red "X" signal is exhibited.

(3) Yellow "X" (Flashing). A driver facing such signal may use the lane over which the flashing yellow signal is located for the purpose of making a left turn or a passing maneuver, using proper caution, but for no other purpose.

(4) Red "X" (Steady). A driver facing such signal shall not drive in any lane over which the red signal is exhibited.

(b) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 66, 1975; Ord. 0-74-44 § 1 (part), 1974).

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10.45.080 PEDESTRIAN-CONTROL SIGNALS. Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" are in place, such signals shall indicate as follows:

(1) "Walk": While the "Walk" indication is illuminated, pedestrians facing such signal may proceed across the roadway in the direction of the signal indication.

(2) "Don't Walk" (flashing): Whenever the "Don't Walk" indication is flashing, no pedestrian shall start to cross the roadway in the direction of the indication, but any pedestrian who has partly completed his crossing during the "Walk" indication shall proceed to a sidewalk or to a safety island, and all drivers of vehicles shall yield to any such pedestrian.

(3) "Don't Walk" (steady): While the "Don't Walk" indication is steadily illuminated, no pedestrian shall enter the roadway in the direction of the signal indication.

(4) Whenever a signal system provides for the stopping of all vehicular traffic and the exclusive movement of pedestrians, and "Walk" and "Don't Walk" signal indications control such pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection while the "Walk" indication is exhibited, if signals and other official devices direct pedestrian movement in such manner consistent with Section 10.45.050(a)(3)(D). (Ord. 0-78-79 § 3, 1978; Ord. 0-77-86 § 24, 1977; Ord. 0-74-44 § 1 (part), 1974).

10.45.090 WHEN SIGNALS ARE INOPERATIVE OR MALFUNCTIONING. (a) Whenever a driver approaches an intersection and faces a traffic-control signal which is inoperative or which remains on steady red or steady yellow during several time cycles, the rule controlling entrance to a through street or highway from a stop street or highway, as provided in Section 10.09.020 of this title, shall apply until a

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police agent assumes control of traffic or until normal operation is resumed.

(b) In the event that any traffic-control signal at a place other than an intersection should cease to operate or should malfunction as herein set forth, drivers may proceed through the inoperative or malfunctioning signal only with caution, as if the signal were one of flashing yellow.

(c) Whenever a pedestrian faces a pedestrian-control signal, as provided in Section 10.45.080, which is inoperative or which remains on "Don't Walk" or "Wait" during several time cycles, such pedestrian shall not enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(d) Any person who violates any provision of this section, other than subsection (c) of this section, commits a Class 3 traffic offense. (Ord. 0-75-96 § 67, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.45.100 TRAFFIC LANES. Where traffic lanes have been marked, as authorized in Section 10.69.080 of this title, a vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until such movement can be made with safety. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-94-34 § 14, 1994; Ord. 0-75-96 § 68, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.45.110 BARRICADES — DRIVING IN HIGHWAY WORK AREA. (a) Whenever barricades are erected to close off part or all of a street or highway, as authorized in Section 10.69.080 of this title, no person shall drive around, through, or between such barricades or into the barricaded area except as directed or permitted by official signs or in compliance with directions of a police agent or other authorized person.

(b) The driver of a vehicle shall yield the right-of-way to any authorized service vehicle engaged in work upon a highway

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effective operation of any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof. Any person who violates any provision of this section commits a Class 2 traffic offense. (Ord. 0-77-86 § 25, 1977; Ord. 0-75-96 § 71, 1975; Ord. 0-74-44 § 1 (part), 1974).

Chapter 10.48

PEDESTRIANS' RIGHTS AND DUTIES— DRIVERS TO EXERCISE DUE CARE

Sections:

- 10.48.010 Pedestrians to obey traffic-control devices.
- 10.48.020 Pedestrians' right-of-way in crosswalks.
- 10.48.030 Crossing at right angles.
- 10.48.040 Pedestrian to use right half of crosswalk.
- 10.48.050 Crossing and yielding at other than crosswalks.
- 10.48.060 Pedestrian obedience to railroad signal.
- 10.48.070 Walking along roadways—Hitchhiking.
- 10.48.080 Driving through safety zone prohibited.
- 10.48.090 Driving on sidewalk.
- 10.48.100 Play streets.
- 10.48.110 Drivers to exercise due care.
- 10.48.120 Drivers and pedestrians to yield to persons with disabilities.

10.48.010 PEDESTRIANS TO OBEY TRAFFIC-CONTROL DEVICES. (a) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him, unless otherwise directed by a police agent.

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(b) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in Section 10.45.050, 10.45.080 and 10.45.090 of this title.

(c) At all other places, pedestrians shall be accorded the

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privileges and shall be subject to the restrictions stated in this title.

(d) Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 72, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.48.020 PEDESTRIANS' RIGHT-OF-WAY IN CROSS-WALKS. (a) When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) Subsection (a) of this section shall not apply under the conditions stated in Section 10.48.050.

(c) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a moving vehicle which is so close as to constitute an immediate hazard.

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(e) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-80-76 § 7, 1980; Ord. 0-77-86 § 26, 1977; Ord. 0-75-96 § 73, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.48.030 CROSSING AT RIGHT ANGLES. No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk or except where angle crossing is authorized as provided in Section 10.48.050. Any person

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who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 74, 1975; Ord. 0-74-44 § 1 (part), 1974).

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10.48.040 PEDESTRIAN TO USE RIGHT HALF OF CROSSWALK. Pedestrians shall move, whenever practicable, upon the right half of crosswalks. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 75, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.48.050 CROSSING AND YIELDING AT OTHER THAN CROSSWALKS. (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(c) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

(d) Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 76, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.48.060 PEDESTRIAN OBEDIENCE TO RAILROAD SIGNAL. No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is being opened or closed, or is closed. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 77, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.48.070 WALKING ALONG ROADWAYS — HITCHHIKING. (a) Where sidewalks are provided, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.

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(b) Pedestrians walking along and upon highways where sidewalks are not provided shall walk only on a road shoulder, as far as practicable from the edge of the roadway. Where neither a sidewalk nor road shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, in the case of a two-way roadway, shall walk only on the left side of the roadway facing traffic that may approach from the opposite direction; except that any person lawfully soliciting a ride may stand on either side of such two-way roadway where there is a view of traffic approaching from both directions.

(c) No person shall stand in a roadway for the purpose of soliciting a ride from a private motor vehicle. For the purpose of this subsection, "roadway" means that portion of the road normally used by motor vehicle traffic.

(d) A person riding an animal shall ride such animal as far from the traveled portion of any public roadway as practicable. Nothing in this subsection shall be construed to prohibit persons riding animals from participating in any officially sanctioned parade or to prohibit any mounted police from performing any of their duties.

(e) Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-78-79 § 4, 1978; Ord. 0-77-86 § 27, 1977; Ord. 0-75-96 § 78, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.48.080 DRIVING THROUGH SAFETY ZONE PROHIBITED. No vehicle shall at any time be driven through or within a pedestrian safety zone. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 79, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.48.090 DRIVING ON SIDEWALK. The driver of a motor vehicle shall not drive within any sidewalk area within

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this municipality except at a permanent or temporary driveway. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 80, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.48.100 PLAY STREETS. Whenever official signs are erected indicating any street or part thereof within this municipality as a play street, as authorized in Section 10.69.080 of this title, no person shall drive a vehicle upon any such authorized street or portion thereof except drivers of vehicles having business or whose residences are within such enclosed area, and then any driver shall exercise the greatest care in driving upon any such street or portion thereof. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 81, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.48.110 DRIVERS TO EXERCISE DUE CARE. Notwithstanding the provisions of this chapter or other chapters of this title, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-87-32 § 3, 1987; Ord. 0-75-96 § 82, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.48.120 DRIVERS AND PEDESTRIANS TO YIELD TO PERSONS WITH DISABILITIES. (a) Any pedestrian or any driver of a vehicle who approaches a person who has an obviously apparent handicap of blindness, deafness, or mobility impairment shall immediately come to a full stop and take such precautions before proceeding as are necessary to avoid an accident or injury to said person. A disability shall be deemed to be obviously apparent if, by way of

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example and without limitation, the person is using a cane or crutches, is assisted by a guide dog, service dog, or a hearing dog, is being assisted by another person, is in a wheelchair, or is walking with an obvious physical impairment. Any person who violates any provision of this section commits a Class 2 traffic offense.

(b) The following definitions shall apply to this section:

(1) "Guide dog" means any guide dog for the blind or for the deaf which is specifically trained and so licensed or so certified by a recognized, qualified school or training program to guide a blind or deaf person.

(2) "Service dog" means any dog which is specially trained and so licensed or so certified by a recognized, qualified school or training program to meet the requirements of a physically disabled person, including, but not limited to, minimal protection work, rescue work, pulling a wheelchair, or fetching an item. (Ord. 0-94-34 § 15, 1994; Ord. 0-87-32 § 4, 1987).

OPERATION OF BICYCLES

Chapter 10.51

OPERATION OF BICYCLES

Sections:

- 10.51.010 Effect of regulations.
- 10.51.020 Traffic laws apply to bicyclists and motorized bicycle riders.
- 10.51.030 Obedience to traffic-control devices.
- 10.51.040 Riding on bicycles and motorized bicycles.
- 10.51.050 Riding on roadways and bicycle paths.
- 10.51.060 Speed.
- 10.51.070 Control of bicycles.
- 10.51.080 Entering or emerging from alley or driveway.
- 10.51.090 Parking.
- 10.51.100 Riding on sidewalks.
- 10.51.110 Equipment on bicycles and motorized bicycles.
- 10.51.120 Clinging to vehicles.
- 10.51.130 Bicycle prohibited.

10.51.010 EFFECT OF REGULATIONS. (a) It is unlawful for any person to do any act forbidden or fail to perform any act required in this chapter.

(b) The parent of any child or guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this chapter.

(c) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or highway within this municipality or upon any path or trail therein set aside for the use of bicycles, subject to those exceptions stated herein. (Ord. 0-74-44 § 1 (part), 1974).

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10.51.020 TRAFFIC LAWS APPLY TO BICYCLISTS AND MOTORIZED BICYCLE RIDERS. Every bicyclist and motorized bicycle rider using a roadway where bicycle or motorized bicycle travel is permitted shall be granted all of the rights and shall be subject to all the duties and penalties applicable to the driver of a motor vehicle as set forth in this title, except those provisions of this title which, by their very nature, can have no application. (Ord. 0-78-79 § 6, 1978; Ord. 0-74-44 § 1 (part), 1974).

10.51.030 OBEDIENCE TO TRAFFIC-CONTROL DEVICES. (a) Every bicyclist and motorized bicycle rider shall obey all stop signs, other traffic signs or markings and traffic lights, unless otherwise directed by a police agent.

(b) Whenever authorized regulatory signs are erected, no bicyclist shall disobey the direction of any such sign, except that when such person dismounts from the bicycle, he shall then obey the regulations applicable to pedestrians.

(c) Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-78-79 § 7, 1978; Ord. 0-75-96 § 83, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.51.040 RIDING ON BICYCLES AND MOTORIZED BICYCLES. (a) A person propelling a bicycle or riding a motorized bicycle shall not ride other than upon or astride a permanent or regular seat attached thereto.

(b) No bicycle or motorized bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(c) A person propelling a bicycle or riding a motorized bicycle shall not ride with less than one hand on the handlebars at all times.

(d) Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-78-79 § 8; Ord. 0-75-96 § 84, 1975; Ord. 0-74-44 § 1 (part), 1974).

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10.51.050 RIDING ON ROADWAYS AND BICYCLE PATHS. (a) Every bicyclist and motorized bicycle rider using a roadway shall ride as near to the right side of the roadway as practicable, always moving in the same direction as other vehicular traffic except where a designated two-way bikeway is provided, exercising care when passing a standing vehicle or one proceeding in the same direction. On paved roadways where no adjacent or contiguous space for the bicyclist or motorized bicycle rider has been designated, the bicyclist has a nonexclusive right to use the right-most portion of the paved roadway necessary for safe travel except where such use is prohibited.

(b) Persons riding bicycles or motorized bicycles upon a roadway shall not ride more than two abreast except on lanes or parts of roadways set aside for the exclusive use of bicycles.

(c) Every bicyclist or motorized bicycle rider making a turn shall use proper hand signals. When turning left, the bicyclist or motorized bicycle rider shall either, after yielding to traffic approaching from the rear, signal, yield the right-of-way to any vehicle approaching from the opposite direction close enough to constitute an immediate hazard, and then turn from that position of the right-of-way nearest the centerline; or the bicyclist or motorized bicycle rider may stop on the right-hand portion of the roadway and cross as a pedestrian.

(d) On off-street bikeways, all bicyclists shall ride on the right side of the bikeway.

(e) On off-street bikeways, bicyclists shall yield to all pedestrians.

(f)(1) When traffic-control signals are not in place or not in operation, the driver of a vehicle approaching on that street shall yield the right-of-way, slowing down or stopping, if need be to so yield, to a bicyclist crossing the roadway in the marked pedestrian crosswalk.

(2) No bicyclist or motorized bicycle rider shall suddenly

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leave a curb or other place of safety and ride, walk, or run into the path of a moving vehicle which is so close as to constitute an immediate hazard.

(g) Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" are in place, such signal shall control the actions of bicyclists using the pedestrian crosswalks as follows:

(1) "Walk". While the "Walk" indication is illuminated, the bicyclists facing such signal may proceed across the roadway in the direction of the signal indication.

(2) "Don't Walk" (flashing). Whenever the "Don't Walk" indication is flashing, no bicyclist shall start to cross the roadway in the direction of the indication, but any bicyclist who has partially completed his crossing during the "Walk" indication shall proceed to a sidewalk or to a safety island and all drivers of vehicles shall yield to any such bicyclist.

(3) "Don't Walk" (steady). While the "Don't Walk" indication is steadily illuminated, no bicyclist shall enter the roadway to cross that roadway in a pedestrian crosswalk in the direction of the signal indication.

(4) Whenever the signal system provides for the stopping of all vehicular traffic and the exclusive movement of pedestrians, and "Walk" and "Don't Walk" signal indications control such pedestrian movement, bicyclists may cross in any direction between the corners of the intersection offering the shortest route within the boundaries of the intersection or the "Walk" indication exhibited, if signals and other official devices direct pedestrian movement in such a manner consistent with Section 10.45.050(a)(3)(D).

(h) Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-94-34 § 16, 1994; Ord. 0-78-79 § 9; Ord. 0-75-96 § 85, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.51.060 SPEED. No person shall operate a bicycle at a

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speed greater than is reasonable and prudent under the conditions then existing. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 86, 1975: Ord. 0-74-44 § 1 (part), 1974).

10.51.070 CONTROL OF BICYCLES. No bicyclist shall ride on any roadway within this municipality in such a manner as to demonstrate a lack of control over his bicycle or his direction and manner of travel or in any fashion that constitutes a danger to the person or property of another or himself. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 87, 1975: Ord. 0-74-44 § 1 (part), 1974).

10.51.080 ENTERING OR EMERGING FROM ALLEY OR DRIVEWAY. Every bicyclist emerging from an alley, driveway or building shall, upon approaching a sidewalk or sidewalk area extending across any alleyway, stop and yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 88, 1975: Ord. 0-74-44 § 1 (part), 1974).

10.51.090 PARKING. Every bicycle shall be parked in such a manner as to afford the least obstruction to pedestrian travel, and to vehicular traffic and parking. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 89, 1975: Ord. 0-74-44 § 1 (part), 1974).

10.51.100 RIDING ON SIDEWALKS. (a) When signs are erected giving notice thereof, no person shall ride a bicycle upon a sidewalk.

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(b) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian.

(c) Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 90, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.51.110 EQUIPMENT ON BICYCLES AND MOTORIZED BICYCLES. (a) Every bicycle and motorized bicycle, when in use on a street or highway between sunset and sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the street or highway are not clearly discernible at a distance of five hundred feet ahead, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from fifty to three hundred feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

(b) No person shall operate a bicycle or motorized bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet; except that a bicycle or motorized bicycle shall not be equipped with nor shall any person use upon a bicycle or motorized bicycle a siren or whistle.

(c) Every bicycle and motorized bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(d) Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-78-79 § 10, 1978; Ord. 0-75-96 § 91, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.51.120 CLINGING TO VEHICLES. No person riding

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upon any bicycle, motorized bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-78-79 § 11, 1978; Ord. 0-75-96 § 92, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.51.130 BICYCLE PROHIBITED. Whenever official signs are erected giving notice that bicycles are prohibited, as authorized in this title, no bicyclist shall violate any of the instructions contained thereon. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 93, 1975; Ord. 0-74-44 § 1 (part), 1974).

OPERATION OF NONVEHICULAR DEVICES

Chapter 10.52

OPERATION OF NONVEHICULAR DEVICES

Sections:

10.52.010 Regulations applicable to nonvehicular devices.

10.52.010 REGULATIONS APPLICABLE TO NONVEHICULAR DEVICES. Any device or conveyance not defined in this title as a vehicle shall be governed and bound by the same regulations that apply to pedestrians, except that the provisions of this chapter shall not apply to any farm tractor or any implement of husbandry designed primarily or exclusively for use and used in agricultural operations. (Ord. 0-74-44 § 1 (part), 1974).

Chapter 10.54

REGULATING THE KINDS AND CLASSES OF TRAFFIC

Sections:

- 10.54.010 Restricted use of streets.
- 10.54.020 Size and weight restrictions—Applicability.
- 10.54.030 Height, width and length of vehicles and loads.
- 10.54.040 Projecting loads on vehicles.
- 10.54.050 Spilling loads on streets or highways.

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- 10.54.060 Trailers and towed vehicles.
- 10.54.070 Wheel and axle loads.
- 10.54.080 Gross weight of vehicles and loads.
- 10.54.090 Weight limits on certain streets or parts thereof.
- 10.54.100 Vehicles weighed, excess removed.
- 10.54.110 Permits for excess size and weight.
- 10.54.120 Liability for damage to street or structure.

10.54.010 RESTRICTED USE OF STREETS. (a) The use of certain streets and roadways by motor-driven cycles, trucks or other commercial vehicles, bicycles and horse-drawn vehicles or other nonmotorized traffic shall be restricted or prohibited when declared by the traffic engineer, and when official signs giving notice thereof are erected as authorized in Section 10.69.080.

(b) For the purpose of road construction and maintenance any street or portion thereof may, by action of this municipality or by agreement with other concerned road agencies, be temporarily closed to through traffic or to all vehicular traffic during the work project, and the traffic affected shall be guided along appropriate detours or alternative routes by official traffic-control devices.

(c) When signs are so erected giving notice of restrictions or prohibitions upon the use of streets, no person shall disobey the directions or instructions stated on such signs.

(d) The provisions of subsection (a) of this section shall not be construed to prohibit the drivers of any excluded vehicles from traveling over such restricted or prohibited streets, other than controlled-access roadways, for the purpose of delivering or picking up materials or merchandise or reaching their destinations which occur on these particular streets, provided such excluded vehicles enter such streets at the intersection nearest the destination of the vehicle and proceed thereon no

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farther than the nearest intersection thereafter.

(e) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 94, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.54.020 SIZE AND WEIGHT RESTRICTIONS — APPLICABILITY. (a) It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any street or highway within this municipality any vehicle or vehicles of a size, weight and load exceeding the limitations described in this chapter and in Sections 42-4-401 through 42-4-411 of the Colorado Revised Statutes 1973, as amended, or otherwise in violation of said sections or Section 42-4-1208 except as permitted in Section 10.54.110 of this chapter.

(b) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-81-14 § 1, 1981; Ord. 0-77-86 § 28, 1977; Ord. 0-75-96 § 95, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.54.030 HEIGHT, WIDTH AND LENGTH OF VEHICLES AND LOADS. (a) No vehicle unladen or with load shall exceed a height of thirteen feet; except that vehicles with a height of fourteen feet six inches or less may be operated on streets which are state highways when so designated by the State Department of Highways.

(b) The total outside width of any vehicle or the load thereon shall not exceed one hundred two inches, except as otherwise provided in this section.

(1) The total outside width of a farm tractor shall not exceed ten feet.

(2) A load of loose hay, including loosely bound, round bales, whether horse drawn or by motor, shall not exceed twelve feet in width.

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(3) A vehicle used only as a single unit may transport a load of small rectangular hay bales if such vehicle and load do not exceed one hundred twenty-six inches in width and thirty feet in length.

(4) The total outside width of any vehicle, as required in this subsection, shall not be construed so as to prohibit the projection beyond such width of clearance lights, rear view mirrors or other accessories required by law.

(c) No single motor vehicle shall exceed a length of forty feet extreme overall dimension, inclusive of front and rear bumpers. The length of vehicles used for the mass transportation of passengers wholly within the municipality or within a radius of fifteen miles thereof may extend to sixty feet. The length of school buses may also extend to forty feet.

(d) No combination of vehicles coupled together shall consist of more than four units, and no such combination of vehicles shall exceed a total overall length of seventy feet. Said length limitation shall not apply to truck tractor-semitrailer combinations when the semitrailer is forty-eight feet or less in length, or to truck tractor-semitrailer-trailer combinations when both the semitrailer and the trailer are twenty-eight feet or less in length. Said limitations shall not apply to vehicles operated by a public utility when required for emergency repair of public service facilities or properties, or when operated under special permit as provided in Section 10.54.110, but in respect to night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load. The limitations provided in this section shall be strictly construed and enforced.

(e) The length limitations of vehicles and combinations of vehicles provided for in this section as they apply to vehicles

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being operated and utilized for the transportation of steel, fabricated beams, trusses, utility poles, pipes and automobiles shall be determined without regard to the projection of said commodities beyond the extreme front or rear of the vehicle or combination of vehicles; except that the projection of a load to the front shall be governed by the provisions of Section 10.54.040(b) and no load shall project to the rear more than ten feet.

(f) Any person who violates any provision of this section commits a Class 2 traffic offense. (Ord. 0-94-34 § 17, 1994; Ord. 0-87-87 § 2, 1987; Ord. 0-87-32 § 5, 1987; Ord. 0-80-76 § 8, 1980; Ord. 0-75-96 § 97, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.54.040 PROJECTING LOADS ON VEHICLES. (a) No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof.

(b) The load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not extend beyond the front wheels of such vehicles or vehicle or the headlamp lenses of such vehicle; provided, that a load may project not more than four feet beyond the front headlamp lenses of such a vehicle at a point above the cab of the driver's compartment so long as that part of any load projecting ahead of the rear of the cab or the driver's compartment is so loaded as not to obscure the vision of the driver to the front or to either side, except as otherwise provided in Section 10.54.030(d).

(c) It is unlawful for any person to operate a vehicle which has attached thereto in any manner any chain, rope, wire or other equipment which drags, swings or projects in any manner so as to endanger the person or property of another.

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(d) Any person who violates any provision of this section commits a Class 2 traffic offense. (Ord. 0-87-32 § 6, 1987; Ord. 0-80-76 § 8, 1980; Ord. 0-75-96 § 97, 1975; Ord. 0-74-44 § 1 (part), 1974).

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10.54.050 SPILLING LOADS ON STREETS OR HIGHWAYS. No vehicle shall be driven or moved on any highway unless such vehicle is constructed or loaded or the load thereon securely covered to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 98, 1975: Ord. 0-74-44 § 1 (part), 1974).

10.54.060 TRAILERS AND TOWED VEHICLES. (a) When one vehicle is towing another, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby, and the drawbar or other connection shall not exceed fifteen feet from one vehicle to the other, except the connection between any two vehicles transporting poles, pipe, machinery or other objects of a structural nature which cannot readily be dismembered.

(b) When one vehicle is towing another with a chain, rope, cable or similar connection, there shall be displayed, as near the center of such connection as practical, a white flag or cloth not less than twelve inches square.

(c) Whenever one vehicle is towing another, in addition to the drawbar or other connection, except a fifth-wheel connection meeting the requirements of the Interstate Commerce Commission, safety chains or cables arranged in such a way that it will be impossible for the vehicle being towed to break loose from the vehicle towing in the event the drawbar or other connection were to be broken, loosened or otherwise damaged, shall be used. This shall apply to all motor vehicles; all trailers, except semitrailers connected by a proper fifth wheel; and to any dolly used to convert a semitrailer to a full trailer.

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(d) Any person who violates any provision of this section commits a Class 2 traffic offense. (Ord. 0-87-32 § 7, 1987; Ord. 0-75-96 § 99, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.54.070 WHEEL AND AXLE LOADS. (a) The gross weight upon any wheel of a vehicle shall not exceed the following:

(1) When the wheel is equipped with a solid rubber or cushion tire, eight thousand pounds;

(2) When the wheel is equipped with a pneumatic tire, nine thousand pounds.

(b) The gross weight upon any single axle or tandem axle of a vehicle shall not exceed the following:

(1) When the wheels attached to said axle are equipped with solid rubber or cushion tires, sixteen thousand pounds;

(2) When the wheels attached to said axle are equipped with pneumatic tires, twenty thousand pounds;

(3) Vehicles equipped with a self-compactor and used solely for the transporting of trash are exempted from the provisions of this paragraph (2);

(4) When the wheels attached to a tandem axle are equipped with pneumatic tires, forty thousand pounds for highways.

(c) For the purposes of this section:

(1) A single axle is defined as all wheels, whose centers may be included within two parallel transverse vertical planes not more than forty inches apart, extending across the full width of the vehicle;

(2) A tandem axle is defined as two or more consecutive axles, the centers of which may be included between parallel vertical plans spaced more than forty inches and not more than ninety-six inches apart, extending across the full width of the vehicle.

(d) The gross weight upon any one wheel of a steel-tired

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vehicle shall not exceed five hundred pounds per inch of cross-sectional width of tire.

(e) Any person who violates any provision of this section commits a Class 2 traffic offense. (Ord. 0-89-75 § 2, 1989; Ord. 0-87-87 § 3, 1987; Ord. 0-87-32 § 8, 1987; Ord. 0-80-76 § 9, 1980; Ord. 0-75-96 § 100, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.54.080 GROSS WEIGHT OF VEHICLES AND LOADS.

(a) No vehicle or combination of vehicles shall be moved or operated on any highway or bridge when the gross weight thereof exceeds the limits specified below:

(1) (A) The gross weight upon any one axle of a vehicle shall not exceed the limits prescribed in Section 10.54.070.

(B) Subject to the limitations prescribed in Section 10.54.070, the gross weight of a vehicle having two axles shall not exceed thirty-six thousand pounds.

(C) Subject to the limitations prescribed in Section 10.54.070, the gross weight of a single vehicle having three or more axles shall not exceed fifty-four thousand pounds.

(2) Subject to the limitations prescribed in Section 10.54.070, the maximum gross weight of any vehicle or combination of vehicles shall not exceed that determined by the formula $W \text{ equals } 1,000 (L \text{ plus } 40)$, W = the gross weight in pounds, L = the length in feet between the centers of the first and last axles of such vehicle or combination of vehicles, but in computation of this formula no gross vehicle weight shall

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exceed eighty-five thousand pounds. For the purposes of this section, where a combination of vehicles is used, no vehicle shall carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that these limitations shall not apply to specialized trailers of fixed public utilities whose axles may carry less than ten percent of the weight of the combination. The limitations provided in this section shall be strictly construed and enforced.

(b) Any person who violates any provision of this section commits a Class 2 traffic offense. (Ord. 0-87-87 § 4, 1987; Ord. 0-87-32 § 9, 1987; Ord. 0-80-76 §§ 10, 11, 1980; Ord. 0-75-96 § 101, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.54.090 WEIGHT LIMITS ON CERTAIN STREETS OR PARTS THEREOF. When official signs are erected giving notice thereof, no person shall operate any vehicle with a weight limit in excess of the amount specified on such signs at any time upon the streets or parts thereof or upon any of the bridges or viaducts so designated by the Traffic Engineer. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 102, 1975; Ord. 9-74-44 § 1 (part), 1974).

10.54.100 VEHICLES WEIGHED, EXCESS REMOVED.
(a) Any police agent having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same either by means of portable or stationary scales and shall require that such vehicles be driven to the nearest public scales in the event such scales are within five miles.

(b) Whenever an agent upon weighing a vehicle and load, as above provided, determines that the weight is unlawful, such

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officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such

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vehicle to such limit as permitted under this chapter. All material as unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

(c) It is unlawful for any driver of a vehicle when directed by a police agent to fail or refuse to stop and submit the vehicle and load to a weighing, or to fail or refuse when directed by an agent to allow the unloading of the vehicle to the gross weight of such vehicle permitted in this chapter, or otherwise to fail or refuse to comply with the provisions of this section.

(d) Any person who violates any provision of this section commits a Class 2 traffic offense. (Ord. 0-87-32 § 10, 1987; Ord. 0-84-87 § 5, 1984; Ord. 0-75-96 § 103, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.54.110 PERMITS FOR EXCESS SIZE AND WEIGHT. (a) The Director of the Department of Planning, Permits and Public Works or his designee may, in his discretion, upon receiving application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter.

(b) The application for any such permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular streets or highways for which the permit to operate is required, and the time of such movement.

(c) In granting such permit the Director of the Department of Planning, Permits and Public Works or his designee may at his discretion limit the number of trips or establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to protect the safety of highway users, to protect the efficient movement of

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traffic from unreasonable interference, or to protect the highways from undue damage to the road foundations, surfaces or structures, and may require such other undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or highway or road or highway structure.

(d) Permits issued by the Colorado Department of Highways, authorizing the movement of vehicles under this section, on any of the connecting links of the state highway system within this municipality, shall be construed to have the joint approval of the street and highway authority.

(e) Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police agent or authorized agent of any authority granting such permit, and no person shall violate any of the terms or conditions of such special permit.

(f) No permit shall be necessary for the operation of authorized emergency vehicles, public transportation vehicles operated by municipalities or other political subdivisions of the state, implements of husbandry, and farm tractors temporarily moved upon the highway, including transportation of such tractors or implements by a person dealing therein to his place of business within the state or to the premises of a purchaser or prospective purchaser within the state, nor shall such vehicle be subject to the size and weight provisions of Section 10.54.020.

(g) Any person who violates any provision of this section commits a Class 2 traffic offense. (Ord. 0-91-59 § 15 (part), 1991; Ord. 0-87-32 § 11, 1987; Ord. 0-77-86 § 29, 1977; Ord. 0-75-96 § 104, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.54.120 LIABILITY FOR DAMAGE TO STREET OR STRUCTURE. (a) No person shall drive, operate, or move upon or over any street or highway structure any vehicle, object, or contrivance in such a manner so as to cause damage to said

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street or highway structure or sign bridge within or suspended over the public right-of-way. When the damage sustained to said street or highway structure is the result of the operating, driving, or moving of such vehicle, object, or contrivance weighing in excess of the maximum weight allowable in this chapter, it shall be no defense to any action, either civil or criminal, brought against such person that the weight of the vehicle was authorized by special permit issued as provided in this chapter.

(b) Every person violating the provisions of subsection (a) of this section shall be liable for all damage which said highway or highway structure may sustain as a result thereof. Whenever the driver of such vehicle, object, or contrivance is not the owner thereof but is operating, driving, or moving such vehicle, object, or contrivance with the express or implied consent of the owner thereof, then said owner or driver shall be jointly and severally liable for any such damage. The liability for damage sustained by any such highway or highway structure may be enforced by a civil action by the authorities in control of such highway or highway structure. No satisfaction of such civil liability, however, shall be deemed to be a release or satisfaction of any criminal liability for violation of the provisions of subsection (a) of this section.

(c) Any person who violates any provision of this section commits a Class 2 traffic offense. (Ord. 0-87-32 § 12, 1987; Ord. 0-74-44 § 1 (part), 1974).

VEHICLE EQUIPMENT AND INSPECTION

Chapter 10.57

VEHICLE EQUIPMENT AND INSPECTION

Sections:

- 10.57.010 Unsafe vehicles prohibited.
- 10.57.020 Lights, tires and other required equipment.
- 10.57.030 When lighted lamps required.
- 10.57.040 Windows unobstructed.
- 10.57.050 Unauthorized insignia.
- 10.57.060 School bus lights and markings.
- 10.57.070 Brakes.
- 10.57.080 Mufflers—Prevention of noise.

10.57.010 UNSAFE VEHICLES PROHIBITED. It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any street or highway within this municipality any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 105, 1975; Ord. 0-74-44 § 1 (part), 1974).

VEHICLE EQUIPMENT AND INSPECTION

10.57.020 LIGHTS, TIRES AND OTHER REQUIRED EQUIPMENT. (a) It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any street or highway within this municipality any vehicle or combination of vehicles which does not contain those parts or is not at all times equipped with such lamps, reflectors, horn and other warning or signalling devices, mirrors, safety glass, mufflers, fenders, tires, and other equipment kept in proper condition and adjustment as required in 42-4-202 through 42-4-219 and 42-4-221 through 42-4-227, C.R.S. 1973, as amended, or which is equipped in any manner in violation of said sections, or for any person to do any act forbidden or fail to perform any act required by and under said sections.

(b) The provisions of 42-4-202 through 42-4-219 and 42-4-221 through 42-4-227, C.R.S. 1973, as amended, with respect to equipment on vehicles, shall not apply to implements of husbandry or farm tractors except as therein made applicable or to certain road machinery exempted by the Colorado Department of Revenue as provided by the laws of the state of Colorado.

(c) Any person who violates any provision of subsection (5), (8), or (9) of Section 42-4-225, C.R.S. commits a Class 2 traffic offense. Any person who violates any other provision of this section commits a Class 4 traffic offense. (Ord. 0-87-87 § 5, 1987; Ord. 0-87-32 § 13, 1987; Ord. 0-84-60 § 9, 1984; Ord. 0-80-67 § 1, 1980).

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10.57.030 WHEN LIGHTED LAMPS REQUIRED. (a) Every vehicle upon a street or highway within this municipality between sunset and sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on said streets and highways are not clearly discernible at a distance of one thousand feet ahead shall display lighted lamps and illuminating devices as by the laws of the state are respectively required for different classes of vehicles, subject to the exception stated in Section 10.33.030 of this title with respect to parked vehicles, and further that stop lights, turn signals and other signaling devices shall be lighted as prescribed by Colorado law for the use of such devices.

(b) When lighted lamps are required by this section, no vehicle shall be driven upon a street or highway within this municipality with the parking lights lighted, except when the lights are being used as signal lamps, and except when the headlamps are lighted at the same time.

(c) Any person who violates subsection (a) of this section commits a Class 3 traffic offense. Any person who violates subsection (b) of this section commits a Class 4 traffic offense. (Ord. 0-87-87 § 6, 1987; Ord. 0-75-96 § 107, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.57.040 WINDOWS UNOBSTRUCTED. No person shall drive any motor vehicle with any sign, poster or other non-transparent material upon the front windshield, sidewings, side or rear windows of such vehicle that would obstruct the

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driver's view, other than a certificate or other paper required to be displayed by the laws of the state. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-78-79 § 13, 1978; Ord. 0-75-96 § 108, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.57.050 UNAUTHORIZED INSIGNIA. No owner shall display upon any part of his vehicle any official designation, sign, or insignia of any public or quasi-public corporation, municipal, state or national department or governmental subdivision, without authority of such agency. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 109, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.57.060 SCHOOL BUS LIGHTS AND MARKINGS. (a) Every school bus, other than a small passenger-type vehicle having a seating capacity of not more than nine, used for the transportation of school children, shall bear upon the front and rear thereof plainly visible and legible signs containing the words "SCHOOL BUS" in letters not less than eight inches in

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height, shall display four visual signal lights, which shall be two alternating flashing red lights visible to the drivers of vehicles approaching from the front of the bus and two alternating flashing red lights visible to the drivers of vehicles approaching from the rear of the bus, and may also display four additional visual signal lights which shall be yellow signal lights mounted near each of the four red lights and at the same level but closer to the vertical centerline of the bus and which shall be alternately flashing with two visible to the front and two visible to the rear. Said visual signal lights shall be mounted as high as practicable, shall be as widely spaced laterally as practicable, and shall be located on the same level. Said lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight. When a school bus is equipped only with red visual signal lights, they shall be actuated by the driver of the school bus whenever such vehicle is stopped for the purpose of receiving or discharging school children, but such lights need not be actuated when any school bus is stopped at locations where the local traffic regulatory authority has by prior written designation declared such actuation unnecessary. When a school bus is equipped with such alternating flashing yellow lights in addition to the red lights, and when the use of a signal light system is required, the yellow light shall be actuated at least two hundred feet prior to the point at which the bus is to be stopped for the purpose of receiving or discharging school children, and the red light shall be actuated only at the time the bus is actually stopped. On and after January 1, 1976, all school buses required to be equipped shall be equipped with such visual signal light systems as provided in this section.

(b) Every school bus used for the transportation of school children, except those small passenger-type vehicles described in subsection (a) of this section, may be equipped, and on and after January 1, 1976, shall be equipped with a stop signal arm mounted outside the bus on the left, alongside the driver and

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below the window. Such stop signal arm shall be a flat octagon with the word "STOP" printed on both sides in such a manner as to be easily visible to persons approaching from either direction. The stop signal arm shall contain two alternately flashing red lamps which are connected to the alternating flashing signal light system described in subsection (a) of this section, and the stop signal arm shall be extended only when the red visual signal lights are in operation.

(c) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 110, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.57.070 BRAKES. Every motor vehicle, motorcycle, motorized bicycle, and bicycle with motor attached, when operated upon a highway, shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle as required in 42-4-220 C.R.S. 1973, as amended. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-84-60 § 10, 1984; Ord. 0-75-96 § 111, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.57.080 MUFFLERS – PREVENTION OF NOISE. It is unlawful for any person to operate, or for the owner to cause or knowingly permit the operation of, any vehicle or combination of vehicles, within this municipality, which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unnecessary noise, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such

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vehicle above that emitted by a muffler of the type originally installed on the vehicle. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 112, 1975; Ord. 0-74-44 § 1 (part), 1974).

Chapter 10.58

VEHICLES—GASOLINE-POWERED ENGINES REGULATED

Sections:

- 10.58.010 Visible emissions from diesel-powered motor vehicles unlawful.
- 10.58.020 Air pollution violations.
- 10.58.030 Definitions.

10.58.010 VISIBLE EMISSIONS FROM DIESEL-POWERED MOTOR VEHICLES UNLAWFUL. (a) No owner or operator of a diesel-powered vehicle shall cause or knowingly permit the emission from such vehicle of any visible air contaminants which exceed the emission level as described in Section 18-13-110(2)(a), C.R.S.

(b) Any owner or operator of a diesel-powered motor vehicle receiving a summons and complaint issued pursuant to paragraph (a) of this section shall secure a certification of opacity compliance from a state emissions technical center that such vehicle conforms to the requirements of this section. Said certification shall be returned to the owner or operator for presentation in court as provided in paragraph (c) of this section.

(c) Any owner who violates any provision of this section is guilty of a Class 4 traffic offense and, upon conviction thereof, except as provided in subparagraph (1) or subparagraph (2) of

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this paragraph (c), shall be punished by a fine of one hundred dollars.

(1) If the owner conforms to the requirements of this section and presents the certification required in paragraph (b) of this section to the municipal court, he shall be punished by a fine of twenty-five dollars.

(2) If the owner submits to the municipal court proof that he has disposed of the vehicle for junk parts or immobilized the vehicle and if he also submits the registration and license plates for the vehicle to the municipal court, he shall be punished by a fine of twenty-five dollars.

(d) Any nonowner operator who violates any provision of this section is guilty of a Class 4 traffic offense and, upon conviction thereof, except as provided in subparagraph (1) of this paragraph (d), shall be punished by a fine of one hundred dollars.

(1) If the operator submits to the municipal court within fifteen days after the issuance of the summons proof that he was not the owner of the vehicle at the time the summons was issued and that he mailed, within five days after issuance thereof, a copy of the notice and summons by certified mail to the owner of the vehicle at the address on the registration, he shall be punished by a fine of twenty-five dollars.

(2) Upon a showing of good cause that compliance with this section cannot be made within fifteen days after issuance of the summons and complaint, the municipal court may extend the period of time for compliance as may appear justified.

(e) Violations of this section may be determined by visual observations of a police agent who is certified by the Department of Health as trained to ascertain violations of such standards without reference to opacity levels and to distinguish between air contaminants, and steam or water vapor.

(f) The provisions of this section shall not apply to emissions

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caused by cold engine start-up. (Ord. 0-87-87 § 7, 1987; Ord. 0-80-19 § 1 (part), 1980).

10.58.020 AIR POLLUTION VIOLATIONS. (a) It is unlawful for any person to drive or for the owner to cause or knowingly permit to be driven any motor vehicle, powered by gasoline or any fuel except diesel, which emits any visible air contaminants.

(b) The provisions of this section shall not apply to motor vehicles empowered by diesel engines or to emissions caused by cold-engine start-ups.

(c) Violations of this section may be determined by visual observations or by test procedures using opacity measurements.

(d) Any person who violates any provision of this section is guilty of a Class 4 traffic offense, and upon conviction thereof, except as provided in subparagraph (1) or subparagraph (2) of this paragraph (d), shall be punished by a fine of one hundred dollars.

(1) If the owner presents to the municipal court an affidavit that the vehicle has been disposed of in such a manner that it will no longer be operated on the highways, together with the registration card and license plates of such vehicle, he shall be punished by a fine of twenty-five dollars.

(2) Upon presentation of an affidavit of the owner that such vehicle has been repaired prior to the date set for appearance upon the charge, which appearance date shall be at least fifteen days after the alleged offense, stating the date, location, and nature of repairs made, together with the name of the person making said repairs, and that the vehicle is not in violation of the provisions of this section when in normal operation, the fine shall be reduced to twenty-five dollars.

(3) Upon presentation of an affidavit of the owner that such vehicle is being repaired, the municipal court may extend the period of time for compliance as may appear justified. (Ord. 0-94-34 § 18, 1994; Ord. 0-87-87 § 8, 1987; Ord. 0-80-19 § 1 (part), 1980).

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10.58.030 DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this chapter:

(a) "Air contaminant" or "air pollution" means any fume, smoke, particulate matter, vapor, or gas or any combination thereof which is emitted into or otherwise enters the atmosphere, including, but not limited to, any physical, chemical, biological, radioactive (including source material, special nuclear material, and by-product material) substance or matter, but "air pollutant" does not include a water vapor or steam condensate.

(b) "Emission" or "emit" means a discharge or release of one or more air contaminants into the atmosphere.

(c) "Opacity" means the degree to which an air contaminant emission obscures the view of a trained observer, expressed in percentage of the obscuration or the percentage to which transmittance of light is reduced by an air contaminant emission. (Ord. 0-87-87 § 9, 1987; Ord. 0-80-19 § 1 (part), 1980).

Chapter 10.59

CERTIFICATION OF EMISSIONS CONTROL

Sections:

10.59.010 Certification of emissions compliance required.

10.59.010 CERTIFICATION OF EMISSIONS COMPLIANCE REQUIRED. It shall be unlawful for any person to drive any street or highway or on public property or private property available for public use any motor vehicle which is

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required by the Automobile Inspection and Readjustment Program, established pursuant to Sections 42-4-306.5 to 42-4-320, C.R.S. to be inspected unless such vehicle has a valid certificate of emissions control. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-87-87 § 15, 1987; Ord. 0-84-61 § 1, 1984).

Chapter 10.60

MISCELLANEOUS ROAD RULES

Sections:

- 10.60.010 Obstruction of view or driving mechanism.
- 10.60.020 Unlawful riding.
- 10.60.030 Boarding or alighting from vehicles.
- 10.60.040 Riding in trailers.
- 10.60.050 Opening and closing vehicle doors.
- 10.60.060 Limitations on backing.
- 10.60.070 Coasting prohibited.
- 10.60.080 Following fire apparatus.
- 10.60.090 Crossing fire hose.
- 10.60.100 Foreign matter on street or highway prohibited.
- 10.60.110 When permits required for parades or processions.
- 10.60.120 Funeral processions.
- 10.60.130 Motorcycle rules.
- 10.60.140 Emblem for slow-moving vehicles.
- 10.60.150 Impeding traffic.
- 10.60.160 Use of multiple-beam headlights.
- 10.60.170 Driving on parklands.
- 10.60.180 Mandatory use of safety belt system.
- 10.60.190 Child restraint system required.

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- 10.60.200 Horns and signaling devices.
- 10.60.210 Use of earphones while driving.
- 10.60.220 Compulsory insurance.

10.60.010 OBSTRUCTION OF VIEW OR DRIVING MECHANISM. (a) No person shall drive a vehicle when it is so loaded or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No person shall knowingly drive a vehicle while any

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passenger therein is riding in any manner which endangers the safety of such passenger or others.

(c) No person shall drive any motor vehicle equipped with any television viewer, screen or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat or which is visible to the driver while operating the motor vehicle.

(d) No vehicle shall be operated upon any highway unless the driver's vision through any required glass equipment is normal and unobstructed.

(e) No passenger in a vehicle shall ride in such position as to create a hazard for himself or others or to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle; nor shall the driver of a vehicle permit any passenger therein to ride in such manner.

(f) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 113, 1975 ; Ord. 0-74-44 § 1 (part), 1974).

10.60.020 UNLAWFUL RIDING. (a) No person shall hang on or otherwise attach himself to the outside, top, hood or fenders of any vehicle, or to any other portion thereof, other than the specific enclosed portion of such vehicle intended for passengers or while in a sitting position in the cargo area of a vehicle if such area is fully or partially enclosed on all four sides, while the same is in motion, nor shall the operator knowingly permit any person to hang on or otherwise attach himself to the outside, top, hood or fenders of any vehicle, or any other portion thereof, other than the specific enclosed portion of such vehicle intended for passengers or while in a sitting position in the cargo area of a vehicle if such area is fully or partially enclosed on all four sides, while the same is in motion. This subsection shall not apply to parades, caravans or

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exhibitions which are officially authorized or otherwise permitted by law.

(b) The provisions of subsection (a) of this section shall not apply to a vehicle owned by the United States government or any agency or instrumentality thereof, or to a vehicle owned by the state or any of its political subdivisions, or to a privately owned vehicle when operating in a governmental capacity under contract with or permit from any governmental subdivision or under permit issued by the Public Utilities Commission of the state when, in the performance of their duties, persons are required to stand or sit on the exterior of the vehicle and the vehicle is equipped with adequate handrails and safeguards.

(c) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 114, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.60.030 BOARDING OR ALIGHTING FROM VEHICLES. No person shall board or alight from any vehicle while such vehicle is in motion. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 115, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.60.040 RIDING IN TRAILERS. No person or persons shall occupy a trailer while it is being moved upon a street or highway. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 116, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.60.050 OPENING AND CLOSING VEHICLE DOORS. No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a

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period of time longer than necessary to load or unload passengers. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 117, 1975: Ord. 0-74-44 § 1 (part), 1974).

10.60.060 LIMITATIONS ON BACKING. (a) The driver of a vehicle, whether on public property or private property which is used by the general public for parking purposes, shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

(c) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-87-87 § 16, 1987: Ord. 0-75-96 § 118, 1975: Ord. 0-74-44 § 1 (part), 1974).

10.60.070 COASTING PROHIBITED. (a) The driver of any motor vehicle when traveling upon a downgrade, shall not coast with the gears of such vehicle in neutral.

(b) The driver of a truck or bus when traveling upon a downgrade shall not coast with the clutch disengaged.

(c) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-77-86 § 31, 1977: Ord. 0-75-96 § 119, 1975: Ord. 0-74-44 § 1 (part), 1974).

10.60.080 FOLLOWING FIRE APPARATUS. The driver of any vehicle other than an emergency vehicle shall not follow any fire apparatus traveling in response to a fire alarm or other alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm or other alarm. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-94-34 § 19, 1994: Ord. 0-87-87 § 17, 1987: Ord. 0-75-96 § 120, 1975: Ord. 0-74-44 § 1 (part), 1974).

10.60.090 CROSSING FIRE HOSE. No vehicle shall be

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driven over any unprotected hose of the Fire Department used at any fire, alarm of fire, or practice run laid down on any street, private driveway or highway without the consent of the Fire Department official in command. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 121, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.60.100 FOREIGN MATTER ON STREET OR HIGHWAY PROHIBITED. (a) No person shall throw or deposit upon any street or highway within this municipality any glass bottle, glass, stones, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle; nor shall any person dump, deposit, throw or leave any litter on any public or private property in this municipality except in a receptacle or container provided for such purpose.

(b) Any person who drops, or permits to be dropped or thrown, upon any street or highway or structure within this municipality any destructive or injurious material or lighted or burning substance shall immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a street or highway within this municipality shall remove any glass or injurious substance dropped upon the street or highway from such vehicle.

(d) Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 122, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.60.110 WHEN PERMITS REQUIRED FOR PARADES OR PROCESSIONS. No procession or parade, except funeral processions, forces of the United States armed services, military forces of this state, and the forces of the Police and Fire Departments, shall occupy, march or proceed along any street in the municipality except in accordance with a permit issued

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by the City Clerk and in compliance with such other regulations as are set forth in this title which may apply. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 123, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.60.120 FUNERAL PROCESSIONS. (a) No permit is or shall be required for any funeral procession to occupy or proceed along the streets of this municipality.

(b) Funeral processions which are escorted by escorts duly licensed by city for such purpose shall be permitted to occupy and proceed through stop signs without stopping, through red traffic-control lights without stopping, and through streets controlled by yield signs without yielding, and shall have the right-of-way, all as hereinafter provided, subject to and only upon compliance with the following terms, provisions and conditions:

(1) Such funeral processions shall be identified by display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be required by the Police Department of this municipality, by order of its chief. Vehicles in such a procession shall also have their headlights lighted at all times.

(2) Each driver in such a procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as practicable and safe.

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(3) Traffic at each intersection controlled by a signal light, stop or yield sign, during the occupancy of such intersection by such procession, shall be controlled by a uniformed escort upon or having descended from an emergency vehicle equipped with a flashing or rotating red light, which shall be placed in operation during the occupancy of such intersection by such procession. The flashing or rotating red light on such an emergency vehicle shall be extended vertically above the vehicle so that the same may be seen by vehicles approaching the intersection from all directions, despite intervening traffic between the escort vehicle and approaching vehicles.

(4) All funeral processions traveling in the city shall have a minimum of two uniformed motorcycle escorts. If the procession consists of thirty or more vehicles, the procession must be escorted by three uniformed motorcycle escorts. In addition, if any procession consists of forty-five or more vehicles, the procession must be escorted by one uniformed motorcycle escort for each fifteen vehicles.

(5) Whenever traffic is controlled by traffic-control signals exhibiting colored lights, or colored arrows, successively, one at a time, or in combination, no funeral procession shall initially enter any such intersection, or make any turn therein, contrary to the provisions of the Lakewood traffic code; provided, however, that after a procession has lawfully entered such intersection or commenced a turn therein, the procession may, in its entirety, proceed through the same, so long as there is an escort in the intersection whose vehicle shall be plainly marked by a flashing or rotating red light which can be plainly seen from a distance of five hundred feet in all directions during daylight hours. Such escort shall remain in the intersection until the last car in the procession has proceeded through the same.

(6) If an intersection is controlled by a stop or yield sign, the lead vehicle in the procession shall come to a stop, or yield the right-of-way, as may be required, and shall proceed only in

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compliance with the provisions of the Lakewood traffic code. When a funeral procession has entered an intersection controlled by a stop or yield sign, it shall not be necessary for following vehicles to stop or yield, if the intersection is controlled by at least one uniformed motorcycle escort whose vehicle shall be plainly marked by a flashing or rotating red light that can be plainly seen from a distance of five hundred feet in all directions during daylight hours, which escort shall remain within the intersection until all vehicles within the procession have completely passed through.

(7) The lead vehicle in a funeral procession shall not at any time proceed at a speed in excess of posted speed limits; and no vehicle within the procession, including escort vehicles, shall proceed in excess of the speed limit prescribed in the Lakewood traffic code.

(8) All persons not in the procession shall yield the right-of-way to any funeral procession lawfully entering or within an intersection in accordance with the terms of this title. It is unlawful to enter that portion of any lane of traffic occupied by a funeral procession or to cross an intersection between vehicles in a procession that has lawfully taken the right-of-way in an intersection; provided, however, that authorized emergency vehicles shall have the right-of-way over funeral processions.

(9) All funeral processions shall obey all traffic laws and ordinances, subject only to the exceptions heretofore set forth under the circumstances where such exceptions are permitted; provided, however, that such processions shall yield the right-of-way to authorized emergency vehicles.

(10) In no event shall any funeral procession be allowed to take the right-of-way through any intersection, red stop light, stop sign or yield the right-of-way sign between the hours of seven-thirty a.m. and nine a.m. and between four-thirty p.m. and six p.m. During such hours all such processions shall obey all traffic regulations.

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(11) Nothing herein contained shall relieve any escort or driver of any vehicle within a funeral procession from the duty to proceed with due regard for the safety of all persons; nor shall any of the provisions hereof be a legal defense for any such escort or any such driver from the consequences of a careless or reckless disregard for the safety of others.

(c) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-94-34 §§ 20, 21, 1994; Ord. 0-75-96 § 124, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.60.130 MOTORCYCLE RULES. (a) No person shall operate any motorcycle or motor-driven cycle on any street or highway within this municipality unless such person and any passenger thereon is wearing goggles or eyeglasses made of safety glass or plastic.

(b) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passengers.

(c) Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this title, except as to special regulations herein and except as to those provisions of this title which by their nature can have no application.

(d) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or

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side of the operator.

(e) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on either side of the motorcycle.

(f) No person shall operate a motorcycle while carrying packages, bundles or other articles which prevent him from keeping both hands on the handlebars.

(g) No person shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

(h) All motorcycles are entitled to full use of a traffic lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a traffic lane. This subsection shall not apply to motorcycles two abreast in a single lane.

(i) The operator of a motorcycle shall not overtake or pass in the same lane occupied by the vehicle being overtaken.

(j) No person shall operate a motorcycle between lanes of traffic, or between adjacent lines or rows of vehicles.

(k) Motorcycles shall not be operated more than two abreast in a single lane.

(l) Subsections (i) and (j) of this section shall not apply to police officers in the performance of their official duties.

(m) No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a roadway.

(n) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-77-86 § 33, 1977; Ord. 0-75-96 § 125, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.60.140 EMBLEM FOR SLOW-MOVING VEHICLES.

(a) All machinery, equipment and vehicles designed to operate or normally be operated at a speed of less than twenty-five miles per hour on a public highway shall display a triangular slow-moving vehicle emblem on the rear.

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(b) Such emblem shall be of a type approved by the State Department of Revenue and shall be mounted in accordance with regulations issued by the department.

(c) The use of the emblem required under this section shall be restricted to the use specified in subsection (a) of this section, and its use on any other type of vehicle or stationary object is prohibited.

(d) Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 126, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.60.150 IMPEDING TRAFFIC. (a) Notwithstanding any minimum speed that may be authorized and posted pursuant to Section 10.15.050 of this title, if any person drives a motor vehicle on any controlled-access highway at a speed less than the normal and reasonable speed of traffic under the conditions then and there existing and by so driving at such slower speed impedes or retards the normal and reasonable movement of vehicular traffic following immediately behind, then such driver shall:

(1) Where the width of the traveled way permits, drive in the right-hand lane available to traffic or on the extreme right side of the roadway consistent with the provisions of Section 10.24.010(b) of this title until such impeded traffic has passed by; or

(2) Pull off the roadway at the first available place where such movement can safely and lawfully be made until such impeded traffic has passed by.

(b) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 127, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.60.160 USE OF MULTIPLE-BEAM HEADLIGHTS. (a) Whenever a motor vehicle is being operated on a roadway or

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shoulder adjacent thereto during the time specified in Section 10.57.030 of this title, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(1) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, shall be deemed to avoid glare at all times, regardless of road contour and loading.

(2) Whenever the driver of a vehicle follows another vehicle within two hundred feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light other than the uppermost distribution of light.

(b) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 128, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.60.170 DRIVING ON PARKLANDS. (a) No person shall drive or park any motor vehicle, motorcycle or any self-propelled vehicle of any nature whatever in or upon any park, parkland or public open space within the city except on roadways or pathways specifically designed for travel or parking within or upon any such park, parkland or public open space.

(b) Notwithstanding the provisions of subsection (a) of this section, no person shall drive or park any motor vehicle, motorcycle or any self-propelled vehicle of any nature whatever on roadways and pathways within or upon any park, parkland or public open space within the city when such roadways or pathways have been designated or posted with an official sign as

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being closed to public vehicular travel, or have been closed to public travel by a gate, chain barricade or any similar device.

(c) The provisions of subsections (a) and (b) of this section shall in no event apply to persons or vehicles lawfully engaged in the maintenance, care or construction of said parks or public open space.

(d) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 129, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.60.180 MANDATORY USE OF SAFETY BELT SYSTEM. (a) As used in this section:

(1) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the public highways including passenger cars, station wagons, vans, taxicabs, ambulances, motor homes, and pickups. The term does not include motorcycles, motorscooters, motorbicycles, motorized bicycles, passenger buses, school buses, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

(2) "Safety belt system" means a system utilizing a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, which system conforms to federal motor vehicle safety standards.

(b) Unless exempted pursuant to subsection (c) of this section, every driver of and every front seat passenger in a motor vehicle equipped with a safety belt system shall wear a fastened safety belt while the motor vehicle is being operated on a street or highway in this state.

(c) The requirement of subsection (b) of this section shall not apply to:

(1) A child required by Section 10.60.190 of this chapter to be restrained by a child restraint system;

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(2) A member of an ambulance team, other than the driver, while involved in patient care;

(3) A peace officer, level I, as defined in Section 18-1-901 (3)(1)(I), C.R.S., while performing official duties so long as the performance of said duties is in accordance with rules and regulations applicable to said officer which are at least as restrictive as subsection (b) of this section and which only provide exceptions necessary to protect the officer;

(4) A person with a physically or psychologically disabling condition whose physical or psychological disability prevents appropriate restraint by a safety belt system if such person possesses a written statement by a physician certifying the condition, as well as stating the reason why such restraint is inappropriate;

(5) A person driving or riding in a motor vehicle not equipped with a safety belt system due to the fact that federal law does not require such vehicle to be equipped with a safety belt system;

(6) A rural letter carrier of the United States Postal Service while performing duties as a rural letter carrier; and

(7) A person operating a motor vehicle for commercial or residential delivery or pickup service, except that such person shall be required to wear a fastened safety belt during the time period prior to the first delivery or pickup of the day and during the time period following the last delivery or pickup of the day.

(d) Any person who operates a motor vehicle while he or any passenger is in violation of the requirement of subsection (b) of this section commits a Class 4 traffic offense.

(e) No driver in a motor vehicle shall be cited for a violation of subsection (b) of this section unless the driver was stopped for an alleged traffic violation other than a violation of this section.

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(f) Testimony at a trial for a violation of this section may include:

(1) Testimony by a law enforcement officer that he observed the person charged operating a motor vehicle while said operator or any passenger was in violation of the requirement of subsection (b) of this section: or

(2) Evidence that the driver removed the safety belts, or knowingly drove a vehicle from which the safety belts had been removed. (Ord. 0-87-87 § 18, 1987).

10.60.190 CHILD RESTRAINT SYSTEM REQUIRED. (a) As used in this section, unless the context otherwise requires:

(1) "Child restraint system" means any device which is designed to protect, hold, or restrain a child in a privately owned noncommercial passenger vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident and which conforms to all applicable federal motor vehicle safety standards.

(2) "Safety belt" means a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, except any such belt which is physically a part of a child restraint system. "Safety belt" includes the anchorages, the buckles and all other equipment directly related to the operation of safety belts.

(3) "Seating position" means any motor vehicle interior space intended by the motor vehicle manufacturer to provide seating accommodation while the motor vehicle is in motion.

(b) Unless exempted pursuant to subsection (c) of this section, every child, who is under four years of age and weighs under forty pounds, being transported in this City in a privately owned noncommercial passenger vehicle which is driven by a resident of this state, shall be provided with a child restraint system suitable for the child's size and shall be properly fastened into such child restraint system which is in a seating position and which is equipped with a safety belt or other means to secure said system according to the manufacturer's instructions. It is the responsibility of the driver

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transporting the children, subject to the requirements of this section, to ensure that such children are provided with and that they properly use a child restraint system.

(c) The requirement of subsection (b) of this section shall not apply to a child who:

(1) Is being transported in a motor vehicle in which all seating positions equipped with safety belts or child restraint systems are occupied; or

(2) Is being transported in a motor vehicle as a result of a medical emergency.

(d) No person shall use a safety belt or child restraint system for children four years of age and under in a motor vehicle unless it conforms to all applicable federal motor vehicle safety standards.

(e) Any person who violates any provision of this section commits a Class 4 traffic offense.

(f) The fine shall be waived if the driver presents the court with satisfactory evidence of the acquisition, purchase, or rental of an approved child restraint system by the time of the court appearance. (Ord. 0-94-34 § 22, 1994; Ord. 0-87-87 § 19, 1987).

10.60.200 HORN AND SIGNALING DEVICES. No person shall sound any horn or signaling device on any truck, automobile, motorcycle or other vehicle on any street or highway within this municipality, except as a danger warning, and then only for a reasonable period of time. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-75-96 § 132, 1975; Ord. 0-74-44 § 1 (part), 1974).

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10.60.210 USE OF EARPHONES WHILE DRIVING. (a) No person shall operate a motor vehicle while wearing earphones.

(b) For purposes of subsection (a), "earphones" includes any headset, radio, tape player, or other similar device, which provides the listener with radio programs, music, or other recorded information through a device attached to the head and which covers all of or a portion of the ears. "Earphones" does not include speakers or other listening devices which are built into protective headgear.

(c) Any person who violates this section commits a Class 4 traffic offense. (Ord. 0-87-87 § 20, 1987).

10.60.220 COMPULSORY INSURANCE. (a) No owner of a motor vehicle required to be registered in this state shall operate the vehicle or permit it to be operated on a public street or highway of this city when he has failed to have a complying policy or certificate of self-insurance in full force and effect as required by Sections 10-4-705 and 10-4-716, C.R.S.

(b) No person shall operate a motor vehicle on a public street or highway of this city without a complying policy or certificate of self-insurance in full force and effect as required by Sections 10-4-705 and 10-4-716, C.R.S.

(c) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a police agent, no owner or operator of a motor vehicle shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by Sections 10-4-705 and 10-4-716, C.R.S.

(d) Any person who violates the provisions of subsection (a), (b), or (c) of this section is guilty of Class 2 traffic offense and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than nine hundred ninety-nine dollars, and, in addition, the court may impose imprisonment for not less than ten days nor more than one hundred eighty days. The fine imposed by this subsection shall be mandatory, and the court shall not suspend said fine, in whole or in part, unless it is established that appropriate

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insurance as required under Sections 10-4-705 and 10-4-716, C.R.S. has been obtained.

(e) Upon a second or subsequent conviction under this section within a period of two years following a prior conviction under this section, the defendant shall be punished by a fine of not less than two hundred dollars nor more than nine hundred ninety-nine dollars, and, in addition, the court may impose imprisonment in the county jail for not less than ten days nor more than one hundred eighty days. The fine imposed by this subsection shall be mandatory, and the court shall not suspend said fine, in whole or in part, unless it is established that appropriate insurance as required under Section 10-4-705 and 10-4-716, C.R.S., has been obtained.

(f) Testimony of the failure of any owner or operator of a motor vehicle to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by Sections 10-4-705 and 10-4-716, C.R.S., when requested to do so by a police agent, shall constitute prima facie evidence, at a trial concerning a violation charged under subsection (a) or (b) of this section, that such owner or operator of a motor vehicle violated subsection (a) or (b) of this section.

(g) No person charged with violating subsection (a), (b), or (c) of this section shall be convicted if he produces in court a bona fide complying policy or certificate of self-insurance which was in full force and effect, as required by Sections 10-4-705 and 10-4-716, C.R.S., at the time of the alleged violation. (Ord. 0-92-62 § 1, 1992).

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III. OBEDIENCE AND ENFORCEMENT

Chapter 10.63

OBEDIENCE TO TRAFFIC REGULATIONS

Sections:

- 10.63.010 Authority of Department of Public Safety and Fire Department officials.
- 10.63.020 Required obedience to traffic title.
- 10.63.030 Obedience to Police Department and Fire Department officials.
- 10.63.040 Traffic laws apply to persons riding or leading animals or driving animal-drawn vehicles.
- 10.63.050 Restricted use of snowmobiles, skis, toboggans, skates, toy vehicles and all-terrain recreational vehicles.
- 10.63.060 Public employees to obey traffic regulations.
- 10.63.070 Authorized emergency vehicles.
- 10.63.080 Operation of vehicles and actions of pedestrians on approach of authorized emergency vehicles.
- 10.63.090 Eluding or attempting to elude police officer or agent.

10.63.010 AUTHORITY OF DEPARTMENT OF PUBLIC SAFETY AND FIRE DEPARTMENT OFFICIALS. (a) It shall be the duty of the agents of the Police Department or such officers as are assigned by the Chief of Police to enforce all street traffic regulations of this municipality and all of the state laws applicable to street and highway traffic in this municipality.

(b) Agents of the Police Department or such special officers as are assigned by the Chief of Police are authorized to direct traffic by voice, hand or signal in conformance with state traffic laws and

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this title; provided that, in the event of fire or other emergency or to expedite traffic or to safeguard pedestrians, agents of the Police Department and other special officers as are assigned by the Chief of Police may direct traffic as conditions may require notwithstanding the provisions of the state traffic laws and the provisions of this title.

(c) Members of a fire department, when at the scene of a fire or other emergency or disaster, may direct or assist the police in directing traffic thereat or in the immediate vicinity. (Ord. 0-94-34 § 23, 1994; Ord. 0-74-44 § 1 (part), 1974).

10.63.020 REQUIRED OBEDIENCE TO TRAFFIC TITLE. It is a violation of this title for any person to do any act forbidden or fail to perform any act required in this title. (Ord. 0-74-44 § 1 (part), 1974).

10.63.030 OBEDIENCE TO POLICE DEPARTMENT AND FIRE DEPARTMENT OFFICIALS. No person shall willfully fail or refuse to comply with any lawful order or direction of any police agent, or member of the Fire Department at the scene of a fire, who is invested by the law or ordinance with authority to direct, control or regulate traffic. Any person who violates any provision of this section commits a Class 2 traffic offense. (Ord. 0-94-34 § 24, 1994; Ord. 0-75-96 § 133, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.63.040 TRAFFIC LAWS APPLY TO PERSONS RIDING OR LEADING ANIMALS OR DRIVING ANIMAL-DRAWN VEHICLES. (a) Every person riding or leading an animal or driving any animal-drawn conveyance upon a street or roadway of this municipality shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle, except those provisions of this title which by their nature can have no application.

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(b) Persons riding or leading animals on or along any street or highway within this municipality shall ride or lead such animals on the left side of the street or highway facing approaching traffic. This shall not apply to persons driving herds of animals along a street or highway where such movement is permitted.

(c) Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. 0-75-96 § 134, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.63.050 RESTRICTED USE OF SNOWMOBILES, SKIS, TOBOGGANS, SKATES, TOY VEHICLES AND ALL-TERRAIN RECREATIONAL VEHICLES. (a) No person shall use any street or highway for traveling on skis, toboggans, coasting sleds, skates, or similar devices. It is also unlawful for any

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person upon roller skates or riding in or by means of any coaster, toy vehicle, or similar device to go upon any roadway except while crossing a highway in a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This subsection (a) does not apply to any public way which is set aside by proper authority as a play street and which is adequately roped off or otherwise marked for such purpose.

(b) A snowmobile may be operated on streets and highways only when such operation is authorized by special ordinance or addition to this title and appropriate notice is given thereof, and then only in the manner on such streets prescribed by such ordinance consistent with the provisions of state law.

(c) No person shall operate an all-terrain recreational vehicle on a highway; except that the provisions of this subsection (c) shall not apply to a person operating an all-terrain recreational vehicle while the vehicle was being used primarily or exclusively in agricultural operations. For the purposes of this subsection (c) "all-terrain recreational vehicle" means any self-propelled vehicle which is designed to travel on wheels in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes.

(d) Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. 0-87-87 § 21, 1987; Ord. 0-81-86 § 4, 1981; Ord. 0-75-96 § 135, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.63.060 PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS. The provisions of this title applicable to the drivers of vehicles upon the streets and highways in this municipality shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city,

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town, district or any other political subdivision of the state, except as otherwise provided in this title. (Ord. 0-74-44 § 1 (part), 1974).

10.63.070 AUTHORIZED EMERGENCY VEHICLES. (a) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

(1) Park or stand a vehicle, irrespective of the provisions of this title;

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(3) Exceed the lawful speeds set forth in Section 10.15.010(b), (d) or exceed the maximum lawful speed limits set forth in Section 10.15.010(c) as long as said driver does not endanger life or property;

(4) Disregard regulations governing the movement or turning in specified directions.

(c) The exemptions granted in paragraphs (1) to (4) of subsection (b) of this section to an authorized emergency vehicle shall only apply when such vehicle is making use of audible and visible signals meeting the requirements of Section 42-4-212, C.R.S. and the exemption granted in paragraph (1) of subsection (b) of this section shall apply only when such vehicle is making use of visual signals meeting the requirements of Section 42-4-212, C.R.S.; unless such visual signals would cause an obstruction to the normal flow of traffic, except that an authorized emergency vehicle being operated as a police vehicle while in actual pursuit of a suspected violator of any provision of this title or any provision of state law applicable to drivers

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and vehicles in this municipality need not display or make use of audible and visual signals so long as such pursuit is being made to obtain verification of or evidence of the guilt of the suspected violator. Nothing in this section shall be construed to require an emergency vehicle to make use of audible signals when such vehicle is not moving, whether or not the vehicle is occupied.

(d) The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions be a legal defense for the driver from the consequences of his reckless disregard for the safety of others.

(e) The driver of an authorized emergency vehicle shall carry in the vehicle at all times the designation required by state law attesting to the fact that such vehicle has been designated by state motor vehicle agency as an authorized emergency vehicle by virtue of its use for the preservation of life or property or for the execution of emergency governmental functions, but failure to carry the written designation shall not affect the status of the vehicle as an authorized emergency vehicle. (Ord. 0-94-34 § 25, 1994; Ord. 0-87-87 § 22, 1987; Ord. 0-74-44 § 1 (part), 1974).

10.63.080 OPERATION OF VEHICLES AND ACTIONS OF PEDESTRIANS ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES. (a) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of state law, the driver of every other vehicle shall yield the right-of-way and where possible shall immediately clear the farthest left-hand lane lawfully available to through traffic and shall drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a roadway clear of any intersection, and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

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(b) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of the state law, every pedestrian shall yield the right-of-way to the authorized emergency vehicle and shall leave the roadway and remain off the same until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(c) Any person who violates any provision of subsection (a) of this section commits a Class 2 traffic offense. Any person who violates any provision of subsection (b) of this section commits a Class 3 traffic offense. (Ord. 0-78-79 § 14, 1978; Ord. 0-75-96 § 136, 1975; Ord. 0-74-44 § 1 (part), 1974).

10.63.090 ELUDING OR ATTEMPTING TO ELUDE POLICE OFFICER OR AGENT. It is unlawful for any operator of a motor vehicle, who a police officer or agent has probable cause to believe has violated a state law or an ordinance of this municipality and who has received a visual or audible signal such as a red light or a siren from such police officer or agent driving a marked vehicle showing the same to be an official police, sheriff or Highway Patrol car directing the operator to bring his vehicle to a stop, to willfully increase his speed or extinguish his lights in an attempt to elude such police officer or agent, or willfully to attempt or in fact to elude in any other manner the police officer or agent. Any person who violates any provision of this section commits a Class 2 traffic offense. (Ord. 0-94-34 § 26, 1994; Ord. 0-75-96 § 137, 1975; Ord. 0-74-44 § 1 (part), 1974).

PENALTIES, PARTIES AND PROCEDURES ON VIOLATIONS

Chapter 10.66

PENALTIES, PARTIES AND PROCEDURES ON VIOLATIONS

Sections:

- 10.66.010 Traffic violations.
- 10.66.020 Forms and notices of arrest or appearance.
- 10.66.030 Parties to offense.
- 10.66.040 Offenses by persons controlling vehicles.
- 10.66.050 When person arrested must be taken before court.
- 10.66.060 When agent may take person before court.
- 10.66.070 When Municipal Judge is unavailable.
- 10.66.080 When person charged may elect to appear at municipal court clerk's office or before municipal court.
- 10.66.090 Notice to appear in court.
- 10.66.110 Compliance with promise to appear.
- 10.66.120 Notice on illegally parked vehicle.
- 10.66.130 Presumption in reference to illegal parking.
- 10.66.140 Authority of officer or agent at scene of accident.
- 10.66.150 Notice charging speed violation.
- 10.66.160 Illegal cancellation of summons and complaint or notice.
- 10.66.170 When complaint to be issued.
- 10.66.180 When a copy of summons and complaint or notice shall be deemed a lawful complaint.
- 10.66.190 Authority to impound vehicles.
- 10.66.200 Retrieval of impounded vehicles.
- 10.66.210 Records of traffic cases.
- 10.66.220 Procedure not exclusive.
- 10.66.230 Jury trials.
- 10.66.250 Post-seizure hearings for abandoned vehicles.
- 10.66.260 Conduct of hearing.

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- 10.66.270 Reimbursement for improper towing.
- 10.66.280 Establishment of administrative procedures and regulations.
- 10.66.290 Administrative abatement authorized—Parking of prohibited vehicles and vessels.
- 10.66.300 Notice of abatement.
- 10.66.310 Administrative abatement procedure—Hearing.
- 10.66.320 Collection of costs.
- 10.66.330 Voluntary agreement.
- 10.66.340 Minor variances.
- 10.66.350 Appeals.
- 10.66.360 Hearing procedure.

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10.66.010 TRAFFIC VIOLATIONS. (a) It is unlawful for any person to violate any of the provisions of this title.

(b) The Presiding Municipal Judge of the municipal court shall designate the specified offenses under the traffic ordinances of this municipality in respect to which payment of fines may be accepted by the traffic violations bureau in satisfaction thereof, and shall specify by suitable schedules the amount of such fines for first, second and subsequent offenses, provided such fines are within the limits declared by law, and shall further specify what number of offenses shall require appearance before the court. (Ord. 0-74-44 § 1 (part), 1974).

10.66.020 FORMS AND NOTICES OF ARREST OR APPEARANCE. (a) The municipal court of this municipality shall provide books to include traffic summonses for notifying alleged violators to appear and answer to charges of violating traffic laws and ordinances.

(b) The books shall include serially-numbered sets of the summonses and complaints or notices, each set having such number of copies as may be required, and shall be in a form containing the information required by state law.

(c) The books shall be issued to and received for by the Police Chief, or his designee, and the Police Chief shall be responsible for the issuance of such books to individual members of the Police Department.

(d) The Police Chief shall cooperate with the State Department of Revenue in the development and use of a coding system for traffic citations which can be utilized in machine data processing and in the preparation of state reports. (Ord. 0-94-34 § 27, 1994; Ord. 0-74-44 § 1 (part), 1974).

10.66.030 PARTIES TO OFFENSE. Every person who commits, conspires to commit or aids or abets in the commission of any act declared herein to be an offense,

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whether individually or in connection with one or more other persons or as principal agent or accessory, is guilty of such offense, and every person who falsely, fraudulently, forcibly or wilfully induces, causes, coerces, requires, permits or directs another to violate any provisions of this title is likewise guilty of such offense. (Ord. 0-74-44 § 1 (part), 1974).

10.66.040 OFFENSES BY PERSONS CONTROLLING VEHICLES. It is unlawful for the owner or any other person employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a street or highway in this municipality in any manner contrary to this title. (Ord. 0-74-44 § 1 (part), 1974).

10.66.050 WHEN PERSON ARRESTED MUST BE TAKEN BEFORE COURT. Whenever a person is arrested and confined or detained in jail for a violation of any provision of this title, or whenever a person arrested demands an immediate appearance before a Judge of the Municipal Court, said person shall be taken without unnecessary delay before a Municipal Judge or other court having jurisdiction of such offense that is nearest or most accessible with reference to the place where such arrest is made. (Ord. 0-74-44 § 1 (part), 1974).

10.66.060 WHEN AGENT MAY TAKE PERSON BEFORE COURT. In every case of arrest for any violation of this title for which it is not required that a person be taken before a proper court, the person may be taken before the court in any of the following cases:

- (1) When the person does not furnish satisfactory evidence of identity; or
- (2) When the agent has reasonable and probable grounds to believe that the person will disregard a written promise to appear in court, except for traffic infractions which shall be governed by Chapter 10.76 of this Code; or

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(3) When the person arrested refuses to accept a summons and complaint or notice to appear in court, except for traffic infractions which shall be governed by Chapter 10.76 of this Code. (Ord. 0-93-68 § 7, 1993; Ord. 0-74-44 § 1 (part), 1974).

10.66.070 WHEN MUNICIPAL JUDGE IS UNAVAILABLE.
In the event that no Municipal Judge is available at the time that a person is taken into custody for the purpose of taking him before a proper court for any violation of this title, as authorized or required by this title or pursuant to state law, there shall be established by the court a bail bond schedule and available personnel to accept adequate security for such bail bonds upon satisfaction of which the person charged shall be released from custody pending his required appearance before the court.

Whenever any person is taken into custody by an agent for the purpose of taking him before the Municipal Judge as authorized or required by this title and no judge is available at the time of arrest and there is no bail schedule established by such judge or court which includes the violation with which a person in custody has been charged and no lawfully designated court clerk or other public officer who is available and authorized to accept bail on behalf of the court, such person shall be released from custody upon the issuance to him of a written summons. (Ord. 0-74-44 § 1 (part), 1974).

10.66.080 WHEN PERSON CHARGED MAY ELECT TO APPEAR AT MUNICIPAL COURT CLERK'S OFFICE OR BEFORE MUNICIPAL COURT. (a) Any person charged with an offense, violation, or traffic infraction under this title for which a summons and complaint or notice may be issued and for which payment of a fine, costs, and other court fees, may be made to the clerk of the municipal court, shall have the option of making such payment within the time and at the place specified on the summons and complaint or notice upon entering a plea of guilty and upon

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waiving appearance in court; or upon a plea of not guilty shall be entitled to a trial as authorized by law.

(b) Acceptance and payment of the prescribed fine, costs, and other court fees, shall be deemed a complete satisfaction for the offense, violation, or traffic infraction, and said clerk of the municipal court upon accepting the prescribed payment shall issue a receipt to the violator acknowledging payment thereof. Checks tendered and accepted and on which payment is received by the clerk of the municipal court shall be deemed sufficient receipt. (Ord. 0-93-68 § 8, 1993; Ord. 0-74-44 § 1 (part), 1974).

10.66.090 NOTICE TO APPEAR IN COURT. Except when authorized or directed to take a person before the municipal court, as provided in this title, any police agent upon making an arrest for any violation of this title shall take the name, address and operator's license number of said person, the registered number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall prepare and issue to him in writing on the form authorized in Section 10.66.020 a notice or summons to respond and answer to the charge against him at a place and at a time to be specified in the summons and complaint or notice. The police agent shall require said person to execute on the form provided his or her written promise to appear at the time and place indicated on the summons and complaint or notice for any violation of the Lakewood Municipal Code except for violations of the Lakewood traffic code when the person can provide to the police agent a valid Colorado driver's license. (Ord. 0-84-60 § 11, 1984; Ord. 0-74-44 § 1 (part), 1974).

10.66.110 COMPLIANCE WITH PROMISE TO APPEAR. An appearance in court may be complied with by an appearance by counsel. (Ord. 0-74-44 § 1 (part), 1974).

10.66.120 NOTICE ON ILLEGALLY PARKED VEHICLE. Whenever any motor vehicle without driver is found parked or

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stopped in violation of any of the restrictions imposed by the ordinances of this municipality, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a summons and complaint or notice on the form authorized in Section 10.66.020, directing the owner thereof to respond to and answer the charge against him at a place and at a time specified in the notice. (Ord. 0-74-44 § 1 (part), 1974).

10.66.130 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any prosecution charging a violation of any provision of this title governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred. (Ord. 0-74-44 § 1 (part), 1974).

10.66.140 AUTHORITY OF OFFICER OR AGENT AT SCENE OF ACCIDENT. A police agent at the scene of a traffic accident may issue a written summons or notice, as provided in Section 10.66.090 to any driver of a vehicle involved in the accident when the agent has probable cause to believe that the person has committed any offense under the provisions of this title or state law in connection with the accident. (Ord. 0-94-34 § 28, 1994; Ord. 0-74-44 § 1 (part), 1974).

10.66.150 NOTICE CHARGING SPEED VIOLATION. In every charge of violation relating to speed limits, the summons and complaint or notice to appear shall specify the speed at which the

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defendant is alleged to have driven, also the reasonable and prudent speed applicable at the location in this municipality or the maximum lawful speed limit. (Ord. 0-94-34 § 29, 1994; Ord. 0-84-60 § 12, 1984; Ord. 0-74-44 § 1 (part), 1974).

10.66.160 **ILLEGAL CANCELLATION OF SUMMONS AND COMPLAINT OR NOTICE.** It is unlawful for any person to cancel or solicit the cancellation of any summons and complaint or notice in any manner other than by process of law. (Ord. 0-74-44 § 1 (part), 1974).

10.66.170 **WHEN COMPLAINT TO BE ISSUED.** (a) In the event any person fails to comply with the notice given to such person, or fails to respond to a summons directing an appearance in the court having jurisdiction or at the traffic violations bureau, the clerk of the court having jurisdiction shall have a complaint issued against such person and shall issue and have served a warrant for his arrest.

(b) Subsection (a) of this section shall not apply to a failure to appear for a traffic infraction. Such a failure to appear for a traffic infraction shall be governed by Chapter 10.76 of this Code. (Ord. 0-93-68 § 9, 1993; Ord. 0-74-44 § 1 (part), 1974).

10.66.180 **WHEN A COPY OF SUMMONS AND COMPLAINT OR NOTICE SHALL BE DEEMED A LAWFUL COMPLAINT.** In the event the form of summons and complaint or notice provided under Section 10.66.020 includes information and is sworn to as required under the general laws of this state in respect to a complaint charging commission of the offense alleged in the summons and complaint or notice to have been committed, then such summons and complaint or notice when filed with a court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution under this title. (Ord. 0-74-44 § 1 (part), 1974).

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10.66.190 AUTHORITY TO IMPOUND VEHICLES. (a) Whenever any agent of the Lakewood Police Department finds any vehicle parked upon any public way in a manner inconsistent with any of the provisions of this title, and the vehicle obstructs or interferes with the free flow of traffic or street maintenance, or access of emergency vehicles or equipment, the agent may order the vehicle towed to an impound lot.

(b) Nothing in this section shall prevent the towing of a vehicle to the impound lot pursuant to another section of Title 10, the Lakewood traffic code. (Ord. 0-94-34 § 30, 1994; Ord. 0-84-60 § 13, 1984; Ord. 0-78-79 § 15, 1978; Ord. 0-77-86 § 34, 1977; Ord. 0-74-44 § 1 (part), 1974).

10.66.200 RETRIEVAL OF IMPOUNDED VEHICLES. (a) Upon presenting appropriate proof of identification and ownership of a vehicle which has been impounded under the provisions of this title in an impoundment lot and upon payment of the appropriate towing, storage and impoundment fees, the registered owner of an impounded vehicle may retrieve his vehicle.

(b) The Chief of Police or his designee shall designate hours when payment of towing, storage and impoundment fees may be accepted and vehicles may be retrieved from impoundment lots.

(c) Such payment or towing, impoundment and storage fees shall not relieve the owner of the impounded vehicle from any responsibility or liability to comply with the terms of any notice or citation issued for illegally parking the vehicle.

(d) Disposal of Abandoned Vehicles. Vehicles towed from streets or highways and other property within this city and impounded as provided in this title, shall be disposed of in accordance with the provisions of Title 3, Article 11 of this code. (Ord. 0-94-34 § 31, 1994; Ord. 0-90-41 § 2, 1990; Ord. 84-60 § 14, 1984; Ord. 0-77-86 § 35, 1977; Ord. 0-74-44 § 1 (part), 1974).

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10.66.210 RECORD OF TRAFFIC CASES. (a) Pursuant to Section 42-4-1510, Colorado Revised Statutes, as amended, the municipal court shall keep or cause to be kept a full record of every case in which a person is charged with any violation of any of the traffic ordinances of this municipality.

(b) Pursuant to Sections 44-2-121 and 42-4-1510, Colorado Revised Statutes, as amended, the municipal court shall forward to the State Department of Revenue a record of the conviction or judgment of liability by default of any person in the court for violation of any laws or ordinances after such conviction or judgment of liability by default, provided that report need not be made of any conviction involving a Class 4 traffic infraction. (Ord. 0-93-68 § 10, 1993; Ord. 0-77-86 § 36, 1977; Ord. 0-74-44 § 1 (part), 1974).

10.66.220 PROCEDURE NOT EXCLUSIVE. The procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade. (Ord. 0-74-44 § 1 (part), 1974).

10.66.230 JURY TRIALS. Trial by jury shall not be allowed for those persons charged with a Class 3 or Class 4 traffic infraction. In the event a person charged with a Class 3 or Class 4 traffic infraction is also charged with a Class 2 traffic offense arising out of the same incident, the person so charged may have a trial by jury on all charges. (Ord. 0-93-68 § 11, 1993; Ord. 0-83-83 § 3, 1983).

10.66.250 POST-SEIZURE HEARINGS FOR ABANDONED VEHICLES. As to any vehicle impounded as abandoned by a police agent of the Lakewood Police Department, pursuant to the provisions of Title 10 of the Lakewood Municipal Code, or pursuant to Section 42-4-1102, C.R.S., a person who has a legal entitlement to possession of the vehicle has a right to a post-seizure administrative

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hearing to determine whether there was probable cause to impound the vehicle as abandoned. Said person must file a written demand for a hearing within thirty days after the date of the impoundment and storage of the vehicle or within ten days of the postmark date of any notice sent by certified mail in compliance with the terms of Section 42-4-1604(4), C.R.S. This written demand must include the owner's current address and a telephone number where the owner can be reached between the hours of eight a.m. and five p.m. The Notice of Stored Vehicle shall be sent in the mail by the police department to the registered owner of the vehicle within seventy-two hours, excluding weekends and holidays, after impoundment and storage of the vehicle, unless a person who has legal entitlement to the vehicle retrieves it within the seventy-two-hour period. If the vehicle is retrieved within this period, written notice of the right to a post-seizure administrative hearing shall be given by an employee of the Lakewood Police Department to the person retrieving the vehicle. (Ord. 0-94-34 § 32, 1994; Ord. 0-86-71 § 1 (part), 1986).

10.66.260 CONDUCT OF HEARING. (a) A hearing shall be conducted before a hearing officer designated by the City Manager within seventy-two hours of receipt of a written demand therefor from the person seeking the hearing, unless such person waives the right to a speedy hearing. Weekends and holidays are to be excluded from the calculation of the seventy-two-hour period. The hearing officer shall be someone other than the police agent who ordered the impoundment and storage of the vehicle.

(b) The sole issue before the hearing officer shall be whether there was probable cause to impound the vehicle in question.

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The hearing officer shall determine whether there was probable cause to conclude that the vehicle was subject to impoundment under the provisions of Title 10 of the Lakewood Municipal Code.

(c) The hearing shall be conducted in an informal manner and shall not be bound by technical rules of evidence. The hearing officer may receive all or part of the evidence in written form. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The police department shall carry the burden of establishing that there was probable cause to impound the vehicle in question. The burden of proof shall be by a preponderance of the evidence. Failure of the registered or legal owner, or his agent, to attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such a hearing.

(d) At the conclusion of the hearing, the hearing officer shall prepare a written decision. At that time, a copy of such decision shall be provided to the registered or legal owner or his agent. The hearing officer's decision shall in no way affect any criminal proceeding in connection with the impound in question and any criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the hearing officer is final. (Ord. 0-86-71 § 1 (part), 1986).

10.66.270 REIMBURSEMENT FOR IMPROPER TOWING. (a) If the hearing officer determines that there was no probable cause to impound the vehicle, the hearing officer shall prepare and date a Certificate of No Probable Cause. A copy of this certificate shall be given at the conclusion of the hearing to the registered or legal owner, or his agent, and to the police department.

(b) Upon a determination of no probable cause, the city shall either fully reimburse the owner of the impounded vehicle

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for all towing and storage fees paid by the owner, or directly pay the Official Police Garage for the accrued fees. The hearing officer is not empowered to order reimbursement by the city for any expenses incurred by the owner due to the towing of the subject vehicle beyond the total sum of the towing and storage fees.

(c) If the possessor fails to present such certificate to the Official Police Garage having custody of the vehicle within twenty-four hours of its receipt, excluding such days when the Official Police Garage is not open for business, the possessor shall assume liability for all subsequent storage charges. The certificate shall advise the possessor of such requirement. (Ord. 0-86-71 § 1 (part), 1986).

10.66.280 ESTABLISHMENT OF ADMINISTRATIVE PROCEDURES AND REGULATIONS. The City Manager is authorized to adopt such procedures and regulations not inconsistent with this chapter, as he deems necessary to aid in the administration of post-seizure hearings for impounded vehicles. (Ord. 0-86-71 § 1 (part), 1986).

10.66.290 ADMINISTRATIVE ABATEMENT AUTHORIZED PARKING OF PROHIBITED VEHICLES AND VESSELS. (a) The Codes Administrator of the Department of Planning, Permits and Public Works shall enforce Section 10.33.070 of this title by periodically inspecting the City for prohibited vehicles or vessels on the street or in the public right-of-way and shall cause notice to be issued and served upon the owner directing him to immediately remove the vehicle or vessel from the street or public right-of-way. The Codes Administrator or his designee shall be considered peace officers within the meaning of Lakewood Municipal Code Section 1.04.010(10) for the purpose of such enforcement action.

(b) The administrative abatement procedure herein shall be followed for the abatement of any violation of Section 10.33.070 of this title. The abatement procedure shall commence seven (7) days

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from the postmark date on the notice sent by certified mail where the owner of the vehicle or vessel is known, or seven (7) days from the date of the notice posted on the vehicle or vessel where the owner is not known. Additional time for removal of the vehicle or vessel may be granted in the discretion of the Codes Administrator if the owner provides substantial evidence that compliance cannot reasonably be made within seven (7) days or that a good faith attempt at compliance is being made. (Ord. 0-94-34 § 33, 1994; Ord. 0-91-59 § 4 (part), 1991; Ord. 0-89-32 § 5 (part), 1989).

10.66.300 NOTICE OF ABATEMENT. (a) The notice to abate shall be in writing signed by the Codes Administrator or his designee. Where the owner of the vehicle or vessel cannot be determined, the notice shall be served by leaving a copy of the notice conspicuously posted upon and affixed securely to the vehicle or vessel. Where the owner is known, notice shall be served by leaving a copy of the notice conspicuously posted upon and affixed securely to the vehicle or vessel, and by mailing a copy of the notice by certified mail, return receipt requested, to the owner at his last known address.

(b) The notice referred to in subsection (a) above shall describe the violation, the location of the violation, and direct the owner to immediately remove the vehicle or vessel from the street or public right-of-way. The notice shall also state that if the owner fails or refuses to remove the vehicle or vessel the Codes Administrator is authorized to cause the vehicle or vessel to be removed by the City and the owner shall be responsible

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for all costs associated with such removal. The notice shall also state that the owner may make written demand to the Codes Administrator for an administrative abatement hearing before the City Manager or his designee. Such written demand shall be made within seven (7) days of the postmark date on the notice sent by certified mail where the owner is known, or within seven (7) days of the date of the notice posted on the vehicle or vessel where the owner is not known. The notice shall state that any written demand for a hearing must include the owner's current address and a telephone number where he can be reached between the hours of 8:00 o'clock a.m. and 5:00 o'clock p.m. Monday through Friday. Written demand for a hearing shall be sent to the Codes Administrator, City of Lakewood, 445 South Allison Parkway, Lakewood, Colorado 80226. (Ord. 0-89-32 § 5 (part), 1989).

10.66.310 ADMINISTRATIVE ABATEMENT PROCEDURE – HEARING. (a) If the owner fails or refuses to remove the vehicle or vessel from the street or public right-of-way and fails to make written demand as set out herein, the Codes Administrator shall cause the vehicle or vessel to be removed by the City and costs associated with such removal shall be charged to the owner thereof.

(b) Upon receipt of a written demand by the owner for an administrative abatement hearing, the Codes Administrator shall notify the City Manager or his designee and a hearing shall be scheduled within seven (7) days. Notice of the hearing date and location shall be mailed to the owner at the address listed in the written demand for a hearing.

(c) At the hearing referred to in subsection (b) above the City Manager or his designee shall hear such statements and consider such evidence as the Codes Administrator, enforcement officers, the owner of the vehicle or vessel, or any other witness

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shall offer relevant to the violation. The City Manager or his designee shall make findings of fact from the statements and evidence offered as to whether a violation exists and whether the vehicle or vessel shall be removed and all costs associated with such removal charged to the owner thereof. If the City Manager or his designee determines the violation exists and the vehicle or vessel shall be removed, he shall issue an order based on the findings of fact directing the owner of the vehicle or vessel to remove it from the street or public right-of-way.

(d) If an order issued by the City Manager or his designee has not been complied with within thirty (30) days after its issuance, the City Manager or his designee may cause the vehicle to be removed by the City and all costs associated with such removal shall be charged to the owner thereof.

(e) Any owner who fails to comply with such an order shall be charged with all administrative costs and expenses incurred in the removal of the vehicle or vessel. Such administrative costs shall include costs of removal, inspection fees, postal charges, attorney fees to enforce or collect such costs, legal expenses, and any other costs or expenses incurred by the City as a result of the enforcement of this article. (Ord. 0-89-32 § 5 (part), 1989).

10.66.320 COLLECTION OF COSTS. The manner of collection of administrative costs incurred by the City in removing a vehicle or vessel from a street or public right-of-way shall be left to the discretion of the City Manager or his designee. (Ord. 0-89-32 § 5 (part), 1989).

10.66.330 VOLUNTARY AGREEMENT. An owner of a vehicle or vessel in violation of 10.33.070 of this Code may enter into a written agreement with the City, through the City Manager or his designee, to have the City remove the vehicle or

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vessel and charge all the costs of removal to the property owner to be paid in full by a date certain. The execution of such an agreement shall be at the sole discretion of the City. (Ord. 0-89-32 § 5 (part), 1989).

10.66.340 MINOR VARIANCES. (1) The Director of the Department of Planning, Permits and Public Works may grant a variance from the application of standards set forth in Section 10.33.070 of this title as it relates to the parking of a commercial vehicle or the parking of a vehicle which is not self-propelled on the public right-of-way if the proposed variance meets each of the following standards:

- (a) The variance applies to a specific vehicle;
- (b) The variance, if granted, only allows the parking of said vehicle on the public right-of-way adjacent to a specific piece of real property;
- (c) The variance, if granted, does not allow the parking of a vehicle exceeding twenty-five (25) feet in length or eight (8) feet in width on the public right-of-way adjacent to any lot in any zoned residential district;
- (d) By reason of exceptional narrowness, shallowness or shape of a specific piece of property on the date this section takes effect or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of the regulation would result in peculiar and undue practical difficulties for, or peculiar and unnecessary hardship on, the owner of the property;
- (e) The variance, if granted, will observe the spirit of the regulation, secure the public safety and welfare, and achieve substantial justice;
- (f) The variance, if granted, will not adversely affect the adjacent property of the neighborhood;
- (g) The variance, if granted, will not substantially or permanently impair the appropriate use or development of adjacent property;

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(h) The variance, if granted, is the minimum variance that will afford relief with the least modification possible of the regulation;

(i) The proposed use will not be detrimental to nor incompatible with other uses in the neighborhood; and

(j) The applicant pays a variance fee in an amount established by City Council Resolution.

(2) In deciding variance applications, the Director may consider whether the alleged difficulty or hardship was self-imposed.

(3) Written notice shall be provided at the applicant's expense, on forms provided by the Department of Community Planning and Development, to all owners of property adjacent to the applicant's property, that a variance application is pending, describing the variance requested, indicating where written or oral objections to the variance may be presented, and stating that no hearing on the variance application will be held unless objections to the variance and a request for a hearing are filed, in writing, with a specified person in the Department of Community Planning and Development, within a time set forth in the notice, but not earlier than ten (10) days after mailing of the notice. On the same day that written notice is provided to owners of adjacent property, notice that the variance application is pending shall also be posted by the applicant on the applicant's property for at least ten (10) days and shall state where additional information on the variance may be obtained. The posted notice shall be in such form and contain such additional information as the Director may require. (Ord. 0-94-34 § 34, 1994; Ord. 0-91-59 §§ 4 (part), 5 (part), 1991; Ord. 0-89-32 § 5 (part), 1989).

10.66.350 APPEALS. The City Manager or his designee, shall hear and decide appeals from any order, requirement, decision, or determination made by the Director of the Department of Planning, Permits and Public Works or his authorized representative in the enforcement of Section 10.66.340 of this chapter. Any appeal shall

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be filed on a form to be provided by the City and shall be accompanied by an appeal fee in an amount established by City Council Resolution. The applicant shall file any appeal from a determination, action, or failure to act by the Director of the Department of Planning, Permits and Public Works, with the Codes Administrator, City of Lakewood, 445 South Allison Parkway, Lakewood, Colorado 80226, within seven (7) days from said determination. Failure to file said appeal within seven days shall be a waiver of any future right of appeal. (Ord. 0-91-59 § 5 (part), 1991; Ord. 0-89-32 § 5 (part), 1989).

10.66.360 HEARING PROCEDURE. (a) Upon receipt of a written demand by the aggrieved party for an appeal of the order, requirement, decision, or determination made by the Director of the Department of Planning, Permits and Public Works, the Codes Administrator shall notify the City Manager or his designee and a hearing shall be scheduled within seven (7) days. Notice of the hearing date and location shall be mailed to the applicant party at the address listed in the written demand for a hearing.

(b) All decisions of the City Manager or his designee shall be after a hearing at which any party shall be entitled to appear, present evidence, and be represented by counsel. All such decisions shall be in writing and shall state the reasons and grounds for such decision. Copies of said decision shall be mailed to all parties in interest and to the City Attorney within five (5) days of making such decision. The decision of the City Manager or his designee shall be final and there shall be no further administrative review.

(c) Decisions of the City Manager or his designee shall be subject to review by court action, in accordance with Rule 106 of the Colorado Rules of Civil Procedures. The City shall be considered to be a party to every proceeding before the City Manager or his designee.

(d) A record of hearings before the City Manager or his designee shall be kept, whether by electronic transcription, secretarial

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minutes or otherwise and such records shall be kept in the custody of the City Clerk and shall be made available for transcription as may be required. (Ord. 0-91-59 § 5 (part), 1991; Ord. 0-89-32 § 5 (part), 1989).

Chapter 10.67

TRANSPORTATION OF HAZARDOUS MATERIALS

Sections:

- 10.67.010 Rules and regulations of the Colorado State Patrol—Adopted by reference—Generally.
- 10.67.020 Vehicle accidents and spills.
- 10.67.030 Immobilization of unsafe vehicles.
- 10.67.040 Penalties.
- 10.67.050 Suspension of operations.

10.67.010 RULES AND REGULATIONS OF THE COLORADO STATE PATROL — ADOPTED BY REFERENCE — GENERALLY. Hazardous materials and hazardous wastes, as defined by the rules and regulations of the Colorado State Patrol, shall be transported and delivered within the City of Lakewood in accordance with the rules and regulations governing the transporting and shipping of hazardous materials as promulgated by the Colorado State Patrol within the Colorado Department of Public Safety, found at 8 C.C.R. 1507-9, as the same may from time to time be amended, which are hereby

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adopted by reference pursuant to Title 31, Article 16, of the Colorado Revised Statutes, subject to the deletions, amendments, and additions contained in this chapter. (Ord. 0-90-4 § 1 (part), 1990).

10.67.020 VEHICLE ACCIDENTS AND SPILLS. If any hazardous materials or hazardous wastes are spilled from a motor vehicle, either on private property, the public right-of-way or public property, the operator shall immediately notify the police or fire department. The following information is necessary for proper identification under this section:

- (1) Location of the spill;
- (2) Proper shipping name of hazardous materials or hazardous wastes involved;
- (3) Amount of material involved;
- (4) Any information that is available concerning the hazardous materials or hazardous wastes; including such information as the toxicity, flammability, or reactivity of the hazardous materials and hazardous wastes involved; and
- (5) Any other information available that may either affect the cleanup of the material or the health and safety of individuals in or around the spill. (Ord. 0-90-4 § 1 (part), 1990).

10.67.030 IMMOBILIZATION OF UNSAFE VEHICLES. Police agents shall have the power to immobilize, impound, or otherwise direct the disposition of motor vehicles transporting hazardous materials or hazardous wastes when any police agent deems that the motor vehicle or the operation thereof is unsafe and when such immobilization, impoundment, or disposition is appropriate under or required by the rules and regulations of the Colorado State Patrol. (Ord. 0-90-4 § 1 (part), 1990).

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10.67.040 PENALTIES. Any person convicted of a violation of any provision of this chapter or any person, corporation, partnership, or other entity which intentionally or knowingly authorizes, solicits, requests, commands, conspires in, or aids and abets in the violation of any provision of this chapter shall, for each offense, be fined in a sum of not more than nine hundred ninety-nine dollars or shall be imprisoned for a term of not more than one hundred and eighty days, or shall be both so fined and imprisoned. Each and every day which the violation is permitted to exist shall constitute a separate and distinct offense. The penalties herein shall not preclude the City from initiating any other action to abate or prevent the occurrence of any violation of this chapter. (Ord. 0-90-4 § 1 (part), 1990).

10.67.050 SUSPENSION OF OPERATIONS. The Chief of the Lakewood Police Department, or his designee, is authorized to reasonably restrict, or if necessary prohibit, the transportation of hazardous materials or hazardous wastes through the city, without notice, whenever road, weather, traffic, or other hazardous circumstances warrant that action. (Ord. 0-90-4 § 1 (part), 1990).

TRAFFIC ADMINISTRATION

IV. ADMINISTRATION

Chapter 10.69

TRAFFIC ADMINISTRATION

Sections:

- 10.69.010 Traffic duties of Police Department.
- 10.69.020 Records of traffic violations.
- 10.69.030 Investigation of traffic accidents.
- 10.69.040 Traffic accident studies.
- 10.69.050 Traffic accident reports.
- 10.69.060 Annual traffic-safety report.
- 10.69.070 Title of traffic engineer.
- 10.69.080 Duties and powers of traffic engineer or other designated traffic official.
- 10.69.090 Division of authority over streets which are state highways.
- 10.69.100 Special permits.

10.69.010 **TRAFFIC DUTIES OF POLICE DEPARTMENT.** It shall be the duty of the Chief of Police and other agents of the Police Department to enforce the provisions of this title and the state vehicle laws applicable to traffic in this municipality, to make arrests for traffic violations, to investigate traffic accidents, to cooperate with the traffic engineer and/or other officials of this municipality in the administration of this title and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed by this title. (Ord. 0-94-34 § 35, 1994; Ord. 0-74-44 § 1 (part), 1974).

10.69.020 **RECORDS OF TRAFFIC VIOLATIONS.** (a) The Police Department or the traffic violations bureau shall keep a record of all violations of the traffic ordinances of this municipality or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses.

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(b) The record shall be so maintained as to show all types of violations and the total of each.

(c) The record shall accumulate during at least a three-year period and from that time on the record shall be maintained complete for at least the most recent three-year period.

(d) All such records shall be public records. (Ord. 0-94-34 § 36, 1994; Ord. 0-74-44 § 1 (part), 1974).

10.69.030 INVESTIGATION OF TRAFFIC ACCIDENTS. It shall be the duty of the Police Department to investigate traffic accidents occurring within this municipality either by investigation at the time of or at the scene of the accident or thereafter by interviewing participants or witnesses, to issue summonses and complaints or notices for traffic violations in connection with traffic accidents, and to assist in the prosecution of those persons charged with violations of law or ordinance causing or contributing to accidents. (Ord. 0-94-34 § 37, 1994; Ord. 0-74-44 § 1 (part), 1974).

10.69.040 TRAFFIC ACCIDENT STUDIES. Whenever the accidents at any particular location or along any particular street or highway within this municipality become numerous, the Police Department shall cooperate with the traffic engineer or other designated official responsible for traffic operations in conducting studies of such accidents and determining remedial or corrective measures. (Ord. 0-94-34 § 38, 1994; Ord. 0-74-44 § 1 (part), 1974).

10.69.050 TRAFFIC ACCIDENT REPORTS. (a) The Police Department shall obtain from the State Department of Revenue standard forms for accident reports required by state law, and thereon shall report sufficiently detailed information to disclose, with reference to a traffic accident which has been investigated by said department or concerning which said department has received notification, the contributing circumstances, conditions then existing and the persons and vehicles involved.

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(b) Every traffic accident report required to be made in writing shall be made on a form approved and furnished by the Department of Revenue.

(c) The Police Department may require any driver of a vehicle involved in an accident of which written report must be given as provided by law to give additional information concerning the accident, whenever the information originally obtained is insufficient in the opinion of the department, and may require witnesses of accidents to give information concerning the accident.

(d) The Police Department shall maintain a suitable system of filing copies of investigators' traffic accident reports with reference to drivers and accident locations and shall make such reports available to the traffic engineer and other officials having use of the records for accident prevention purposes. (Ord. 0-94-34 § 39, 1994; Ord. 0-74-44 § 1 (part), 1974).

10.69.060 ANNUAL TRAFFIC-SAFETY REPORT. The Police Department shall annually prepare a traffic report which shall be filed with the City Manager and shall contain information on traffic matters in this municipality as directed by the City Manager. (Ord. 0-94-34 § 40, 1994; Ord. 0-74-14 § 1 (part), 1974).

10.69.070 TITLE OF TRAFFIC ENGINEER. The title of traffic engineer is established. At such times that the traffic engineer or his designee is unavailable to perform the duty of the traffic engineer, said duty shall be vested in the Director of the Department of Public Works or his designee. (Ord. 0-94-34 § 41, 1994; Ord. 0-91-55 § 15 (part), 1991; Ord. 0-74-44 § 1 (part), 1974).

10.69.080 DUTIES AND POWERS OF TRAFFIC ENGINEER OR OTHER DESIGNATED TRAFFIC OFFICIAL. (a) It shall be the general duty of the traffic engineer or other official vested with the responsibility for traffic as provided herein to determine the installation and proper timing and maintenance of official traffic-control devices, to insure that all traffic-control devices required

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hereunder are uniform as to type and location as required by state law, to conduct analyses of traffic accidents and to devise remedial or corrective measures, to conduct investigations of traffic conditions, to plan the operation of traffic on the streets and highways of this municipality, and to cooperate with other municipal officials in the development of ways and means to improve traffic conditions, and to carry out such additional powers and duties as are imposed by this title.

(b) The traffic engineer or other official vested with the office as provided for herein is empowered and authorized, consistent with the provisions of this title, state law and the discretion vested within the Department of Planning, Permits and Public Works, to take whatever action the traffic engineer determines necessary for the proper regulation, control and facilitation of traffic in this municipality. (Ord. 0-91-59 § 18, 1991; Ord. 0-74-44 § 1 (part), 1974).

10.69.090 DIVISION OF AUTHORITY OVER STREETS WHICH ARE STATE HIGHWAYS. All traffic and parking restrictions on streets which are a part of the state highway system shall be regulated and enforced by this municipality, except that pursuant to Section 43-2-135(1)(g), Colorado Revised Statutes 1973, as amended, such regulations on said streets shall be subject to the approval of the State Department of Highways. (Ord. 0-82-62 § 1, 1982; Ord. 0-78-79 § 16, 1978; Ord. 0-77-86 § 37, 1977; Ord. 0-74-44 § 1 (part), 1974).

10.69.100 SPECIAL PERMITS. Whenever any special permit is required or permitted by the terms of this title for curb-loading operations, the movement of vehicles having excess size or weight, parades or processions, or otherwise, any person, corporation, organization, partnership or association of persons desiring such a special permit shall make application to the City Clerk for such permit, furnishing to the City Clerk with such application all information relating to the applicant, place, terms and limitations of the permit

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desired, and such further information as may be required by the City Clerk. Any such application for special permit shall be accompanied by a nonreturnable application fee in accordance with the fee schedule established by the City Manager; provided, however, that civic or charitable groups or organizations desiring parade permits for charitable, civic or patriotic purposes need not pay such application fee. Immediately upon the receipt of such application the City Clerk shall advise the City Manager, or Police Department, or traffic engineer, or two or more of them as the same may be involved according to the type of application, and the City Clerk shall issue or deny such permits as may be recommended by the City Manager, Police Department or traffic engineer, as appropriate, after investigation by those persons and agencies, or any or all of them. (Ord. 0-94-34 § 42, 1994: Ord. 0-74-44 § 1 (part), 1974).

Chapter 10.72

TRAFFIC VIOLATIONS BUREAU

Sections:

- 10.72.010 Traffic violations bureau created.
- 10.72.020 Duties of traffic violations bureau.
- 10.72.030 Traffic violations bureau to keep records.
- 10.72.040 Additional duties of traffic violations bureau.
- 10.72.050 Disposition of traffic fines and forfeitures.
- 10.72.060 Official misconduct.

10.72.010 TRAFFIC VIOLATIONS BUREAU CREATED. (a) The Presiding Municipal Judge may establish a traffic violations bureau to assist the municipal court with the clerical work of traffic cases.

(b) The bureau shall be in charge of such person or persons as the court may designate and shall be open on such days excluding Saturdays, Sundays and holidays and at such hours as may be established by the court. (Ord. 0-74-44 § 1 (part), 1974).

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10.72.020 DUTIES OF TRAFFIC VIOLATIONS BUREAU.
The following duties are imposed upon the traffic violations bureau
in reference to traffic offenses:

(1) To accept designated fines, issue receipts and present to the
court the written evidence of the guilty pleas and waivers of

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appearance of violators who have requested and are permitted to so plead;

(2) To receive and issue receipts for bail when applicable, enter the time of their appearance on the court docket, and notify the arresting agent and witnesses, if required, to be present;

(3) To forward to the State Department of Revenue, as required by Section 42-2-121, Colorado Revised Statutes 1973, as amended, a record of the conviction of any person in said court for a violation of any of the traffic ordinances of this municipality;

(4) To keep an easily accessible record of all violations of which each person has been guilty during the preceding thirty-six months, whether such guilt was established in court or by a plea of guilty and payment of fine at the traffic violations bureau. (Ord. 0-78-79 § 17, 1978; Ord. 0-77-86 § 38, 1977; Ord. 0-74-44 § 1 (part), 1974).

10.72.030 TRAFFIC VIOLATIONS BUREAU TO KEEP RECORDS. (a) The traffic violations bureau shall keep records and submit summarized monthly reports to the Presiding Municipal Judge of all summonses and complaints or notices issued and arrests made for violations of the traffic ordinances of this municipality, and of all fines collected by the traffic violations bureau or the court, and of the final disposition or present status of every case of violation of the provisions of the laws and ordinances.

(b) The records shall be maintained to show all types of violations and the totals for each.

(c) The records shall be public records. (Ord. 0-74-44 § 1 (part), 1974).

10.72.040 ADDITIONAL DUTIES OF TRAFFIC VIOLATIONS BUREAU. The traffic violations bureau shall follow such procedures and perform such duties as may be prescribed by the traffic ordinances of this municipality or as

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may be required by any laws of the state. (Ord. 0-74-44 § 1 (part), 1974).

10.72.050 DISPOSITION OF TRAFFIC FINES AND FORFEITURES. All fines or forfeitures collected upon conviction or a finding of violation, or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this title, shall be handled as required by state law. (Ord. 0-74-44 § 1 (part), 1974).

10.72.060 OFFICIAL MISCONDUCT. Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any fine to comply with the provisions of Section 10.72.050 shall constitute misconduct in office and shall be grounds for removal therefrom. (Ord. 0-74-44 § 1 (part), 1974).

Chapter 10.75

WORDS AND PHRASES DEFINED

Sections:

10.75.010 Meanings of certain words and phrases.

10.75.020 Definitions.

10.75.010 MEANINGS OF CERTAIN WORDS AND PHRASES. (a) When used in this title the words and phrases defined in this chapter shall for the purpose of this title have the meanings respectively ascribed to them herein.

(b) Whenever any words and phrases used in this title are not defined herein but are defined in the state laws regulating the operation of vehicles, any such definition therein shall be

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deemed to apply to such words and phrases used in this title. (Ord. 0-74-44 § 1 (part), 1974).

10.75.020 DEFINITIONS. The following definitions shall apply to this title:

(1) "Acceleration lane" means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can more safely merge with through traffic.

(2) "Accident" means any unintended event that results in death, injury or any property damage attributable directly or indirectly to the motion of a motor vehicle or its load.

(3) "Agent" means every officer authorized to direct or regulate traffic or make arrests for violations of traffic regulations.

(4) "Alley" (or "alleyway") means a street or highway intended to provide access to the rear or side of lots or buildings in urban areas and not intended for the purpose of through vehicular traffic.

(5) "Authorized emergency vehicle" means such vehicles of the fire department, police vehicles, ambulances, and other special-purpose vehicles as are publicly owned and operated by or for a governmental agency to protect and preserve life and property in accordance with state laws regulating emergency vehicles; said term also means such privately owned vehicles as are designated by the state motor vehicle licensing agency, necessary to the preservation of life and property, to be equipped and to operate as emergency vehicles in the manner prescribed by state law.

(6) "Barricade" means a portable or fixed barrier having object markings, used to close all or a portion of the right-of-way to vehicular traffic.

(7) "Bicycle" means every vehicle propelled solely by human power applied to pedals upon which any person may ride having

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two tandem wheels or two parallel wheels and one forward wheel, all of which are more than fourteen inches in diameter.

(8) "Bicyclist" means any person operating a bicycle anywhere within the city.

(9) "Bikeway-pedway" means that portion of an existing roadway surface or special surface set aside which is designated by traffic-control signs and/or pavement markings for exclusive use of bicycles and/or pedestrians.

(10) "Bus" means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(11) "Bus stand or stop" means a designated area adjacent to a curb or edge of the roadway assigned for the use of buses during the loading or unloading of passengers.

(12) "Business district" means the territory contiguous to and including a street or highway when within any six hundred feet along such street or highway there are buildings in use for business or industrial purposes, including but not limited to motels, banks, office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the street or highway.

(13) "Centerline" means a line either marked or unmarked dividing the roadway between traffic moving in opposite directions.

(14) "Commercial vehicle" means every vehicle designed, maintained or used primarily for the transportation of property.

(15) "Controlled-access street or highway" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority

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having jurisdiction over such highway, street or roadway.

(16) "Council" means the governing body of this municipality.

(17) "Crosswalk" means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections, or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(18) "Deceleration lane" means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle that is to make an exit turn from a roadway to slow to the safe speed on the ramp ahead after it has left the main stream of traffic.

(19) "Police Department" means the Lakewood Police Department.

(20) "Chief of Police" means the head of the Lakewood Police Department.

(21) "Divided highway" means a highway with separated roadways usually for traffic moving in opposite directions, such separation being indicated by depressed dividing strips, raised curbs, traffic islands, or other physical barriers so constructed as to impede vehicular traffic or otherwise indicated by standard pavement markings or other official traffic-control devices as prescribed in the State Traffic Control Manual.

(22) "Driver" means every person, including a minor driver under the age of eighteen years and a provisional driver under the age of twenty-one years, who drives or is in actual physical control of the vehicle.

(23) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

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(24) "Freight or passenger loading zone" means a designated space for the exclusive use of vehicles during the loading or unloading of freight or passengers.

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(25) "Holidays," where used in this title or on official signs, in addition to Sundays, means New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and such additional statutory holidays as may by ordinance or state law be declared applicable.

(26) "Implement of husbandry" means every vehicle which is designed for agricultural purposes and used by the owner thereof in the conduct of his agricultural operations.

(27) "Intersection" means the area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two streets or highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets or highways joining at any other angle may come in conflict. Where a street or highway includes two roadways thirty feet or more apart, every crossing of each roadway of such divided street or highway by an intersecting street or highway shall be regarded as a separate intersection. In the event such intersecting street or highway also includes two roadways thirty feet or more apart, every crossing of two roadways of such streets or highways shall be regarded as a separate intersection. The junction of an alley with a street or highway does not constitute an intersection.

(28) "Lane" means the portion of a roadway for the movement of a single line of vehicles.

(29) "Lane-direction-control signal" means a traffic-control signal which is erected to control the direction of vehicular traffic movement in an individual lane.

(30) "Lane line" means a line other than a centerline separating two lanes for traffic moving in the same direction.

(31) "Laned street or highway" means a street or highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

(32) "Litter" means all rubbish, waste material, refuse,

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garbage, trash, debris or other foreign substance, solid or liquid, of every form, size, kind and description.

(33) "Loading zone" means a designated space reserved for the exclusive use of vehicles during the loading or unloading of passengers or property.

(34) "Markings" means all lines, patterns, words, colors or other devices, except signs, set into the surface of, applied upon or attached to the pavement or curbing or to objects within or adjacent to the roadway, conforming to state standards as required by law and officially placed for the purpose of regulating, warning or guiding traffic.

(35) "Median or central dividing strip" means that portion of a divided street or highway separating the traveled ways for traffic in opposite directions.

(36) "Motorscooter" and "Motorbicycle" mean every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicles as may be included within the term "farm tractor" and any motorized bicycle as defined in subsection (37), which motor vehicle is powered by an engine of not to exceed six brake horsepower.

(37) "Motorized bicycle" means a vehicle having two or three wheels, a cylinder capacity not exceeding 50 C.C., and an automatic transmission which produces a maximum design speed of not more than thirty miles per hour on a flat surface.

(38) "Motor vehicle" means any self-propelled vehicle which is designed primarily for travel on the public highways and which is generally and commonly used to transport persons and property over the public highways, but the term does not include motorized bicycles as defined in subsection (37) or vehicles moved solely by human power. For the purpose of the offense of reckless driving, "motor vehicle" includes a farm

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tractor which is operated on streets and highways and which is not otherwise classified as a motor vehicle.

(39) "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "farm tractor" and except a motorized bicycle as defined in subsection (37) of this section.

(40) "Motor-driven cycle" means every motorcycle, including every motorscooter, with a motor which produces not to exceed six brake horsepower and every bicycle with motor attached, but not trail bikes, mini-bikes, go-carts, golf carts, and similar vehicles which are not designed for or approved by the State Highway Department for use on the public roads or highways and not motorized bicycles as defined in subsection (37) of this section.

(41) "Municipality" means the city of Lakewood, Colorado.

(42) "Official time standard" means whenever certain hours are named herein, they shall mean standard time or daylight saving time as may be in current use in this municipality.

(43) "Official traffic-control devices" means all signs, signals, markings and devices not inconsistent with this title, placed or displayed by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

(44) "Owner" means a person who holds the legal title of a vehicle or in the event a vehicle is the subject of any agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner, or parties otherwise having lawful use or control or the right to use or control a vehicle for a period of thirty days or more.

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(45) "Park" or "parking" means the standing of a vehicle, whether occupied or not, otherwise then temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(46) "Pedestrian" means any person afoot.

(47) "Pedestrian-control signal" means a traffic-control signal which is erected for the purpose of directing pedestrian traffic at signalized locations.

(48) "Person" means every natural person, firm, copartnership, association or corporation.

(49) "Play street" means any street or part thereof set apart and properly signed or marked for recreation purposes.

(50) "Presiding Municipal Judge" means that officer vested with judicial powers and in charge of the municipal courts of the city.

(51) "Prima facie speed limit" means evidence which is sufficient proof that the speed was not reasonable or prudent under the conditions then existing, and will remain sufficient proof of such fact, unless contradicted and overcome by evidence bearing upon the question of whether or not the speed was reasonable and prudent under the conditions then existing.

(52) "Private road" or "driveway" means every road or driveway not open to the use of the public for purposes of vehicular travel.

(53) "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated on stationary rails.

(54) "Railroad sign or signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(55) "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

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(56) "Ramp" means a turning or interconnecting roadway of a traffic interchange.

(57) "Residence district" means the territory contiguous to and including a street or highway not comprising a business district when the frontage on such street or highway for a

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distance of three hundred feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

(58) "Right-of-way" means the right of one vehicle operator or pedestrian to proceed in a lawful manner in preference to another vehicle operator or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

(59) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder even though such sidewalk, berm, or shoulder is used by persons riding bicycles or other human-powered vehicles and exclusive of that portion of a highway designated for exclusive use as a bicycle path or reserved for the exclusive use of bicycles, human-powered vehicles, or pedestrians. In the event that a highway includes two or more separate roadways, "roadway" refers to any such roadway separately but not to all such roadways collectively.

(60) "Road machinery" means those vehicles, self-propelled or otherwise, which are not designed primarily for the transportation of persons or cargo over the public highways, and those motor vehicles which may have originally been designed for the transportation of persons but which have been re-designed or modified by the mounting thereon of special equipment or machinery, and which may be only incidentally operated or moved over the public highways. This definition includes but is not limited to wheeled vehicles commonly used in the construction, maintenance and repair of roadways and the digging of ditches.

(61) "Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.

(62) "Safety zone" means the area or space officially set

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aside within a street or highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

(63) "School bus" means every motor vehicle owned by a

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public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation, but not including informal or intermittent arrangements such as sharing of actual gasoline expense or participation in a car pool, for the transportation of children to or from school.

(64) "Semitrailer" means any wheeled vehicle, without motive power, which is designed to be used in conjunction with a truck tractor so that some part of its own weight and that of its cargo load rests upon or is carried by such truck tractor, and which is generally and commonly used to carry and transport property over the public highways.

(65) "Sidewalk" or "sidewalk area" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

(66) "Snowmobile" means a self-propelled vehicle primarily designed for travel on snow or ice, and supported in part by skis, belts or cleats.

(67) "Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

(68) "Stop" or "stopping," when prohibited, means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police agent or traffic-control sign or signal.

(69) "Stop," when required, means the complete cessation of movement.

(70) "Stop line" (or "limit line") means a line which indicates where drivers shall stop when directed by an official traffic-control device or police agent.

(71) "Street" or "highway" means the entire width between

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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; or the entire width of every way declared to be a public street or highway by any law of this state. (Editor's note: By this definition, "street" and "highway" are synonymous and interchangeable.)

(72) "Taxi" and "taxicab" means a licensed public motor vehicle for hire designed and constructed to seat not more than ten persons and operating as a common carrier on call or demand.

(73) "Through street or highway" means every street or highway or portion thereof on which vehicular traffic is given preferential right-of-way and at the entrances to which other vehicular traffic from intersecting streets or highways is required by law to yield the right-of-way to vehicles on such through street or highway in obedience to either a stop sign, a yield sign, or other official traffic-control device, when such signs or devices are erected as provided in this title.

(74) "Traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any street or highway for the purposes of travel.

(75) "Traffic accident" means any accident involving any motor vehicle in motion while using a street or highway for the purpose of travel.

(76) "Traffic-control signal" means any device whether manually, electrically or mechanically operated by which traffic is alternately directed to stop and permitted to proceed.

(77) "Trailer" means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways.

(78) "Trailer coach" or "mobile home" means any wheeled

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vehicle which is a single self-contained unit, without motive power, which is designed and generally and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations and which may occasionally be drawn over the public highways by a motor vehicle.

(79) "Truck" means any motor vehicle equipped with a body designed to carry property and which is generally and commonly used to carry and transport property over the public highways.

(80) "Truck tractor" means any motor vehicle which is generally and commonly designed and used to draw a semi-trailer and its cargo load over the public highways.

(81) "Vehicle" means any device which is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. "Vehicle" includes any bicycle, but such term does not include any farm tractor or any implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved by muscular power, or moved exclusively over stationary rails or tracks or designed to move primarily through the air.

(82) "Vessel" means every description of watercraft used or capable of being used as a means of transportation of persons and property on water, other than single-chambered air-inflated devices or seaplanes.

(83) "Yield" means to take appropriate action to grant the right-of-way. (Ord. 0-94-34 §§ 43 — 45, 1994; Ord. 0-89-75 § 3, 1989; Ord. 0-89-32 § 6, 1989; Ord. 0-87-87 § 23, 1987; Ord. 0-84-60 § 15, 1984; Ord. 0-80-76 § 13, 1980; Ord. 0-78-79 §§ 18 and 19, 1978; Ord. 0-77-86 § 39, 1977; Ord. 0-74-44 § 1 (part), 1974).

TRAFFIC INFRACTIONS

Chapter 10.76

TRAFFIC INFRACTIONS

Sections:

10.76.010	Legislative intent.
10.76.020	Definitions.
10.76.030	Application.
10.76.040	Commencement of action.
10.76.050	Payment before appearance date.
10.76.060	First hearing.
10.76.070	Subpoenas.
10.76.080	Dismissal before final hearing.
10.76.090	Final hearing.
10.76.100	Judgment after final hearing.
10.76.110	Post hearing motions.
10.76.120	Default.
10.76.130	City attorney.
10.76.140	Appeals.
10.76.150	Collection of judgments.

10.76.010 **LEGISLATIVE INTENT.** The purpose of this Chapter is to decriminalize certain traffic offenses by establishment of a system to treat Class 3 and Class 4 traffic infractions as civil matters in municipal court. (Ord. 0-93-68 § 12 (part), 1993).

10.76.020 **DEFINITIONS.** As used in this Chapter, the following definitions shall apply:

(a) "Noncriminal traffic infraction," also referred to herein as "traffic infraction," means any offense which is classified as a Class 3 or Class 4 traffic offense in the Lakewood Municipal Code.

(b) "Charging document" means the document commencing or initiating the traffic infraction matter, whether denoted as a complaint, summons and complaint, citation, or other document charging the person with the commission of a traffic infraction or infractions.

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(c) "Defendant" means any person charged with the commission of a traffic infraction.

(d) "Judgment" means an admission of guilt or liability for any traffic infraction, the entry of judgment of guilt or liability, or the entry of default judgment as set forth in this Chapter against any person for the commission of a traffic offense.

(e) "Penalty" means a fine imposed by the municipal court for violation of a traffic infraction. (Ord. 0-93-68 § 12 (part), 1993).

10.76.030 APPLICATION. (a) This Chapter shall apply to actions in which traffic infractions are charged.

(b) In the case of a traffic infraction committed by a defendant who has caused or contributed to an accident resulting in injury or death to any person or in which damage sustained to the property of any one person is in excess of one thousand dollars, such offense shall not be treated as a traffic infraction and shall be subject to the procedures applicable to other municipal offenses, except the defendant shall have no right to a jury trial unless a jury trial is otherwise permitted pursuant to Section 10.66.230 of this Code.

(c) In any action in which the commission of a traffic infraction and a criminal offense are alleged in one complaint, all charges shall be treated as a criminal offense. (Ord. 0-93-68 § 12 (part), 1993).

10.76.040 COMMENCEMENT OF ACTION. An action under this Chapter charging a traffic infraction is commenced by the tender of or service of a charging document upon a defendant, or in the case of a parking violation, by placing a charging document on the subject vehicle in a conspicuous place, and by filing of the charging document with the municipal court. (Ord. 0-93-68 § 12 (part), 1993).

10.76.050 PAYMENT BEFORE APPEARANCE DATE. (a) The clerk of the municipal court shall accept payment of a penalty for a traffic infraction by a defendant without an appearance before the court, if payment is made and received by 5:00 o'clock p.m. of the day prior to the date set for the first hearing.

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(b) Payment in full of the fine, costs, and other court fees shall constitute a waiver of rights and acknowledgment of guilt or liability.

(c) This procedure shall constitute an entry and satisfaction of judgment. (Ord. 0-93-68 § 12 (part), 1993).

10.76.060 FIRST HEARING. (a) If the defendant has not previously acknowledged guilt or liability and satisfied the judgment, he shall appear before the court at the time scheduled for first hearing which is noted on the charging document.

(b) The defendant may appear in person or by counsel, who shall enter an appearance in the case, provided, however, if an admission of guilt or liability is entered, the court may require the presence of the defendant for assessment of the penalty, costs, and other court fees.

(c) If the defendant appears in person, the court shall advise him in court of the following:

(1) The nature of the infractions alleged in the charging document;

(2) The penalty, costs, and other court fees that may be assessed and the penalty points that may be assessed against his driving privilege;

(3) The consequences of a failure to appear at any subsequent hearing including entry of judgment against the defendant, and the reporting of the judgment to the State Department of Revenue, Motor Vehicle Division, which may assess points against the defendant's driving privilege and which may result in the denial of an application for a driver's license;

(4) The right to be represented by an attorney at the defendant's expense;

(5) The right to deny the allegations and to have a hearing before the court;

(6) The right to remain silent, because any statement made by the defendant may be used against him;

(7) Guilt or liability must be proven beyond a reasonable doubt;

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(8) The right to testify, subpoena witnesses, present evidence, and cross-examine any witnesses for the city;

(9) Any admission of guilt or liability by a defendant must be voluntary and not the result of undue influence or coercion on the part of anyone; and

(10) An admission of guilt or liability constitutes a waiver of the foregoing rights and any right to appeal.

(d) The defendant personally or by counsel shall answer the allegations in the charging document either by admitting guilt or liability or by denying the allegations.

(e) If the defendant admits guilt or liability, the court shall enter judgment and assess the appropriate penalty, costs, and other court fees, after determining that the defendant understood the matters set forth in subsection (c) of this section and has made a voluntary, knowing, and intelligent waiver of rights. The clerk of the municipal court shall report the judgment and points, if any, to be assessed against the defendant's driving privilege to the State Department of Revenue, Motor Vehicle Division.

(f) If the defendant denies the allegations, the matter shall be set for a final hearing. (Ord. 0-93-68 § 12 (part), 1993).

10.76.070 SUBPOENAS. The defendant and the city shall have the right to the issuance of subpoenas by the court clerk as in all other municipal prosecutions to secure the attendance of witnesses at the final hearing. (Ord. 0-93-68 § 12 (part), 1993).

10.76.080 DISMISSAL BEFORE FINAL HEARING. The charges shall be dismissed if the final hearing is not held within the time requirements set out in Rule 248(b) of the Colorado Municipal Court Rules of Procedure. (Ord. 0-93-68 § 12 (part), 1993).

10.76.090 FINAL HEARING. The hearing of all traffic infractions shall be conducted pursuant to the Colorado Municipal Court Rules of Procedure. (Ord. 0-93-68 § 12 (part), 1993).

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10.76.100 JUDGMENT AFTER FINAL HEARING. (a) If all the elements of a traffic infraction are proven beyond a reasonable doubt, the court shall find the defendant guilty or liable and enter judgment. The clerk of the municipal court shall report the judgment and the points, if any, to be assessed against the defendant's driving privilege to the State Department of Revenue, Motor Vehicle Division.

(b) If any element of a traffic infraction is not proven beyond a reasonable doubt the court shall dismiss the charge and enter judgment, provided, however, that the court may find the defendant guilty of or liable for a lesser included traffic infraction, if based on the evidence offered, and enter judgment.

(c) If the defendant is found guilty or liable, the court shall assess the penalty, costs, and other court fees imposed in criminal municipal offenses.

(d) The judgment shall be satisfied upon payment to the clerk of the municipal court of the total amount assessed by the court.

(e) If the defendant fails to satisfy the judgment by payment to the clerk of the municipal court of the total amount assessed after the finding of guilt or liability, or within the time of a reasonable extension granted upon a showing of good cause by, and upon application of the defendant, then such nonpayment shall be treated as a default. (Ord. 0-93-68 § 12 (part), 1993).

10.76.110 POSTHEARING MOTIONS. There shall be no posthearing motions except to set aside a default judgment as provided by Section 10.76.120 of this Chapter. (Ord. 0-93-68 § 12 (part), 1993).

10.76.120 DEFAULT. (a) If the defendant fails to appear for any hearing, the court shall enter judgment against the defendant and, if appropriate, the clerk of the municipal court shall report the judgment and points to be assessed against the defendant's driving privilege to the State Department of Revenue, Motor Vehicle Division.

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(b) The amount of the judgment shall be the appropriate penalty which would be assessed after a finding of guilt or liability, plus costs, and other court fees regularly imposed for municipal violations after a finding of guilt.

(c) The defendant may satisfy a default judgment entered under this section by payment in full of the penalty, costs, and other court fees to the clerk of the municipal court.

(d) No warrant shall issue for the arrest of a defendant who fails to appear at a hearing or fails to satisfy a judgment.

(e) (i) Except as otherwise provided in this subsection (e), no person against whom a judgment has been entered for a traffic infraction shall move to set aside the default judgment unless such motion is filed within six months after the date of entry of judgment.

(ii) The only exceptions to the time limitations specified in paragraph (e)(i) of this section shall be:

(A) A case in which the court did not have jurisdiction over the subject matter of the alleged traffic infraction;

(B) A case in which the court did not have jurisdiction over the person of the defendant;

(C) Where the court, after hearing the motion to set aside the default judgment, finds by a preponderance of the evidence that the failure to seek relief within the applicable time period was caused by an adjudication of incompetence or by commitment of the defendant to an institution for treatment as a mentally ill person; or

(D) Where the court, after hearing the motion to set aside the default judgment, finds that the failure to seek relief within the applicable time period was a result of circumstances amounting to justifiable excuse or excusable neglect. (Ord. 0-93-68 § 12 (part), 1993).

10.76.130 CITY ATTORNEY. The city attorney or designee may appear in any traffic infraction to negotiate a plea agreement or to prosecute the traffic infraction before the municipal court. (Ord. 0-93-68 § 12 (part), 1993).

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10.76.140 APPEALS. An appeal from any finding of guilt or liability for a traffic infraction shall be taken to the District Court in accordance with Rule 237(b) of the Colorado Municipal Court Rules of Procedure. (Ord. 0-93-68 § 12 (part), 1993).

10.76.150 COLLECTION OF JUDGMENTS. Upon entry of a judgment under this Chapter, and in addition to all legal and administrative enforcement or collection procedures and remedies otherwise available, the city attorney is authorized to file a civil action with any state court having appropriate jurisdiction, which filing shall include a certified copy of the judgment, praying for judgment based on the total amount assessed by the municipal court, and upon entry of such judgment, the city attorney shall be authorized to proceed with all judgment, execution, and collection procedures authorized by law for the amount of the judgment, costs and fees incurred in such proceedings. (Ord. 0-93-68 § 12 (part), 1993).

Title 11
(RESERVED)

STREETS AND SIDEWALKS

Title 12

STREETS AND SIDEWALKS

Chapters:

- 12.04 Working in Public Ways
- 12.08 Major Street Plan and Master Plan
- 12.12 Street Improvement Policy
- 12.16 Privately Owned Bus Benches

WORKING IN PUBLIC WAYS

Chapter 12.04

WORKING IN PUBLIC WAYS*

Sections:

- 12.04.010 Citation.
- 12.04.020 Definitions.
- 12.04.030 Types of permits to work in the public way.
- 12.04.040 Application for permit.
- 12.04.045 Insurance.
- 12.04.050 Permit fees.
- 12.04.060 Performance/warranty guarantee for permits.
- 12.04.070 Purpose of performance/warranty guarantee.
- 12.04.080 Inspection fees and procedures.
- 12.04.090 Time of completion.
- 12.04.110 Traffic control.
- 12.04.120 Construction standards and responsibility for all public improvements.
- 12.04.130 Protection of paved surfaces from equipment damage.
- 12.04.140 Protection of property.
- 12.04.150 Relocation and protection of utilities.
- 12.04.160 Noise, dust, debris, hours of work.
- 12.04.170 Clean-up.
- 12.04.180 Emergency work.
- 12.04.190 Preservation of monuments.
- 12.04.200 License to do work.
- 12.04.210 Boring.

* For statutory provisions regarding the authority of cities relating to streets and public grounds, see C.R.S. 1973, 31-12-101(20); for other provisions relating to the power of cities to construct and maintain streets and sidewalks, see C.R.S. 1973, 31-15-301(g), (h)..

WORKING IN PUBLIC WAYS

- 12.04.220 Suspension or revocation of permits and stop work orders.
- 12.04.230 Appeals procedure.
- 12.04.240 Penalty.

12.04.010 CITATION. This chapter shall be known as the "Public Way Permit Ordinance" of the city. (Ord. 1-82-59 § 1 (part), 1982; Ord. 0-75-71 § 1, 1975).

12.04.020 DEFINITIONS. For the purposes of this chapter, the following words shall have the following meanings:

- (1) "City" means the city of Lakewood, Colorado.
- (2) "Director" means the Director of Public Works of the city or his/her authorized representative.
- (3) "District" means any metropolitan, water, and/or sanitation district formed under Title 32, Article I, CRS, as amended.
- (4) "Permittee" means the holder of a valid permit.
- (5) "Person" means any person, firm, partnership, special, metropolitan or general district association; corporation; municipal department, company or organization of any kind.
- (6) "Public way" means any public street, way, place, alley, sidewalk, easement, park, square, plaza, and any city-owned right-of-way or any other public property owned or controlled by the city and dedicated to public use. Any easements dedicated solely for utility purposes shall not be governed by the provisions of this chapter.
- (7) "Specifications" means Engineering Regulations, Construction Specifications and Design Standards adopted by the city.
- (8) "Work in the public way" means, but is not limited to, construction of streets and all related appurtenances, sidewalks, driveway openings, bus shelters, bus loading pads, street lights, and traffic signal devices. It shall also mean construction, maintenance and repair of all underground structures such as pipes, conduits, ducts, tunnels, manholes, vaults, buried cable, wire, or any other

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similar structure located below the surface of any public way, and installation of overhead poles used for any purpose. (Ord. 0-94-17 §§ 1, 2, 1994; Ord. 0-91-59 § 19, 1991; Ord. 0-82-59 § 1 (part), 1982; Ord. 0-71-24 § 3, 1971).

12.04.030 TYPES OF PERMITS TO WORK IN THE PUBLIC WAY. There shall be three types of permits to work in the public way:

(1) **Public Improvement Agreement Permits:** permits issued as part of the public improvement agreement procedure under Chapter 14.13 of this code. Chapter 14.13 provides that any person obtaining a building permit may be required to sign a public improvement agreement, provides for inspection of those public improvements, and provides for collateral to insure the public improvements are built and are warranted for one year of satisfactory performance;

(2) **Annual permits:** permits granted to persons to cover all work done in the public way for a period of one year;

(3) **Individual permits:** permits granted to persons for one specific project in the public way. (Ord. 0-94-17 § 3, 1994; Ord. 0-82-59 § 1 (part), 1982; Ord. 0-71-24 § 4, 1971).

12.04.040 APPLICATION FOR PERMIT. (a) It shall be unlawful for any person to perform work within the public way of the city without obtaining a permit from the city. Any person doing work within the public way of a state highway must obtain a permit from the state and the city. If the state inspects the work in state right-of-way, there will be no charge for the Lakewood permit. If the city inspects the work in state right-of-way, all conditions and fees pertaining to a city permit shall apply.

(b) In Lakewood, the physical construction of public improvements in new developments is the responsibility of the developer of the land. Ownership of those improvements remains with the developer of the land until acceptance by the city. Any person performing work on those improvements which are within a public way, but

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prior to acceptance by the city, shall obtain a permit from the city and permission from the owner of the improvements in the public way. The permittee shall be financially responsible to the owner of the improvements to carry out all remedial work necessary to receive acceptance by the city of those improvements. This financial obligation shall apply only to the work in the public way done by the permittee.

(1) **Public Improvement Agreement Permit.** An applicant doing work in the public way which requires a public improvement agreement as required by Chapter 14.13 of this code shall have an approved set of plans and specifications prior to permit application. No work shall be started until the Director has approved the plans, specifications, and permit application, and issued a permit.

(2) **Annual Permits and Individual Permits.** A separate written application for that work done under an annual or individual permit shall be submitted to the Director on a form provided by the city for each individual job. The application shall be submitted at least two days prior to the planned start of work in the public way. Permittees may be required to increase this time up to fourteen days when the work consists of more than a single spot excavation. The city may require submission of plans and specifications. No work shall be started until the Director has approved the plans and specifications and permit application, and issued a permit, except as specified in Section 12.04.180. (Ord. 0-94-17 § 4, 1994; Ord. 0-82-59 § 1 (part), 1981; Ord. 0-71-24 § 5, 1971).

12.04.045 **INSURANCE.** Before a public way permit is issued, the applicant shall submit to the Director a certificate of insurance in an amount set by City Council resolution. The certificate of insurance shall list the city and its officers, and employees, as additional named insureds.

City departments, any public utility regulated by the state of Colorado Public Utilities Commission, mutual water companies, persons holding a franchise in the city, any governmental agency,

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or any special metropolitan, water and/or sanitation district shall be relieved of the obligation of submitting a certificate of insurance if the permit is signed in the name of that person and they carry insurance equal to an amount set by City Council resolution. Upon request, the agency shall submit a letter certifying such coverage or self-insurance. If a person other than those named above signs the permit, a certificate of insurance shall be provided. (Ord. 0-94-17 § 5, 1994; Ord. 0-82-59 § 1 (part), 1982; Ord. 0-75-71 § 4, 1975).

12.04.050 PERMIT FEES. (a) Work done under a public improvement agreement or individual permit: A fee of ten dollars shall be required to obtain each permit.

(b) Annual permit: A fee of one hundred dollars per year shall be required to obtain an annual permit. (Ord. 0-82-59 § 1 (part), 1982; Ord. 0-71-24 § 6, 1971).

12.04.060 PERFORMANCE/WARRANTY GUARANTEE FOR PERMITS. (a) Public Improvement Agreement. Procedures for guaranteeing performance and providing for warranty are specified in Chapter 14.13 and no additional performance/warranty guarantee will be required in addition to those requirements.

(b) Annual Permit. Any entity doing work under an annual permit shall provide the city with ten thousand dollars cash or an irrevocable letter of credit. The irrevocable letter of credit shall run for a period of time at least one year beyond the anticipated acceptance date of any work done under the annual permit. If no refund request is received, the deposit shall be carried forward for use as the annual deposit for the following year.

(c) Individual Permit. Each permittee before being issued a permit shall provide the city, at the permittee's expense, a performance/warranty guarantee. This guarantee shall be in the form of cash or an irrevocable letter of credit.

The guarantee shall be in an amount equal to one hundred percent of the City Engineer's estimate of the cost of restoration. The

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cost of restoration shall include the removal of defective material, recompaction of subgrade and base material and construction of surface improvements. The irrevocable letter of credit shall run for a period of time at least one year beyond the anticipated acceptance date of the work identified in the permit and may be returned as provided in Section 12.04.080(b)(2). Such guarantees shall be extended if requested by the City Engineer.

The City Engineer may waive performance/warranty guarantee requirements for any owner of a single-family residence desiring to repair their driveway or sidewalk provided the owner performs the work personally and upon satisfactory evidence to the City Engineer that the applicant is competent to perform the work.

(d) Other Guarantees. In lieu of subsections (b) and (c) above, any public utility regulated by the State of Colorado Public Utilities Commission, persons holding a franchise from the city, a mutual water company, any governmental agency, or any metropolitan, water and/or sanitation district may provide the city with an annual letter signed by an appropriate company or district officer guaranteeing: (1) complete performance of the work acceptable to the city, and (2) guaranteeing the correction of any defect in the work which the city discovers and for which the city gives written notice to the permittee within one year after the date when the city initially accepts the work.

If the Director determines that any permittee fails to promptly perform under the conditions of this Section 12.04.060(d), that permittee shall be required to post a performance/warranty guarantee meeting the requirements of Sections 12.04.060(b) or 12.04.060(c). If the Director determines that the permittee than satisfactorily complies with this chapter for a one-year period while operating under the provisions of 12.04.060(b) or 12.04.060(c) the permittee shall then again be eligible to operate with the annual guarantee letter provided in Section 12.04.060(d).

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Notwithstanding anything to the contrary contained in this section, any contractor performing work pursuant to a contract directly with the city shall adhere to the performance payment requirements set forth in the contract documents. (Ord. 0-94-17 § 6, 1994; Ord. 0-82-59 § 1 (part), 1982; Ord. 0-71-24 § 7, 1971).

12.04.070 PURPOSE OF PERFORMANCE/WARRANTY GUARANTEE. (a) Any guarantee made hereunder shall serve as security for the performance of work necessary to repair the public way if the permittee fails to make the necessary repairs or to complete the work under the permit.

(b) The permittee, by acceptance of the permit, expressly guarantees complete performance of the work acceptable to the city and guarantees all work done by him for a period of one year after the date of acceptance, and agrees upon demand to maintain and to make all necessary repairs during the one-year period. This guarantee shall include all repairs and actions needed as a result of:

- (1) Defects in workmanship;
- (2) Settling of fills or excavations;
- (3) Any unauthorized deviations from the approved plans and specifications;
- (4) Failure to barricade;
- (5) Failure to clean up during and after performance of the work;
- (6) Any other violation of this chapter.

(c) The one-year guarantee period shall run from acceptance of the work. If repairs are required during the one-year period, those repairs need only be guaranteed until the end of the original one-year guarantee period starting with the date of initial acceptance. It is not necessary that a guarantee be provided for subsequent repairs beyond the initial one-year guarantee period. (Ord. 0-94-17 § 7, 1994; Ord. 0-82-59 § 1 (part), 1982; Ord. 0-71-24 § 8, 1971).

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12.04.080 INSPECTION FEES AND PROCEDURES. (a) At the time of permit application, all permittees shall pay for the costs of inspection. Costs of inspection shall be in accordance with the schedule of charges prepared by the Director and adopted by City Council resolution.

(b) Inspections will occur as follows:

(1) Public Improvement Agreement. Procedures for inspecting public improvements agreements shall be as specified in Chapter 14.13.

(2) Annual and Individual Permits. Two inspections shall take place. First, the permittee shall notify the city immediately after completion of work operations and acceptance will be made if all work meets city and permit standards. Second, approximately thirty days prior to the expiration of the one-year guarantee, the city shall perform an inspection of the completed work. If the work is still satisfactory, the cash or letter of credit for individual permit holders shall be returned less any amounts needed to complete work not done by permittee.

For annual permits, the annual deposit shall be carried forward for use as the annual deposit for the following year if no refund request is received.

At any time prior to completion of the one-year warranty period, the city may notify the permittee of any needed repairs. Such repairs shall be completed within twenty-four hours if the defects are determined by the city to be an imminent danger to the public health, safety, and welfare. Nonemergency repairs shall be completed within thirty days after notice.

(3) Random Inspections. Random inspections may be made of the permittee's work procedures, and the permittee shall correct his procedures if ordered to do so. Failure to do so may result in revocation of the permit. (Ord. 0-94-17 § 8, 1994; Ord. 0-82-59 § 1 (part), 1982; Ord. 0-75-71 § 2, 1975).

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12.04.090 TIME OF COMPLETION. (a) Public Improvement Agreement. Time of completion will be specified in the public improvement agreement signed under the provisions of Chapter 14.13 of this code.

(b) Annual Permits and Individual Permits. All work covered by the permit shall be completed by the date stated on the application. Permits shall be void if work has not commenced six months after issuance. Letters of credit or cash deposited as a performance/warranty guarantee for individual permits will be returned after voiding of the permit. (Ord. 0-82-59 § 1 (part), 1982; Ord. 0-75-71 § 3, 1975).

12.04.110 TRAFFIC CONTROL. When it is necessary to obstruct traffic, a detour plan shall be submitted to the Director prior to starting construction. No permit will be issued until the plan is approved by the Director. No permittee shall interrupt access to and from private property, block emergency vehicles, block access to fire hydrants, fire stations, fire escapes, water valves, underground vaults, valve housing structures, or any other vital equipment unless permission is obtained from the owner of that facility. If a street closing is desired, the applicant will request the assistance and obtain the approval of the Director. It shall be the responsibility of the permittee to notify and coordinate all work in the public way with police, fire, ambulance, and transit organizations.

When necessary for public safety, the permittee shall employ flag persons whose duties shall be to control traffic around or through the construction site. The use of flag persons may be required by the Director.

Unless approved by the Director, the permittee shall not impede rush hour traffic on arterial or collector streets during the morning or evening rush hours. No construction shall be performed nor shall any traffic lane be closed to traffic during the hours of seven a.m. to nine a.m. or three thirty p.m. to six p.m. without the approval of the Director.

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Traffic control devices, as defined in Part VI of the Manual on Uniform Traffic Control Devices, must be used whenever it is necessary to close a traffic lane or sidewalk. Traffic control devices are to be supplied by the permittee. If used at night, they must be reflectorized and must be illuminated or have barricade warning lights. Oil flares or kerosene lanterns are not allowed as a means of illumination.

Part VI of the Manual on Uniform Traffic Control Devices shall be used as a guide for all maintenance and construction signing. The permittee shall illustrate on the permit the warning and control devices proposed for use. At the direction of the Director, such warning and control devices shall be increased, decreased, or modified. (Ord. 0-94-17 § 9, 1994: Ord. 0-82-59 § 1 (part), 1982: Ord. 0-75-71 § 5, 1975).

12.04.120 CONSTRUCTION STANDARDS AND RESPONSIBILITY FOR ALL PUBLIC IMPROVEMENTS. The permittee shall be fully responsible for the cost and actual performance of all work in the public way. The permittee shall do all work in conformance with the Engineering Regulations, Construction Specifications, and Design Standards adopted by the city. These standards shall apply to all work in the public way. (Ord. 0-82-59 § 1 (part), 1982: Ord. 0-71-24 § 13, 1971).

12.04.130 PROTECTION OF PAVED SURFACES FROM EQUIPMENT DAMAGE. Backhoe equipment outriggers shall be fitted with rubber pads whenever outriggers are placed on any paved surface. Tracked vehicles with grousers are not permitted on paved surface unless specific precautions are taken to protect the surface. The permittee will be responsible for any damage caused to the pavement by the operation of such equipment and, upon order of the Director, shall repair such surfaces. Failure to do so will result in the use of the applicant's Performance/Warranty Guarantee by the City to repair any damage. (Ord. 0-94-17 § 10, 1994: Ord. 0-82-59 § 1 (part), 1982: Ord. 0-75-71 § 6, 1975).

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12.04.140 PROTECTION OF PROPERTY. The permittee shall protect from injury any adjoining property by providing adequate support and taking other necessary measures. The permittee shall, at his own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the work, and shall be responsible for all damage to public or private property resulting from failure to properly protect and carry out work in the public way. (Ord. 0-82-59 § 1 (part), 1982; Ord. 0-71-24 § 15, 1971).

12.04.150 RELOCATION AND PROTECTION OF UTILITIES. Before any permittee begins excavation in any public way, he shall contact the Utility Notification Center of Colorado and make inquiries of all ditch companies, utility companies, districts, municipal departments and all other agencies that might have facilities in the area of work to determine possible conflicts.

The permittee shall contact the Utility Notification Center of Colorado and request field locations of all facilities in the area at least forty-eight hours in advance. Field locations shall be marked prior to commencing work. The permittee shall support and protect all pipes, conduits, poles, wires, or other apparatus which may be affected by the work from damage during construction or settlement of trenches subsequent to construction. (Ord. 0-94-17 § 11, 1994; Ord. 0-82-59 § 1 (part), 1982; Ord. 0-71-24 § 16, 1971).

12.04.160 NOISE, DUST, DEBRIS, HOURS OF WORK. Each permittee shall conduct work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. In the performance of the work, the permittee shall take appropriate measures to reduce noise, dust, and unsightly debris. No work shall be done between the hours of ten p.m. and seven a.m., nor at any time on Sunday, except with the written permission of the Director, or in case of an emergency. (Ord. 0-82-59 § 1 (part), 1982; Ord. 0-71-24 § 17, 1971).

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12.04.170 CLEAN-UP. As the work progresses, all public rights-of-way and private property shall be thoroughly cleaned of all rubbish, excess dirt, rock, and other debris. All clean-up operations shall be done at the expense of the permittee. (Ord. 0-82-59 § 1 (part), 1982; Ord. 0-71-24 § 18, 1971).

12.04.180 EMERGENCY WORK. Any person maintaining facilities in the public way may proceed with repairs upon existing facilities without a permit when emergency circumstances demand that the work be done immediately. Emergency work is defined to mean any work necessary to restore water, sewer, gas, phone, electric, and cable facilities. Repairs on other facilities in the public way may also be administratively classified as emergency by the Director. The person doing the work shall apply to the Director for a permit on the first working day after such work has commenced. All emergency work will require prior telephone notification to the City Police Department of Public Safety and the appropriate fire protection district. (Ord. 0-94-17 § 12, 1994; Ord. 0-82-59 § 1 (part), 1982; Ord. 0-71-24 § 19, 1971).

12.04.190 PRESERVATION OF MONUMENTS. The permittee shall not disturb any surface monuments or survey hubs and points found on the line of work unless approval is obtained from the Director. Any monuments, hubs, and points disturbed will be replaced by a Colorado registered land surveyor at the permittee's expense. (Ord. 0-94-17 § 13, 1994; Ord. 0-82-59 § 1 (part), 1982; Ord. 0-71-24 § 20, 1971).

12.04.200 LICENSE TO DO WORK. All persons doing work within the public way under this chapter shall obtain a license if required by Chapter 14.10 of this code.

The City Engineer may waive the license requirements for any owner of a single-family residence desiring to repair their driveway

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or sidewalk provided the owner performs the work personally and upon satisfactory evidence to the City Engineer that the applicant is competent to perform the work. (Ord. 0-82-59 § 1 (part), 1982: Ord. 0-71-24 § 21, 1971).

12.04.210 BORING. Boring or other methods to prevent cutting of the pavement will be required upon request of the Director. It is the city's intent to require boring only when necessary on arterial and major and minor collector streets with high volumes of traffic and/or high accident potential. (Ord. 0-94-17 § 14, 1994: Ord. 0-82-59 § 1 (part), 1982: Ord. 0-71-56 § 1, 1971: Ord. 0-71-24 § 22, 1971).

12.04.220 SUSPENSION OR REVOCATION OF PERMITS AND STOP WORK ORDERS. (a) Any permit may be revoked or suspended by the Director, after notice to the permittee for:

(1) Violation of any condition of the permit or of any provision of this chapter;

(2) Violation of any provision of any other ordinance of the city or state law relating to the work;

(3) Existence of any condition or performance of any act which does constitute or cause a condition endangering life or damage to property.

(b) A suspension or revocation by the Director, and a stop work order, shall take effect immediately upon notice to the person performing the work in the public way.

(c) A stop work order may be issued by the Director to any person or persons doing or causing any work to be done in the public way without a permit, or in violation of any provision of this Chapter, or any other ordinance of the City.

(d) Any suspension or revocation or stop work order may be appealed by the permittee to the Director by filing a written notice of appeal within ten days of the action. (Ord. 0-94-17 § 15, 1994: Ord. 0-82-59 § 1 (part), 1982: Ord. 0-71-24 § 23, 1971).

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12.04.230 APPEALS PROCEDURE. Any decision rendered by the Director may be appealed within thirty days by the permittee to the Board of Appeals in accordance with the rules and procedures established by that body. (Ord. 0-82-59 § 1 (part), 1982; Ord. 0-71-24 § 24, 1971).

12.04.240 PENALTY. If any person, firm or corporation, including but not limited to the officers and agents of a corporation responsible for its actions or inaction, and the partners of a partnership, firm or joint venture, shall violate or cause the violation of any of the provisions of this chapter, they shall be guilty of a separate offense for each and every day or portion thereof during which a violation is committed, continues or is permitted, and upon conviction of any such violation such person, firm or corporation, including but not limited to such partners or officers or agents, shall be punished as provided in Section 1.16.020(a) of this code for each such violation. (Ord. 0-94-17 § 16, 1994; Ord. 0-84-87 § 7, 1984; Ord. 0-82-59 § 1 (part), 1982; Ord. 0-71-24 § 25, 1971).

MAJOR STREET PLAN AND MASTER PLAN

Chapter 12.08

MAJOR STREET PLAN AND MASTER PLAN*

Sections:

- 12.08.010 Major street plan adopted.
- 12.08.020 Master plan—Acceptance and approval.
- 12.08.030 Master plan—Certification and filing.

12.08.010 MAJOR STREET PLAN ADOPTED. The major street plan adopted by Resolution No. 70-95 includes a single map bearing the legend "Major Street Plan, City of Lakewood, Colorado," as certified to the City Council by the Lakewood Planning Commission. (Ord. 0-94-17 § 17, 1994; Res. 70-95 § 1, 1970).

12.08.020 MASTER PLAN — ACCEPTANCE AND APPROVAL. The master plan for the development of the city, with accompanying maps, charts and descriptive matter, which master plan is entitled and known as the Lakewood Comprehensive Plan shall be as adopted and from time to time amended by the Lakewood Planning Commission and approved by the City Council. (Ord. 0-94-17 § 18, 1994; Res. 75-68 § 1, 1975).

12.08.030 MASTER PLAN CERTIFICATION AND FILING. The Mayor and City Clerk are authorized and directed to indicate the acceptance and approval of the Lakewood Comprehensive Plan mentioned in Section 12.08.020 by affixing their signatures to a certification of this acceptance and approval on the Lakewood

* Prior resolution history for Sections 12.08.020 and 12.08.030: Resolution No. 70-95 §§ 2 and 3.

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Comprehensive Plan; and the City Clerk is authorized and directed to file a certified copy of the Lakewood Comprehensive Plan with the Clerk and Recorder of Jefferson County. (Ord. 0-94-17 § 19, 1994; Res. 75-68 § 2, 1975).

Chapter 12.12

STREET IMPROVEMENT POLICY

Sections:

- 12.12.010 City street system—Classification.
- 12.12.020 Type of improvements required by city's street system.
- 12.12.030 Cost responsibility for improvements to the city's street system.

12.12.010 CITY STREET SYSTEM — CLASSIFICATION.

(a) Functional Classifications. City streets shall be placed in five functional classifications: local streets, minor collector streets, major collector streets, arterial streets, and major regional arterial streets.

(b) Major Street Plan Classifications. Local streets, minor collector streets, major collector streets and arterial streets not specifically shown on the major street plan of Lakewood, must be platted and developed as determined by the city.

(c) References in existing planned developments (PD's) and official development plans (ODP's) to street designations such as "freeways" and "major streets" will be reviewed by the Director of the Department of Planning, Permits and Public Works as said streets are to be planned or constructed and the Director of the Department of Planning, Permits and Public Works will determine which new street designation standards will be applied. The determination of the Director of the Department of Planning, Permits and Public Works may be appealed by the affected property owner to the Planning

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Commission within ten days of said determination and the Planning Commission's decision on the street design designation shall be final.

(d) All state highways in Lakewood, except freeways, are designated as a part of the city street system for determining cost responsibilities in Section 12.12.030. (Ord. 0-94-17 §§ 20—22, 1994; Ord. 0-91-59 § 6 (part), 1991; Ord. 0-85-63 § 1, 1985).

12.12.020 TYPE OF IMPROVEMENTS REQUIRED FOR CITY'S STREET SYSTEM. Adequate and consistent design guidelines, based on engineering and planning standards, must be applied in developing the city's street system. All street improvements will therefore be in accordance with the city Engineering Regulations, Construction Specifications, and Design Standards as amended, the subdivision ordinance and the zoning ordinance.

In those instances where, in the opinion of the City Engineer, the rigid application of such guidelines would result in excessive right-of-way costs, relocation problems, and/or other extreme difficulties, a lesser standard may be approved by the City Engineer. (Ord. 0-94-17 § 23, 1994; Ord. 0-85-63 § 2, 1985).

12.12.030 COST RESPONSIBILITY FOR IMPROVEMENTS TO THE CITY'S STREET SYSTEM. (a) The cost responsibilities for street improvements applies the general but qualified concept that those who benefit from street and other public improvements should be most directly responsible for the cost of said improvements.

(b) In applying this concept, the following conditions are recognized and incorporated in assigning cost responsibilities:

(1) Any new land development within Lakewood benefits by the existence and use of the existing street system and other public improvements in the community. Nonetheless, while the existing street system and other existing public improvements benefit all new land development, no specific monetary charges are made to new land developments for use of the existing street system and other existing public improvements.

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(2) Benefits derived from arterial and major regional arterial streets adjacent to and within a new land development accrue both to the general public and to the owner of a new land development.

(3) Benefits derived from major collector streets, minor collector streets and local streets are direct and accrue primarily to the owner of a new land development.

(c) Cost responsibilities for new streets are as follows:

Classification	Right-of-Way	Streets	Sidewalk/Bikeways
Major regional arterial streets	Property owner	Shared	Property owner
Arterial streets	Property owner	Shared	Property owner
Collector streets (major and minor)	Property owner	Property owner	Property owner
Local streets	Property owner	Property owner	Property owner

Cost sharing on major regional arterial and arterial streets shall be done in the following manner: the property owner shall pay the cost of the street except for those costs paid for by the city. The property owner shall be responsible for all street improvements defined in Section 14.13.020 of the municipal code including roadway base and pavement thicknesses up to an EDLA (equivalent daily loaded axle) of thirty or the EDLA required for all traffic generated by the land development whichever is greater. The city will pay for any roadway base and pavement thicknesses in excess of the portion paid by the property owner.

(d) Rebuild of Existing Street Facilities. The city shall have the authority to require improvements on existing streets made necessary by the development of a parcel. The procedures for such improvements shall be as defined in Chapter 14.13 of the city code or the subdivision and zoning ordinances, whichever provides the higher

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standard. These improvements shall include but not be limited to: Those rights-of-way, easements, access rights, and physical improvements which, upon formal acceptance by the city, shall become the responsibility of the city for ownership and/or maintenance and repair, unless otherwise provided, and shall include, but not by way of limitation, the following: curb and gutter, asphalt pavement, concrete pavement, streets of all types, survey monuments, pavement striping, sidewalks, pedestrian/bike paths, traffic signals, street lights, street signs, highways, freeways, rights-of-way, easements, access rights, construction plans, medians, bridges, acceleration and deceleration lanes, culverts, storm drainage facilities including necessary structures, channels, water lines, sanitary sewer lines, and all other improvements, which upon acceptance by the city are intended to be for the use of and enjoyment of the public.

(e) **Peripheral Streets.** A peripheral street is one which borders a development, with one fraction of the street right-of-way on the property owner's land and the remaining street right-of-way on an adjacent property owner's land. A street which is located on right-of-way entirely within a single property owner's land is not a peripheral street and will be paid for by the property owner with the exception of major regional arterial or arterial street cost sharing which is as specified in subsection (c) of this section.

(1) **New Peripheral Streets.** If the City Engineer determines that a new local or collector peripheral street is to be constructed, the property owner shall build and pay for one-half of the street plus five feet of additional pavement.

If the City Engineer determines that a new major regional arterial or arterial peripheral street is to be constructed, the property owner shall build and pay for one-half of the street.

Cost sharing for the additional thickness requirements of a major regional arterial or arterial street shall be as specified in subsection (c) of this section.

PRIVATELY OWNED BUS BENCHES

(2) Existing Nonstandard Peripheral Street. Where a peripheral street exists but does not meet current city standards, adjacent property owners shall build and pay for one-half of the street plus five feet of additional pavement for a local or collector street as determined by the City Engineer.

If the City Engineer determines that an existing nonstandard street is to be constructed to major regional arterial or arterial street standards, the adjacent property owner shall build and pay for one-half of the street.

Cost sharing for the additional thickness requirements of a major regional arterial or arterial street shall be specified in subsection (c) of this section. (Ord. 0-94-17 §§ 24—27, 1994; Ord. 0-86-114 § 1, 1986; Ord. 0-85-63 § 3, 1985).

Chapter 12.16

PRIVATELY OWNED BUS BENCHES

Sections:

- 12.16.010 Authority.
- 12.16.020 Application for a revocable permit.
- 12.16.030 Insurance requirements.
- 12.16.040 Indemnification.
- 12.16.050 Prohibitions and limitations.
- 12.16.060 Physical requirements.
- 12.16.070 Maintenance.
- 12.16.080 Placement of nonadvertising and municipal-owned bus benches.
- 12.16.090 Nonassignability.
- 12.16.100 Removal of bus benches.
- 12.16.110 Violations.
- 12.16.120 Penalty.

PRIVATELY OWNED BUS BENCHES

12.16.010 AUTHORITY. The City Manager or his designee is authorized to permit the occupancy of the public right-of-way outside of the roadway for the placement of privately owned bus benches. The City Manager may adopt such rules and regulations as may be required to implement this chapter. The City Manager or his designee shall have the authority to modify any numerical limitations contained within this chapter by an amount not to exceed twenty percent. (Ord. 0-87-17 § 1 (part), 1987).

12.16.020 APPLICATION FOR A REVOCABLE PERMIT. Application for a revocable bus bench permit may be made by any person or corporation which holds in its own name a valid Municipal Contractors License. Such application shall be in writing on forms furnished by the city and shall be signed by the applicant. A single permit may cover several benches, provided, that a separate permit fee shall be paid for each bench.

In the event that the number of applications exceeds the number of benches allowed at a particular site, the city shall conduct a lottery drawing. The City Manager or his designee shall adopt such rules and regulations as may be required to administer said lottery.

An annual fee of twenty-five dollars per bench shall be due and payable January 1st of each year; however, no fees shall be levied for city mandated nonadvertising bus benches as described in Section 12.16.080 of this chapter. All bus bench permits expire annually on December 31st.

Any permit holder may renew said permit each year. If the permit holder should allow such permit to expire without renewal, the location shall then be subject to the provisions of a lottery drawing as stated above if the number of permit applications exceeds the number of benches allowed at a particular location.

Nothing in this chapter shall be construed to limit the city's authority to require removal of a bus bench prior to the expiration of a permit. Nor is the city under any requirement to renew a permit. (Ord. 0-94-17 § 28, 1994; Ord. 0-87-17 § 1 (part), 1987).

PRIVATELY OWNED BUS BENCHES

12.16.030 INSURANCE REQUIREMENTS. Before any permit is issued for placement of a bus bench, the applicant shall furnish to the city a Certificate of Insurance, with the city named as an additional insured, from a firm with corporate surety, authorized to do business in the State of Colorado, for public liability and property damage in the amount established by the city of not less than the following amounts:

For death or injury to any one person and including property damage, one hundred fifty thousand dollars;

Total liability in any one accident, six hundred thousand dollars. (Ord. 0-94-17 § 29, 1994; Ord. 0-87-17 § 1 (part), 1987).

12.16.040 INDEMNIFICATION. The applicant shall be required to sign an indemnity agreement, on a form furnished by the city, which releases and discharges the city, its employees, agents and assigns from any liability and from any and all claims, demands, damages, actions, causes of action, or suits of any kind or nature whatsoever as related to the construction, maintenance, placement, and in any other respect having to do with the bus benches and any advertising thereon. (Ord. 0-87-17 § 1 (part), 1987).

12.16.050 PROHIBITIONS AND LIMITATIONS. (a) Benches shall only be placed at bus stops actively being served by Regional Transportation District vehicles.

(b) No benches shall be permitted adjacent to local or minor collector streets in residential districts, except those benches authorized in Section 12.16.080 of this chapter.

(c) One bench shall be allowed per bus stop on major collector and arterial streets in residential districts.

(d) A maximum of two benches shall be allowed per bus stop adjacent to major regional arterial and major collector streets in commercial zone districts; provided, however, that a maximum of one bench shall be allowed in conjunction with a bus bench shelter.

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(e) A map designating streets and appropriate bus bench placement will be maintained by the Department of Planning, Permits and Public Works.

(f) Benches shall not interfere with the safe and efficient passage of pedestrians or cyclists and shall not impede pedestrian access to or use of traffic-control devices or other street fixtures. All bikeways and/or sidewalks less than ten feet in width shall be left totally unobstructed. If a nonbench obstruction such as a power pole, fence, etc., already exists, benches will be allowed provided they do not create an additional obstruction greater than that already in existence.

(g) It shall be the sole responsibility of the permittee to assure that all benches are placed on the public right-of-way and not on private property. The city shall not be liable for relocation expenses arising out of an approved location which is discovered to be on private property.

(h) The City Manager or his designee is authorized to prohibit the placement of bus benches at specific locations upon a finding of circumstances detrimental to pedestrian or vehicular safety.

(i) The colors used on the bus benches and any advertising thereon, shall not be of a fluorescent, dayglow, or other reflective or brilliant color.

(j) Advertising on bus benches is limited to one side of the bench panel. Advertising on both sides of the panel is prohibited. (Ord. 0-94-17 §§ 30, 31, 1994; Ord. 0-91-59 § 4 (part), 1991; Ord. 0-87-17 § 1 (part), 1987).

12.16.060 PHYSICAL REQUIREMENTS. Placing benches at designated bus stops may be permitted where the following conditions are met:

PRIVATELY OWNED BUS BENCHES

(a) Benches shall be located no closer than three feet to the face of the curb or five feet to the edge of the traveled roadway where no curb exists and shall be placed parallel to the roadway.

(b) Benches must be located within twenty-five feet of the designated bus stop sign. In locations where two bus benches are permitted, they shall be located within three feet of each other.

(c) The travel path between the bench and the bus loading location shall be no steeper than four horizontal to one vertical.

(d) All benches must be placed so that the bench seat is approximately level with a vertical drop of no more than one inch in one foot in any direction.

(e) All benches must be located a minimum of one foot from any hazard such as a gulch, irrigation ditch, or other downward sloping hazard steeper than a slope of one horizontal to one vertical.

(f) A bench must be constructed of substantial material, must be no longer than eight feet in length, no higher than forty-two inches from the ground level, no wider than thirty inches, the bottom seat portion of the bus bench shall be a minimum of eleven inches, with no gaps wider than one and three-fourths inches between separate wooden slats.

(g) The name and phone number of the owner of the bench must be clearly identified on the front of the structure so as to be easily identifiable from the street. (Ord. 0-87-17 § 1 (part), 1987).

12.16.070 MAINTENANCE. The permittee shall maintain the bench in a safe, clean and neat condition at all times. Damaged or defaced benches shall be repaired or replaced immediately upon notification or discovery of such condition by the permittee or the city. At a minimum, bus benches and areas

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surrounding the benches shall be inspected, cleaned and any necessary repairs made at least once a month. (Ord. 0-87-17 § 1 (part), 1987).

12.16.080 PLACEMENT OF NONADVERTISING AND MUNICIPAL-OWNED BUS BENCHES. At its discretion, the city, acting by and through the City Manager or his designee, may require the permittee to install nonadvertising benches in lieu of advertising benches at designated bus stops. The maximum number of benches so designated by the city shall not exceed ten percent of the number of bus benches installed in the city by the permittee. Identification of the donating bus bench company shall be permitted on the bench, as provided by administrative regulation. At its option, the city may request an alternative physical design for the nonadvertising bus bench, provided such alternative is comparable in expense to an advertising bus bench installed and maintained by the donating company.

At its discretion, the city, acting by and through the City Manager or his designee, may require removal of a privately owned bus bench to allow for placement of a city-owned bench. (Ord. 0-87-17 § 1 (part), 1987).

12.16.090 NONASSIGNABILITY. Permits issued pursuant to this chapter shall not be assigned to any other person, partnership, association or corporation, without the express written prior approval of the city, which permission shall not be unreasonably withheld. (Ord. 0-87-17 § 1 (part), 1987).

12.16.100 REMOVAL OF BUS BENCHES. When the city requests the removal of a bench or benches or the advertising thereon, such removal shall be accomplished within fifteen days after the transmittal of such request by certified mail, return

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receipt requested. Failure to effect such removal within the fifteen day time limit may result in removal by the city and a fee of one hundred dollars per bench chargeable to cover costs of removal. The one hundred dollar fee must be paid prior to retrieval of the bench, and no new or renewed permit shall issue until said fee is remitted. (Ord. 0-87-17 § 1 (part), 1987).

12.16.110 VIOLATIONS. (a) Any person accepting a permit for occupancy of the public right-of-way shall agree to observe the conditions and limitations of this chapter. A violation of any rules and regulations promulgated hereunder by the city, conditions and limitations of this chapter is a violation hereof. The owner of or the person placing or maintaining a bus bench in violation of this chapter shall remove or correct the same upon notification by certified mail, return receipt requested. The City Manager is authorized to remove, at the cost of not less than one hundred dollars per bench to the owner or permit holder, any bus bench placed in violation of any provision contained in this chapter, which removal cost may be recovered by any action in any court of competent jurisdiction, and the imposition or collection of such costs shall not be deemed in lieu or instead of any fine or penalty which may be imposed for a violation of any of the provisions hereof but shall be in addition thereto. The City Manager or his designee further is authorized to revoke the permit for a bus bench placed or maintained in violation of this chapter. (Ord. 0-87-17 § 1 (part), 1987).

12.16.120 PENALTY. Placing a bus bench in the public right-of-way without a permit, maintaining a bench upon revocation of a permit, or any violation of the bus bench prohibitions and limitations contained herein is unlawful. The penalty for violation of any provision of this chapter is a fine not less

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than twenty-five dollars and no more than three hundred dollars. Each day of a continuing violation shall be deemed to be a separate violation. (Ord. 0-87-17 § 1 (part), 1987).

WATER AND SEWERS

Title 13

WATER AND SEWERS

Chapters:

- 13.04 Water and Sewage Systems and Service**
- 13.08 Relocation of Water and Sewer Facilities in Public Ways**
- 13.12 Well Drilling**
- 13.14 Storm Water Quality**

WATER AND SEWAGE SYSTEMS AND SERVICE

Chapter 13.04

WATER AND SEWAGE SYSTEMS AND SERVICE

Sections:

- 13.04.010 Definitions.
- 13.04.020 Organization.
- 13.04.030 Personnel.
- 13.04.040 Water and sewer funds.
- 13.04.050 Expenses.
- 13.04.060 Audit.
- 13.04.070 Water and sewer rates and charges.
- 13.04.080 Enforcement of charges.
- 13.04.090 Contracts for the rendering of services.
- 13.04.100 Bonded indebtedness.
- 13.04.110 Rules and regulations.
- 13.04.120 Water rates.

13.04.010 DEFINITIONS. (a) "City", as used in this chapter, means the city of Lakewood.

(b) "Service entity," as used in this chapter, means:

- (1) A special district formed under the statutes of the state and authorized to render water services or sewer services, or both; or
- (2) Consolidated Mutual Water Company; or
- (3) Any other person, company or entity rendering water or sewer services, or
- (4) The City and County of Denver acting by and through the Denver Board of Water Commissioners.

(c) "Service area" means the city plus that area lying outside the boundaries of the city which is within the exterior boundaries of any service entity which is or may be served by the city of Lakewood with water or sewer service, or both. (Ord. 0-94-39 § 1, 1994; Ord. 0-91-59 § 7 (part), 1991; Ord. 0-88-71 § 1 (part), 1989).

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13.04.020 ORGANIZATION. The Lakewood Board of Water and Sewer Commissioners previously established by city ordinance is dissolved. The City Council of the city of Lakewood shall have full power and authority, subject to the City Charter, to operate and maintain the water and sewer systems. All contracts, agreements, rules and regulations, bond issues and other obligations previously entered into by the Lakewood Board of Water and Sewer Commissioners shall remain in full force and effect. Subject to the supervision and control of the City Manager, the Director of Public Works shall administer the water and sewer systems. (Ord. 0-94-39 § 2, 1994; Ord. 0-88-71 § 1 (part), 1989).

13.04.030 PERSONNEL. Water and sewer employees will be subject to the city of Lakewood personnel policies. (Ord. 0-94-39 § 3, 1994; Ord. 0-88-71 § 1 (part), 1989).

13.04.040 WATER AND SEWER FUNDS. The water fund and sewer fund, previously established by city ordinance, are continued. All revenues received from the operation of the water and sewer system, together with all the monies coming into the funds from other sources, including, but not limited to, appropriations by the City Council from the general fund, fees collected for water or sewer service and mill levies and other income to retire bonded indebtedness, shall be placed in the water fund and the sewer fund. All revenues of the water and sewer funds shall be turned over to the Treasurer of the city, who shall open and keep a separate account or accounts for the water fund and for the sewer fund and shall faithfully account for all monies received and disbursed on account thereof, and each such account shall be a public record. All financial operations of the funds shall be in compliance with all existing administrative policies, city ordinances and resolutions. (Ord. 0-94-39 § 4, 1994; Ord. 0-88-71 § 1 (part), 1989).

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13.04.050 EXPENSES. All monies received by the city as water or sewer revenues pursuant to this chapter shall be held by the city. Any expenditures thereof shall be made only for the purpose of water and sewer capital improvements, administrative costs which shall include, but not be limited to, compensation as defined in Section 2.28.080 of the Lakewood Municipal Code, of employees who perform functions for the water or sewer system, reconstruction, operation and maintenance, or expansion of the water and sewer utility or other purposes related to the foregoing functions of the water and sewer system within the city of Lakewood. Said monies shall be deposited in the water fund or the sewer fund and shall not become a part of the general fund of the city of Lakewood. (Ord. 0-94-39 § 5, 1994; Ord. 0-88-71 § 1 (part), 1989).

13.04.060 AUDIT. The City Council shall cause the water and sewer funds to be audited by an independent auditor, at least annually, who shall make a report of his findings to the City Council. The independent auditor shall be the same as designated to audit the City's financial records. All accounts and records shall be fully available to the auditor. (Ord. 0-88-71 § 1 (part), 1989).

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13.04.070 WATER AND SEWER RATES AND CHARGES.

The City Council shall establish standards of service and shall fix rates for which water and sewer services shall be furnished. Rates shall be sufficient to pay for the operation, maintenance, reserves, debt service, additions, betterments, including those reasonably required for anticipated growth, and to provide for general welfare. The rates may also be sufficient to provide for the accumulation of reserve for improvements and obligations of such magnitude that they cannot be acquired from the surplus revenues in a single year. Rates and connection charges may vary according to demand, quality and volume, but shall be uniformly applied to the end that all persons receiving like services shall pay the same rates and connection charges except that a rate differential may occur to meet obligations which relate to a specific group of customers or properties. The City Council shall establish fees for the extension of service to properties not then being served by it. (Ord. 0-88-71 § 1 (part), 1989).

13.04.080 ENFORCEMENT OF CHARGES. (a) In addition to other means provided by law, the City Manager may enforce the payment of any charges by discontinuing water service to the premises at which the charge arose without regard to the ownership or occupancy of such premises. Payment in advance or deposit in lieu thereof may be required by the City Manager to whatever extent he finds such practice conducive to the prompt payment of amounts due on account of water and sewer service. Any discontinuance of water service shall occur only after notice has been provided to the customer and an opportunity for a hearing with the Director of the Department of Planning, Permits and Public Works or his designee has been provided.

(b) In addition to other civil collection procedures, all water and sewer fees and charges, together with all interest and penalties for default in payment, and all costs in collecting the same, until paid,

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shall constitute a perpetual lien on the property receiving the water or sewer service, on a parity with the tax lien of general, state, county, city, town or school taxes, and no sale of such property to enforce any general, state, county, city, town or school tax or other liens shall extinguish the perpetual lien for such fees, charges, interest, penalties and costs.

(c) Acceptance of water or sewer service shall be an assumption by the owner of responsibility for payment of such charges, and billing of such service to other than the owner shall not release or invalidate such lien rights.

(d) Upon sale, transfer, conveyance or assignment of such property, it shall be the duty of the grantee to pay any outstanding charges as a condition of continuation of service to such property by the city.

(e) Delinquent charges may be collected as any other debt owed to the city at the option of the city.

(f) No person shall interfere with, tamper, or remove the water and sewer lines, meters, or appurtenances of the water and sewer system, without first obtaining the approval of the manager of the water and sewer division. Enforcement of this subsection shall be in the Municipal Court of the city or the District Court of Jefferson County. No remedy provided herein shall be exclusive, but the same shall be cumulative; and the taking of any action hereunder, including charge or conviction of violation of this chapter in the Municipal Court of the city, shall not preclude or prevent the taking of other action hereunder to enjoin any violation of that ordinance. (Ord. 0-94-39 §§ 6, 7, 1994; Ord. 0-91-59 § 6 (part), 1991; Ord. 0-88-71 § 1 (part), 1989).

13.04.090 CONTRACTS FOR THE RENDERING OF SERVICES. (a) The City Council is authorized to enter into any contract with any service entity which allows the service entity to provide

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water and/or sewer service to the Lakewood Water and/or Sewer Service Area. Conversely, the City Council is authorized to enter into any contract with any service entity which allows the city to provide water and/or sewer service to such service entity.

(b) The City Council may accept or decline any application for the extension of service to property either outside or within the service area which can feasibly be served by the city.

(c) The City Council is authorized to enter into any contract with any service entity, including, but not limited to, the following matters:

- (1) Assumption of the operation and maintenance of the system or facilities of a service entity;
- (2) Acquisition of a service entity's system or facilities, or personnel;
- (3) Transfer of all or part of the assets of the service entity to the city. (Ord. 0-94-39 § 8, 1994; Ord. 0-88-71 § 1 (part), 1989).

13.04.100 **BONDED INDEBTEDNESS.** The City Council shall have the power to issue municipal securities in a manner consistent with the provisions of Title 31, Article 35, Part 4 of the Colorado Revised Statutes. (Ord. 0-94-39 § 9, 1994; Ord. 0-88-71 § 1 (part), 1989).

13.04.110 **RULES AND REGULATIONS.** The City Council may adopt rules and regulations with respect to any matter within its jurisdiction as defined by ordinance. It may provide for enforcement of its rules and regulations by imposing special charges in an amount reasonably calculated to secure compliance or recompense for water or sewer loss, or to provide reimbursement for expenses arising out of violation. In

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addition to any other lawful remedy, enforcement procedures may include refusal to supply water to a property involved. (Ord. 0-88-71 § 1 (part), 1989).

13.04.120 WATER RATES. The water rates for customers of the City of Lakewood water system shall be based upon the following rate schedule. Water customers shall pay a standard unvarying bi-monthly fee based upon meter size. Additionally, customers shall pay \$1.97 for each one thousand gallons of water used. Those water customers who use the fire protection service shall pay an additional amount based upon the size of the service.

Cost of Service Rates

Service Charge

Meter Size	Bi-Monthly
Inches	\$
5/8	11.50
3/4	11.50
1	12.70
1½	24.80
2	29.80
3	132.50
4	158.90
6	207.50

Volume Charge - \$1.97/1000 gal.

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Fire Protection Charges

Size of Service	Bi-Monthly
Inches	\$
1½	6.00
2	6.00
3	15.80
4	31.70
6	88.00
8	184.90

(Ord. 0-93-6 § 1, 1993; Ord. 0-90-43 § 1, 1990).

RELOCATION OF WATER AND SEWER FACILITIES

Chapter 13.08

RELOCATION OF WATER AND SEWER FACILITIES IN PUBLIC WAYS

Sections:

- 13.08.010 Projects coordination.
- 13.08.020 Future alteration minimization.
- 13.08.030 City's cost liabilities.
- 13.08.040 Service provider's cost liabilities.
- 13.08.050 Permit application review.
- 13.08.060 Work resulting from permit noncompliance—
Costs liability.
- 13.08.070 Permit grant or denial.

13.08.010 PROJECTS COORDINATION. The providers of water and sewer services and the city shall, as far in advance as possible when working in public streets and drainageways, coordinate through the Jefferson County Utilities Coordinating Committee all projects, each with the other, to minimize current and future anticipated conflicts between public street and drainageway improvements and water and sewer facilities. (Ord. 0-94-39 § 10, 1994; Res. 75-138 § 1, 1975).

13.08.020 FUTURE ALTERATION MINIMIZATION. Project planning and engineering conducted by the city and the various providers of water and sewer services shall consider present and future plans in order to avoid or minimize future alterations in such improvements and facility locations. In cooperation with the provider of water or sewer service, the City Engineer may indicate general location restrictions which would avoid future conflicts but shall not direct locations which are incompatible with the general engineering requirements of the water or sewer system. (Ord. 0-94-39 § 11, 1994; Res. 75-138 § 2, 1975).

RELOCATION OF WATER AND SEWER FACILITIES

13.08.030 CITY'S COST LIABILITIES. When facilities of the provider of water or sewer services require relocation due to improvement, changes, or alteration of streets or drainageways, all costs associated with water or sewer facilities relocation and restoration to the equivalent of their preimprovement condition will be included and considered as part of the total street or drainageway improvement cost and paid by the city, unless prior installation of the water or sewer service facilities was performed contrary to a proper location restriction. (Ord. 0-94-39 § 12, 1994; Res. 75-138 § 3, 1975).

13.08.040 SERVICE PROVIDER'S COST LIABILITIES. Costs of adjusting manholes and valve boxes when such work is necessitated by pavement repair or street resurfacing will be borne by the providers of water and sewer service. Unless the provider of such services notifies the city in advance that it will perform the work or desires the manholes to be covered, adjustments will be performed by the city in accordance with standards of the providers of water and sewer service and the city will provide a list specifying locations of work performed together with the bill for such work. (Res. 75-138 § 4, 1975).

13.08.050 PERMIT APPLICATION REVIEW. To the extent that work in the public way is regulated by city ordinance which requires that such work be done under a permit from the city, the city shall have the prerogative to review such permit applications for work in the public way for the purpose of (1) location of the proposed facility in the street or drainageway, and (2) compliance with construction standards of the city for streets or drainageways. Locations in observance of the permit requirements will be deemed proper. (Res. 75-138 § 5, 1975).

13.08.060 WORK RESULTING FROM PERMIT NONCOMPLIANCE — COSTS LIABILITY. Should a provider of water or sewer service elect to perform work without coordinating the project

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or perform the work without observing proper permit conditions, the cost of any future relocations which would not have been required if the coordination or permit conditions had been observed will be paid by the provider of water or sewer services. (Ord. 0-94-39 § 13, 1994; Res. 75-138 § 6, 1975).

13.08.070 PERMIT GRANT OR DENIAL. If the provider of water or sewer services has coordinated its plans at least thirty days prior to the proposed work, the city shall respond to permit applications within three working days, approving the application as submitted or conditioned upon specific location requirements. Failure to approve the application or specify location requirements will be deemed consent to work in the proposed location. Should the provider of water or sewer service fail to so coordinate the plans, the city will respond to permit applications in accordance with Chapter 12.04 of this code. (Ord. 0-94-39 § 14, 1994; Res. 75-138 § 7, 1975).

Chapter 13.12

WELL DRILLING

Sections:

- 13.12.010 Limitations.
- 13.12.020 Permit—Application.
- 13.12.030 Permit—Application fee.
- 13.12.040 Variance.
- 13.12.050 Land owner consent withholding.
- 13.12.060 Lease authorized.
- 13.12.070 Penalty for violation.

13.12.010 LIMITATIONS. The drilling of new wells within the city shall be allowed to depths less than two hundred fifty feet and the construction of any well subsequent to the effective date hereof

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within the city to a depth below two hundred fifty feet shall be prohibited, except as to all persons who have heretofore initiated their rights to construct said wells to a depth below two hundred fifty feet, except as to the city acting for and on behalf of its citizens to provide water for public benefit, except as to any person who perfects a right to construct a well to a depth below two hundred fifty feet and has complied with the provisions of Section 13.12.050, and except as to any person who obtains a variance under the provisions of Section 13.12.040 and also has fulfilled all of the requirements of Section 13.12.020. The rehabilitation of any well in existence on the effective date of the ordinance codified in this chapter shall not be considered the drilling of a new well under this chapter. (Ord. 0-80-68 § 1, 1980).

13.12.020 PERMIT — APPLICATION. Any person who desires to drill a well within the limits of the city shall submit an application for a permit to construct a well to the City Manager or his authorized agent giving the following information: location and depth of well, proof of written notice to each entity which provides domestic water and/or sanitary sewer services to the area in which said well is to be located, proof of written notice to the Jefferson County Board of Health, and an approved well permit issued by the State Engineer. (Ord. 0-94-39 § 15, 1994; Ord 0-80-68 § 2, 1980).

13.12.030 PERMIT — APPLICATION FEE. Any person submitting such application for permit shall pay a fee of fifty dollars, and such application shall be approved and a permit issued, only if the City Manager or his authorized agent shall determine that the depth of the well is less than two hundred fifty feet or is excepted under the provisions of Section 13.12.010 and Section 13.12.050, and provided the requirements set forth in Section 13.12.020 have been met. (Ord. 0-94-39 § 16, 1994; Ord. 0-80-68 § 3, 1980).

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13.12.040 VARIANCE. Any person who desires to drill a well to a depth greater than two hundred fifty feet may apply to the City Manager or his authorized agent for a variance from the provisions of Section 13.12.010 to construct such a well. If the applicant proves beyond a reasonable doubt that his proposed well will not intercept the sands of the Arapahoe, Laramie-Fox Hill, or other non-tributary aquifers, such a variance shall be granted. (Ord. 0-94-39 § 17, 1994; Ord. 0-80-68 § 4, 1980).

13.12.050 LAND OWNER CONSENT WITHHOLDING. Any overlying land owner who wishes to withhold his consent to the city for its appropriation of ground water (which is the subject of Case No. 79-CW-368 in the District Court in and for Water Division No. 1, State of Colorado) below a depth of two hundred fifty feet beneath his land shall record a Notice of Non-Consent with the Clerk and Recorder of the County of Jefferson and State of Colorado, with a copy thereof to the City Clerk of the city of Lakewood, Colorado (at 44 Union Boulevard, Lakewood, Colorado 80228) within sixty days of the date of final publication of the ordinance codified in this chapter, which notice shall include the legal description of the affected overlying land. (Ord. 0-80-68 § 5, 1980).

13.12.060 LEASE AUTHORIZED. In any event, any Lakewood citizen may file an application with the City Council to

STORM WATER QUALITY

lease water which has been previously appropriated by the city. Upon a showing that such citizen is unable to reasonably obtain water from any alternative source or other hardship, the City Council may, in its sole discretion, agree to lease to such citizen a portion of its rights to use such water. (Ord. 0-80-68 § 6, 1980).

13.12.070 PENALTY FOR VIOLATION. Any person, firm, corporation or association who fails to comply with any of the terms of this chapter shall, upon conviction, be fined in a sum not to exceed nine hundred ninety-nine dollars for each violation of this chapter. Each day in which such person, firm, corporation or association shall fail to comply with the terms of this chapter shall be considered a separate violation. (Ord. 0-84-87 § 8, 1984; Ord. 0-80-68 § 8, 1980).

Chapter 13.14

STORM WATER QUALITY

Sections:

- 13.14.010 Findings of fact and purpose.
- 13.14.020 Exceptions.
- 13.14.030 Definitions.
- 13.14.040 Polluted water prohibited.
- 13.14.050 Inspection and sampling.
- 13.14.060 Erosion control.
- 13.14.070 Rules and regulations.
- 13.14.080 Elimination of polluting materials.
- 13.14.090 Enforcement; violations; penalties.
- 13.14.110 Continuing violation.
- 13.14.120 Severability.

STORM WATER QUALITY

13.14.010 FINDINGS OF FACT AND PURPOSE. The City Council of the City of Lakewood hereby finds and determines that there is a public need to control the water quality of surface drainage flowing through the municipal storm sewer and into gulches, streams and waters of the City, of the State and of the United States, and this is a matter that affects the public health, safety and welfare. There is, therefore, the necessity of providing for a comprehensive system of regulation and enforcement for the control of the water quality of surface drainage through the enactment of the ordinance codified in this chapter. (Ord. 0-92-55 § 1 (part), 1992).

13.14.020 EXCEPTIONS. This chapter does not apply to these discharges: water line flushing, fire hydrant flushing, dechlorinated swimming pool discharge, landscape irrigation, diverted stream flows, groundwater uncontaminated by polluting materials, discharges from potable sources, springs, roof drains, lawn watering, non-commercial car washing, flows from riparian habitats and wetlands. (Ord. 0-92-55 § 1 (part), 1992).

13.14.030 DEFINITIONS. (a) Municipal storm sewer means the conveyance or system of conveyances for storm water within the City of Lakewood including roads with drainage systems, municipal streets, catch basins, storm water detention or retention ponds, curbs, gutters, ditches, gulches, man-made channels, or storm drains.

(b) Polluting materials includes, but is not limited to, trash, raw materials, petroleum products, materials such as solvents, detergents, paints, plastic pellets, swimming pool discharge, finished materials such as metallic products, raw materials used in food processing or production, human or animal excrement, garbage, wastewater, hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), fertilizers, pesticides, and waste products such as ashes, slag and sludge.

(c) Storm water means storm water runoff, snow melt runoff, and surface runoff and drainage. (Ord. 0-92-55 § 1 (part), 1992).

STORM WATER QUALITY

13.14.040 POLLUTED WATER PROHIBITED. (a) It shall be unlawful for any person to discharge or cause to be discharged any polluting materials into any municipal storm sewer within the City.

(b) It shall be unlawful for any person to place, deposit, discharge or permit to be placed, deposited or discharged polluting material in such a manner that it enters the municipal storm sewer. (Ord. 0-92-55 § 1 (part), 1992).

13.14.050 INSPECTION AND SAMPLING. It shall be lawful for a City employee or consultant to enter upon private property to perform inspection and sampling necessary to determine if the provisions of this chapter are being complied with if:

(a) The City has obtained a search warrant, or

(b) The City has obtained the consent of the person in possession of the property. (Ord. 0-92-55 § 1 (part), 1992).

13.14.060 EROSION CONTROL. (a) During the development of any property within the City, those persons responsible or in control of said development must use the best management practices for the control of the water quality of surface drainage originating from the subject property as set forth in the rules and regulations relating to erosion control within the City of Lakewood.

(b) Prior to any site grading or excavation, a developer shall submit a plan for the control of the water quality of surface drainage as required by City of Lakewood Engineering and Design Criteria. (Ord. 0-92-55 § 1 (part), 1992).

13.14.070 RULES AND REGULATIONS. The Director of Planning, Permits and Public Works shall have the authority to make and promulgate from time to time such rules and regulations as the Director finds necessary for the administration and enforcement of this chapter in addition to and in conjunction with, the provisions of this chapter and not inconsistent therewith. (Ord. 0-92-55 § 1 (part), 1992).

STORM WATER QUALITY

13.14.080 ELIMINATION OF POLLUTING MATERIALS. The Director of Public Works, or his designee, may take action to halt the flow of surface water if, in the opinion of the Director, or his designee, it is necessary to stop an actual or threatened reduction of the water quality of surface drainage which presents or may present an imminent or substantial danger to the health or welfare of persons or the environment. Any person notified of such suspension shall immediately stop or eliminate the offending contributions. In the event of a failure of the person to comply voluntarily with the suspension order, the Director or his designee shall take steps as deemed necessary, including immediate impoundment of surface drainage to prevent or minimize damage to individuals or the environment. The Director may also initiate appropriate legal actions in the name of the City in the event of such circumstances. A detailed written statement submitted by the responsible person describing the causes of the noncompliance and the measures taken to prevent any future occurrence shall be submitted to the Director within five (5) days of the occurrence. (Ord. 0-94-39 § 18, 1994; Ord. 0-92-55 § 1 (part), 1992).

13.14.090 ENFORCEMENT; VIOLATIONS; PENALTIES. (a) The violation of the provisions of this chapter or of the rules and regulations of the Director issued pursuant to this chapter by any person shall be unlawful.

(b) Whenever a discharge of polluting material is in violation of the provisions of this chapter or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the City may, in addition to any other remedies available to it:

- (1) Take action as set forth in Section 13.14.080;
- (2) Issue a cease and desist order;
- (3) Issue a summons and complaint to be heard in Lakewood municipal court;

STORM WATER QUALITY

(4) Petition the district court for the issuance of a preliminary or permanent injunction or both, as may be appropriate in restraining the continuance of such discharge and may seek compensation for any damage caused by said pollution, including any fines levied against Lakewood as a result of said pollution;

(5) Treat the action as a nuisance. Any prohibited contribution to the storm sewer system is declared to be a nuisance and may be abated, if the City so chooses, under the provisions of the Lakewood Municipal Code relating to the abatement of nuisances.

(c) The Environmental Manager of the Police Department shall have the nonexclusive power and authority to enforce the provisions of this chapter. The Environmental Manager shall be considered a peace officer within the meaning of Section 1.04.010(10) of this code for purposes of enforcing the provisions of this chapter. (Ord. 0-93-52 § 4, 1993; Ord. 0-92-55 § 1 (part), 1992).

13.14.110 CONTINUING VIOLATION. Each day of a continuing violation shall be deemed a separate violation. (Ord. 0-92-55 § 1 (part), 1992).

13.14.120 SEVERABILITY. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter or application thereof to any person or circumstance, be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter, or its application to any other person or circumstance, and, to this end, the provisions of this chapter are declared to be severable. (Ord. 0-92-55 § 1 (part), 1992).

BUILDINGS AND CONSTRUCTION

Title 14

BUILDINGS AND CONSTRUCTION

Chapters:

- 14.01 Administrative Provisions
- 14.02 Uniform Building Code
- 14.03 Uniform Code for the Abatement of Dangerous Buildings
- 14.04 Uniform Mechanical Code
- 14.05 Uniform Plumbing Code
- 14.06 National Electrical Code
- 14.07 Uniform Fire Code
- 14.08 Model Energy Code
- 14.10 Licensing Provisions
- 14.11 Registration of Electrical Contractors
- 14.12 Board of Appeals
- 14.13 Public Improvements
- 14.14 Building Numbering and Street Naming
- 14.15 Stormwater Management
- 14.16 Park and Open Space Dedication
- 14.20 Engineering Regulations, Construction Specifications and Design Standards
- 14.21 Excavation, Grading and Retaining Walls
- 14.22 Underground Storage Tank Removal
- 14.23 Special Improvement Districts

ADMINISTRATIVE PROVISIONS

Chapter 14.01

ADMINISTRATIVE PROVISIONS

Sections:

- 14.01.010 Citation.
- 14.01.020 Codes available.
- 14.01.030 References to public officials or departments.
- 14.01.040 General application.

14.01.010 CITATION. This Title 14, including all codes herein adopted, as amended or modified, may be cited as the "Lakewood Building Code" or the "Building Code" (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.01.020 CODES AVAILABLE. At least one (1) copy of each of the codes adopted by the city and included within this Title 14 shall be on file in the office of the City Clerk and available for inspection during regular business hours. (Ord. 0-90-15 § 1, 1990; Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.01.030 REFERENCES TO PUBLIC OFFICIALS OR DEPARTMENTS. (a) Whenever there are any references in the Building Code to public officials by title of office held or to particular departments, boards, commissions, bureaus or other agencies of the city, such references shall be taken to refer to the appropriate public officials of the city holding comparable or similar offices in said city, although not designated by the same official title. In any event, the City Manager is authorized to designate and determine the department public official or agency or other entity having jurisdiction and authority to enforce or to administer this Building Code or any particular part thereof, unless otherwise clearly provided by law or ordinance.

ADMINISTRATIVE PROVISIONS

(b) Whenever a reference is made to the Building Department, the same shall be taken to mean the Division of Codes Administration of the Department of Planning, Permits and Public Works of the city which has the responsibility for administration of code enforcement, including, but not limited to, building inspection, plan review, contractor licensing, environmental control and permit issuance. Whenever the words "Building Official" are used, said words shall mean the manager of the Division of Codes Administration of the Department of Planning, Permits and Public Works of the city. Whenever the word "Director" is used, said word shall mean the Director of the Department of Planning, Permits and Public Works of the city. (Ord. 0-91-59 § 4 (part), 1991; Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.01.040 GENERAL APPLICATION. Unless otherwise specified herein, the provisions of this Title 14 related to such matters as permits, licensing and appeals, shall be generally applicable to each of the individual codes adopted herein. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

UNIFORM BUILDING CODE

Chapter 14.02

UNIFORM BUILDING CODE

Sections:

- 14.02.010 Uniform Building Code, 1988 Edition, adopted by reference, generally.
- 14.02.020 Purpose of Uniform Building Code.
- 14.02.040 Amendments to certain provisions of the Uniform Building Code.
- 14.02.070 Penalties for violations of building code.

14.02.010 UNIFORM BUILDING CODE, 1988 EDITION, ADOPTED BY REFERENCE, GENERALLY. Pursuant to Title 31, Article 16, 1973 C.R.S. and the Lakewood City Charter, the Uniform Building Code of the International Conference of Building Officials, including Appendix Chapters 11, 12 (Division II), 32, 49, 51, and 55, 1988 Edition (hereinafter "Uniform Building Code"), is hereby adopted by reference, subject to the deletions, amendments and additions contained herein. (Ord. 0-90-15 § 2, 1990; Ord. 0-88-40 § 2, 1988; Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.02.020 PURPOSE OF UNIFORM BUILDING CODE. The purpose of the Uniform Building Code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the city and certain equipment specifically regulated in this code. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

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14.02.040 AMENDMENTS TO CERTAIN PROVISIONS OF THE UNIFORM BUILDING CODE. Certain provisions of the Uniform Building Code, as indicated herein, are amended.

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(1) The provisions of Chapter 1 shall include the following amendments:

(A) Section 104(e) is replaced with the following:

(a) GENERAL:

(i) No building, structure or improvement shall be moved from or into the City, or transported upon any public highway in the City until and unless a building permit to move and set and a transport permit has been obtained therefor and said building structure or improvement complies with the provisions of this section.

(ii) All such buildings, structures and improvements shall comply with this Code.

(b) PROCEDURE:

(i) Any person who wishes to obtain a building permit, to move and set, in compliance herewith, shall apply at the Department of Planning, Permits and Public Works, request an inspection of the building, structure or improvement to be moved and set, and file an application for such permit with the Department.

(ii) The applicant shall submit with his application for said building permit a plot plan, footing and foundation plan and construction plans for any new construction, which plans shall comply with this Code.

(iii) If the building, structure or improvement is located in the City, all outstanding property taxes shall be paid, and the applicant shall submit with his application, a statement from the County Treasurer showing that all past and current taxes have been paid before any permit shall be issued.

(iv) Upon receipt of the above items, the Director shall inspect said building, structure or improvement, and the proposed location where same will be set within the City of Lakewood and upon determining that the proposed development complies with this Code and the Zoning Ordinance, the Director shall issue the building permit to move and set and then notify the office of the Director of the Department of Planning, Permits and Public Works, who shall

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issue a transport permit, providing said building complies with the Ordinance. The Director of the Department of Planning, Permits and Public Works or his agent will designate the route to be traveled. The transport permit is good only for the date specified on the permit. The transport permit will not be issued if one hundred eighty (180) days or more have lapsed from the date of inspection by the Director.

(v) There will be a building permit fee as established in this Code to cover costs of investigation and inspection for determining the structural soundness of buildings, structures or improvements to be moved, which fee is payable in advance and must accompany the application provided for herein. The inspection shall determine what will be necessary to bring buildings, structures or Improvements into compliance with the City of Lakewood Building Code should the building not comply. This fee is not refundable. If buildings, structures or improvements are found in compliance with the City of Lakewood Building Code, a building permit will be issued at the regular Building Permit fee as determined by the valuation of said building, structure or Improvements as published in the City of Lakewood Building Code.

(vi) The transport permit provided for in this section shall not be in lieu of any building permits which may be required by the City.

(vii) No transport or building permit to move and set shall be issued until the applicant has first obtained any necessary permits from the telephone company, public utilities companies, railroad companies and the State Highway Department of Colorado and the City Traffic Engineer unless it can be shown by the applicant that these agencies disclaim interest in the matter.

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(viii) No transport or building permit to move and set shall be issued for any building, structure or improvement exceeding twenty-four (24) feet in width, twenty (20) feet maximum loaded in height, or in excess of fifty-five (55) feet in length.

(ix) No person, corporation or company shall transport, move or set any building, structure or improvement in the City of Lakewood until and unless such person, corporation or company shall post with the City of Lakewood a good and sufficient indemnity bond in the amount of Ten Thousand and No/100 Dollars (\$10,000.00) in favor of the City of Lakewood and any persons who may suffer damage by reason of such transportation, moving or setting. Such bond shall be made by a surety corporation authorized to do business in this state, and may be issued on an annual basis, but shall not be in excess of such period of time.

(x) Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the building official for a limited period of time. Such buildings or structures need not comply with the type of construction or fire-resistive time periods required by this code. Temporary buildings or structures shall be completely removed upon the expiration of the time stated in the permit.

(2) The provisions of Chapter 2 shall include the following amendments:

(A) Section 204 is replaced with the following:

Persons aggrieved under this Chapter 14.02 shall file an appeal with the Board of Appeals of the City of Lakewood as provided in Chapter 14.12 of the Lakewood Municipal Code.

(3) The provisions of Chapter 3 shall include the following amendments:

UNIFORM BUILDING CODE

(A) Section 301(b) is replaced with the following:

(b) Exemptions from Permits. A building permit will not be required for the following:

(i) One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed 120 square feet.

(ii) Cases, cabinets, counters, fixed partitions not over five (5) feet in height and portable partitions not over seven (7) feet in height.

(iii) Retaining walls not exceeding 30 inches in height, measuring from grade to top of the wall unless supporting a surcharge or impounding flammable liquids.

(iv) Water tanks supported directly upon grade if the capacity does not exceed 1000 gallons and the ratio of height to diameter or width does not exceed two to one.

(v) Private walks and driveways not more than 30 inches above grade and not over any basement or story below.

(vi) Painting, paper and similar finish work.

(vii) Temporary motion picture, television and theater stage sets and scenery, subject to fire department approval.

(viii) Window awnings supported by an exterior wall of Group R, Division 3 and Group M Occupancies when projecting not more than 54 inches.

(ix) Shutters, screen doors, storm doors, storm windows, gutters, garage doors and other minor cosmetic additions not affecting the structure.

(x) Any unforeseen emergency situation whereby the lack of immediate corrective action creates a substantial risk to life, property, health or welfare. Any licensed contractor who starts or completes work under this exemption shall obtain the appropriate permit the next business day. Failure to obtain such required permit may be cause for suspension or revocation of the contractor's license and the permit fee may be doubled.

UNIFORM BUILDING CODE

Unless otherwise exempted by this Code, separate plumbing, electrical and mechanical permits will be required for the above exempted items.

Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction.

(B) Section 304(b), 304(c), 304(g) and Table No. 3-A are replaced with the following:

Sec. 304(b) Permit Fees. The fee for each permit shall be as set forth in Table 3-A.

The government of the United States of America, the State of Colorado and its political subdivisions, school districts, the City of Lakewood and all agencies and departments thereof, shall be exempt from the payment of fees for work performed on buildings, structures, or equipment owned wholly by such agencies or departments and devoted exclusively to government use.

The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The value to be used in computing the permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent work or permanent equipment.

All fees shall be paid by the general contractor or contract manager unless there is none, in which case the person performing the work shall obtain and pay for a permit.

The Building Official shall use as guidelines for determining value or valuation, the building valuation data published by the International Conference of Building Officials.

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(c) Plan Review Fees. When a plan or other data are required to be submitted by subsection (b) of Section 302, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be 65 percent of the building permit fee as shown in Table No. 3-A.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 304(a) and are in addition to the permit fees.

Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in Table No. 3-A.

Sec. 304(g) Waiver for clean burning device. The building official shall waive the permit fee for the installation of a decorative gas appliance or Phase III certified solid fuel-burning device meeting the most stringent emission standards for wood stoves established under state statute and/or regulations promulgated by the Colorado Air Quality Control Commission, as demonstrated by a test by an E.P.A. accredited laboratory. This waiver shall expire and be of no effect on January 1, 1994.

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TABLE NO. 3-A — BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$ 1.00 to \$ 500.00	\$ 15.00
\$ 501.00 to \$ 2,000.00	\$ 15.00 for the first \$ 500.00 plus \$ 2.00 for each additional \$ 100.00 or fraction thereof, to and including \$2,000.00
\$ 2,001.00 to \$ 25,000.00	\$ 45.00 for the first \$ 2,000.00 plus \$ 9.00 for each additional \$ 1,000.00 or fraction thereof, to and including \$ 25,000.00
\$ 25,001.00 to \$ 50,000.00	\$ 252.00 for the first \$ 25,000.00 plus \$ 6.50 for each additional \$ 1,000.00 or fraction thereof, to and including \$ 50,000.00
\$ 50,001.00 to \$ 100,000.00	\$ 414.50 for the first \$ 50,000.00 plus \$ 4.50 for each additional \$ 1,000.00 or fraction thereof, to and including \$ 100,000.00
\$ 100,001.00 to \$ 500,000.00	\$ 639.50 for the first \$ 100,000.00 plus \$ 3.50 for each additional \$ 1,000.00 or fraction thereof, to and including \$ 500,000.00
\$ 500,001.00 to \$ 1,000,000.00	\$ 2,039.50 for the first \$ 500,000.00 plus \$ 3.00 for each additional \$ 1,000.00 or fraction thereof, to and including \$ 1,000,000.00
\$ 1,000,001.00 and up	\$ 3,539.50 for the first \$ 1,000,000.00 plus \$ 2.00 for each additional \$ 1,000.00 or fraction thereof

Other Inspections and Fees:

1. Inspections outside of normal business hours \$ 30.00 per hour*
(minimum charge -- two hours)
2. Reinspection fees assessed under provisions of Section 305(g) \$ 30.00 per hour*
3. Inspections for which no fee is specifically indicated \$ 30.00 per hour*
(minimum charge -- one-half hour)
4. Additional plan review required by changes, additions
or revisions to approved plans \$ 30.00 per hour*
(minimum charge -- one-half hour)
5. MOVE and SET: Building permit fee per schedule with valuation based on cost of building, moving, new foundation
and additional construction proposed plus an inspection fee of \$ 50.00. Buildings beyond the City limits are subject to
an additional mileage charge of twenty-five cents per mile (\$ 0.25/mile). All buildings are to be inspected and approved
for moving prior to being moved into or within the City. Inspection fees are nonrefundable. Building permit fee is
refundable if move is refused.
6. DEMOLITION: One and two family dwellings and related accessory buildings: \$ 50.00; all other structures: \$ 200.00.

*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

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(C) Section 307(a) is amended by deleting the exception to the first paragraph.

(d) Temporary Certificate. A Temporary Certificate of Occupancy may be issued under the following conditions and stipulations:

(i) All, partial and/or final inspections on the building shall have been made.

(ii) On-site improvements such as grading, drainage, parking, sidewalks, landscaping, retaining walls and all other features that appear on the approved plans shall be completed.

(iii) Public improvements such as curb, gutter and sidewalk, street paving, street lighting, landscaping of public way, drainage, structures and all other features that appear on the approved plans shall be completed and accepted.

(iv) In lieu of completion of any on-site or public improvements as required in (ii) and (iii) above, the Codes Administration and Engineering Divisions may collectively review the circumstances involved and determine the advisability of issuing a "Temporary Certificate of Occupancy" for a stipulated period of time. The decision to issue a "Temporary Certificate of Occupancy" will, in addition to the other requirements, be based upon whether sufficient improvements, including but not limited to, drainage improvements, street paving, driveways, and parking areas, have been completed as are necessary for the health, safety and welfare of any users of the property.

(v) A stipulation of the "Temporary Certificate of Occupancy" may be the posting of surety in the form of a Letter of Credit or cash in an amount equal to 150% of the total cost of the work to be done at the time the Temporary Certificate of Occupancy is granted. The surety shall be posted for the period of time that the "Temporary Certificate of Occupancy" is issued. If the work is not completed during the specified time, the surety may be forfeited and used by

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the City, as necessary, to complete the work. Legal action may be taken to enforce the terms and conditions that prompted the issuance of the "Temporary Certificate of Occupancy."

(vi) A "Temporary Certificate of Occupancy" may be issued for any period of time, not to exceed 180 days. The 180-day certificate shall be issued only on the basis of extraordinary need in order to comply with major requirements and it may be renewed by the Building Official upon a showing of continued extraordinary circumstances. Said renewals may be granted for a period not to exceed (90) days. No more than two (2) renewals shall be approved.

(vii) A fee of \$25.00 shall be collected for the issuance of a "Temporary Certificate of Occupancy." A fee of \$50.00 shall be collected for the issuance of the first renewal of the "Temporary Certificate of Occupancy." A fee of \$100.00 shall be collected for the issuance of a second renewal of the "Temporary Certificate of Occupancy."

(4) The provisions of Chapter 4 shall include the following amendments:

In Section 408 the definition of grade is replaced with the following:

GRADE (Adjacent Ground Elevation) is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than 20 feet from the building, between the building and a line 20 feet from the building.

(5) The provisions of Chapter 5 shall include the following amendments:

Section 514. Smoke Detectors. An approved smoke detection system shall be installed in all A, B, E, H and I occupancies. All concealed detectors shall be provided with

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remote indicator lights in a location approved by the Fire Department. Smoke detectors for Group R occupancies shall be installed in accordance with the provisions of Chapter 12.

(6) The provisions of Chapter 7 shall include the following amendments:

(A) Section 705 is replaced with the following:

LIGHT, VENTILATION AND SANITATION

Section 705. In Group B occupancy buildings, all enclosed portions customarily occupied by human beings, other than rooms and areas for which requirements are specified elsewhere in this section, shall be provided with natural light by means of exterior glazed openings with an area equal to one tenth of the total floor area of such portions, and natural ventilation by means of exterior openings with an openable area not less than one twentieth of the total floor area of such portions, or shall be provided with artificial light and mechanically operated ventilating system. The mechanically operated ventilation system shall be capable of supplying a minimum of 5 cubic feet per minute of outside air with a total circulated of not less than 15 cubic feet per minute per occupant in all occupied portions of the building.

In all buildings or portions thereof where Class I, II or III-A liquids are used, exhaust ventilation shall be provided sufficient to produce four air changes per hour. Such exhaust ventilation shall be taken from a point at or near the floor level.

In all parking garages, other than open parking garages as defined in Section 709(b), used for storing or handling of automobiles operating under their own power and on all loading platforms in bus terminals, ventilation shall be provided capable of exhausting a minimum of 1.5 cfm per square foot of gross floor area. The building official may approve an alternate ventilation system designed to exhaust a minimum

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of 14,000 cfm for each operating vehicle. Such system shall be based upon the anticipated instantaneous movement rate of vehicles but not less than 2.5 percent (or one vehicle) of the garage capacity. Automatic CO sensing devices may be employed to modulate the ventilation system to maintain a maximum average concentration of CO of 50 ppm during any eight-hour period, with a maximum concentration not greater than 200 ppm for a period not exceeding one hour. Connecting offices, waiting rooms ticket booths, etc., shall be supplied with conditioned air under positive pressure.

EXCEPTION: In gasoline service stations without lubrication pits, storage garages and aircraft hangars the building official may authorize the omission of such ventilating equipment where, in his opinion, the building is supplied with unobstructed openings to the outer air which are sufficient to provide the necessary ventilation.

Every building or portion thereof where persons are employed shall be provided with at least one water closet. Separate facilities shall be provided for each sex when both sexes are employed or when the floor area exceeds 3,000 square feet. Such toilet facilities shall be located either in such building or conveniently in a building adjacent thereto on the same property.

Such water closet rooms in connection with food establishments where food is prepared, stored or served shall have a nonabsorbent interior finish as specified in Section 510(b), shall have hand washing facilities therein or adjacent thereto, and shall be separated from food preparation or storage rooms as specified in Section 510(a).

Toilet rooms shall be provided with a fully openable exterior window at least three square feet in area; or a vehicle duct not less than 100 square inches in area for the toilet facility, with 50 additional inches for each additional facility;

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or a mechanically operated exhaust system capable of providing a complete change of air every 15 minutes. Such systems shall be connected directly to the outside, and the point of discharge shall be at least 5 feet from any openable window.

(7) The provisions of Chapter 9 shall include the following amendments:

(A) Section 905(d) is replaced with the following:

(d) SANITATION. Every building or portion thereof where persons are employed shall be provided with at least one water closet. Separate facilities shall be provided for each sex when both sexes are employed or when the floor area exceeds 3,000 square feet.

Such toilet facilities shall be located either in such building or conveniently in a building adjacent thereto on the same property.

Toilet rooms shall be provided with a fully openable exterior window at least three (3) square feet in area; or a vertical duct not less than 100 square inches in area for the toilet facility; with 50 additional inches for each additional facility, or a mechanically operated exhaust system capable of providing a complete change of air every 15 (fifteen) minutes. Such systems shall be connected directly to the outside, and the point of discharge shall be at least five (5) feet from any openable window.

For other requirements on water closets, see Sections 510 and 511.

(8) The provisions of Chapter 12 shall include the following amendments:

(A) Deleted.

(B) Section 1205(b) is amended by adding a second paragraph to read as follows:

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Basements shall be provided with natural light by means of exterior glazed openings with an area not less than one-twentieth of the floor area, one-half of which shall be openable for natural ventilation.

Exception: Basements containing 200 square feet or less, excluding garages, stairs and mechanical equipment rooms.

(C) Section 1207 is amended by adding an exception to the first paragraph to read as follows:

Exception: When approved by the building official beams and duct work in basements of individual dwelling units may project below the minimum ceiling height provided that the bottom of any such beams or duct work and any furred ceiling below such projections is not less than 6 feet 6 inches above the floor.

(D) Section 1210(a) is amended by the addition of paragraph 6 to read as follows:

6. Every existing dwelling unit and every existing guest room in a hotel or lodging house used for sleeping purposes shall be provided with smoke detectors, complying with this section by December 1, 1983.

Exception: Single family dwellings must comply at time of transfer of ownership.

(9) The provisions of Chapter 23 shall contain the following amendments:

Section 2311(c) is amended by adding a second paragraph to read as follows:

Exposure C shall be used for the design of all structures in the City of Lakewood.

(10) The provisions of Chapter 25 shall contain the following amendments:

(A) Section 2510(f) is amended by adding a third paragraph to read as follows:

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Wood trusses shall be designed and fabricated to U.B.C. Standard No. 25-17. Light wood trusses shall be inspected during fabrication in accordance with the U.B.C. Standard No. 25-17 Part 5. In addition, each light wood truss shall bear a stamp which states the name of the manufacturer, the design live and total loads, the name or logogram of the inspection agency, and a reference to U.B.C. Standard No. 25-17.

(11) The provisions of Chapter 29 shall contain the following amendments:

(A) Section 2907(a) is replaced with the following:

FOOTINGS. Section 2907(a). GENERAL. Footings and foundations, unless otherwise specifically provided, shall be constructed of masonry, concrete or treated wood in conformance with U.B.C. Standard No. 29-3 and in all cases shall extend below the frost line. For the purpose of this section, the frost line shall be 36 inches below finished grade. Footings of concrete and masonry shall be of solid material. Foundations supporting wood shall extend at least six (6) inches above the adjacent finished grade. Footings shall have a minimum depth below finished grade as indicated in Table 29-A unless another depth is recommended by a foundation investigation.

EXCEPTION: A detached Group M Division 1 one story wood or metal frame building and not over 1200 square feet in floor area may be constructed with wall supported on a monolithic foundation when approved by the building official.

(12) The provisions of Chapter 32 shall contain the following amendments:

(A) Section 3207(c) is replaced with the following:

Section 3207(c) Overflow Drains and Scuppers. Where roof drains are required, overflow drains having the same

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size as the roof drains shall be installed with the inlet flow line located 2 inches above the low point of the roof, or overflow scuppers having three times the size of the roof drains may be installed in adjacent parapet walls with the inlet flow line located 2 inches above the low point of the adjacent roof and having a minimum height of 4 inches.

Overflow drains shall be connected to drain lines independent from the roof drains.

EXCEPTION: Overflow drain and roof drains may be interconnected when the drain line is increased one pipe size at the point of juncture.

(12.5) Section 3303(c) is amended by the deletion of the Exception.

(13) The provisions of Chapter 33 shall contain the following amendments:

(A) Section 3305(g) is amended by replacing Exception (5) with the following:

5. Corridor walls and ceilings need not be of the fire-resistive construction within office spaces having an occupant load of 100 or less when the entire building in which the space is located is equipped with an automatic sprinkler system throughout and smoke detectors are installed throughout in accordance with their listing.

(B) Section 3306(j) is replaced with the following:

Section 3306(j) Handrails. Stairways shall have handrails on each side, and every stairway required to be more than 88 inches in width shall be provided with not less than one intermediate handrail for each 88 inches of required width. Intermediate handrails shall be spaced approximately equally across with the entire width of the stairway.

EXCEPTIONS: 1. Stairways less than 44 inches in width or stairways serving one individual dwelling unit in Group R, Division 1 or 3 Occupancies may have one handrail.

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2. Private stairways 30 inches or less in width may have handrails on one side only.

3. Stairways having less than four risers and serving one individual dwelling unit in Group R, Division 1 or 3, or serving Group M Occupancies need not have handrails.

The top of handrails shall be placed not less than 34 inches nor more than 38 inches above the nosing of treads. They shall be continuous the full length of the stairs and except for private stairways at least one handrail shall extend not less than 6 inches beyond the top and bottom risers. Ends shall be returned or shall terminate in newel posts or safety terminals.

The handgrip portion of handrails shall have a gripping surface not less than the circumference of a 1½ inch circle (approximately 4.75 inches), nor more than the circumference of a 2 inches circle (approximately 6.25 inches) with a minimum 1½ inch and maximum 3 inches horizontal cross sectional dimension. The dimension of the opposing grip between the thumb and forefinger shall be minimum of ¾ inches less than the widest cross-sectional dimension of the gripping surface. The handgrip portion of handrails shall have a smooth surface with no sharp corners.

Handrails projecting from a wall shall have a space of not less than 1½ inches between the wall and the handrail.

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(14) The provisions of Chapter 38 shall contain the following amendments:

(A) Section 3805 is replaced with the following:

STANDPIPES

Section 3805 (a) General. Standpipes shall comply with the requirements of this section and U.B.C. Standards No. 38-2. All 2½" standpipe outlets shall be provided with a 1½" reducer.

(b) Where Required. Standpipe systems shall be provided as set forth in Table No. 38-A. Hose requirements may be waived by the chief of the fire protection district.

(c) Location of Class I Standpipes. There shall be a Class I standpipe outlet connection at every floor level above the first story of every required stairway and on each side of the wall adjacent to the exit opening of a horizontal exit. Outlets at stairways shall be located both inside and outside of the exit enclosure or in the case of smoke-proof enclosures, within the vestibule or exterior balcony, giving access to the stairway.

EXCEPTION: In buildings equipped with an approved automatic sprinkler system, risers and laterals which are not located within an enclosed stairway or smoke-proof enclosure need not be enclosed within fireresistive construction.

There shall be a two way outlet above the roof line when the roof has a slope of less than 4 inches in 12 inches.

In buildings where more than one standpipe is provided, the standpipes shall be interconnected at the bottom.

(d) Location of Class II Standpipes. Class II standpipe outlets shall be accessible and shall be located so that all portions of the building are within 30 feet of a nozzle attached to 100 feet of hose.

In Group A, Divisions 1, 2 and 2.1 Occupancies, with occupant loads of more than 1000, outlets shall be located

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on each side of any stage, on each side of the rear of the auditorium and on each side of the balcony.

Fire-resistant protection of risers and laterals of Class II standpipe systems is not required.

(e) Location of Class III Standpipes. Class III standpipe systems shall have outlets located as required for Class I standpipes in Section 3805(c) and shall have Class II outlets as required in Section 3805(d).

Risers and laterals of Class III standpipe systems shall be protected as required for Class I systems.

EXCEPTIONS: (1) In buildings equipped with an approved automatic sprinkler system, risers and laterals which are not located within an enclosed stairway or smoke-proof enclosure need not be enclosed within fire-resistive construction.

(2) Laterals for Class II outlets on Class III systems need not be protected.

In buildings where more than one Class III standpipe is provided, the standpipes shall be interconnected at the bottom.

(15) The provisions of Appendix Chapter 51 shall include the following amendments:

Section 5110(e) is replaced with the following:

(e) Fees. A fee for each permit or Certificate of Inspection shall be paid to the building official as follows:

New Installations:

Fees for new installation shall be as set forth in Table No. 3-A Amended.

Major Alterations:

Fees for major alterations shall be as set forth in Table No. 3-A Amended.

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Installation fees include charges for the first year's annual inspection fee and charges for electrical equipment on the conveyance side of the disconnect switch.

Annual Certificate of Inspections

For each elevator	\$100.00
For each escalator or moving walk	\$100.00
For each commercial dumbwaiter	\$100.00

(Each escalator or moving walk unit powered by one motor shall be considered as a separate or moving walk.)

(Ord. 0-92-61 § 2, 1992; Ord. 9-91-59 §§ 4 (part), 6 (part), 1991; Ord. 0-90-58 § 1, 1990; Ord. 0-90-15 §§ 3 — 17, 1990; Ord. 0-86-7 § 1 (Exh. A (part), 1986.)

14.02.070 PENALTIES FOR VIOLATIONS OF BUILDING CODE. (a) Any person who violates any of the provisions of the code adopted by this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order, as affirmed or modified by the board of Appeals or by a court of competent jurisdiction, within the time fixed in by a court of competent jurisdiction, within the time fixed in this chapter, shall severally for each and every violation and noncompliance respectively, be punishable by a fine of not more than nine hundred ninety-nine dollars or by imprisonment for not more than one hundred and eighty days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or deficits within a reasonable

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time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

Chapter 14.03

UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

Sections:

- 14.03.010 Uniform Code for the Abatement of Dangerous Buildings, 1988 Edition, adopted by reference, generally.
- 14.03.020 Purpose of Uniform Code for the Abatement of Dangerous Buildings, 1988 Edition.
- 14.03.030 Deletions from Uniform Code for the Abatement of Dangerous Buildings.
- 14.03.040 Amendments to certain provisions of the Uniform Code for the Abatement of Dangerous Buildings.
- 14.03.060 Additions to Uniform Code for the Abatement of Dangerous Buildings.
- 14.03.070 Penalties for violations of Uniform Code for the Abatement of Dangerous Buildings.

14.03.010 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1988 EDITION, ADOPTED BY REFERENCE, GENERALLY. Pursuant to Title 31, Article 16, 1973 C.R.S. and the Lakewood Municipal Charter, the Uniform

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Code for the Abatement of Dangerous Buildings of the International Conference of Building Officials, 1988 Edition, is adopted by reference, subject to the deletions, amendments and additions contained herein. (Ord. 0-99-15 § 18, 1990: Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.03.020 PURPOSE OF UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1988 EDITION. The purpose of the Uniform Code for the Abatement of Dangerous Buildings, is to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the Uniform Building Code, or otherwise available by law, whereby buildings or structures which may cause or endanger life, limb, health, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated or demolished. The subject matter of this Code is all dangerous buildings, as therein defined, which are now in existence or which may hereafter be constructed in the city. (Ord. 0-90-15 § 19, 1990).

14.03.030 DELETIONS FROM UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS. The following provisions of the Uniform Code for the Abatement of Dangerous Buildings are deleted and not adopted:

- (1) Section 203;
- (2) Chapter 5;
- (3) Chapter 6. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.03.040 AMENDMENTS TO CERTAIN PROVISIONS OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS. Certain provisions of the Uniform Code for the Abatement of Dangerous Buildings, as indicated herein, are amended:

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(1) The provisions of Chapter 2 shall include the following amendments:

(A) Section 205 is replaced with the following:

Persons aggrieved under this Chapter 14.03 shall file an appeal with the Board of Appeals of the City of Lakewood as provided in Chapter 14.12 of the Lakewood Municipal Code.

(Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

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14.03.060 ADDITIONS TO UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS. The following provisions are added to those of the Uniform Building Code for the Abatement of Dangerous Buildings and are incorporated into the Lakewood Building Code:

(1) Permit Fees. Fees for permits required by this Code shall be as specified in Section 14.02.040 of this Lakewood Building Code.

(Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.03.070 PENALTIES FOR VIOLATIONS OF UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS. (a) Any person who violates any of the provisions of the code adopted by this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order, as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed in this chapter, shall severally for each and every violation and noncompliance respectively, be punishable by a fine of not more than nine hundred ninety-nine dollars or by imprisonment for not more than one hundred and eighty days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or deficits within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

UNIFORM MECHANICAL CODE

Chapter 14.04

UNIFORM MECHANICAL CODE

Sections:

- 14.04.010 Uniform Mechanical Code, 1988 Edition, adopted by reference, generally.
- 14.04.020 Purpose of the Uniform Mechanical Code.
- 14.04.030 Deletions from Uniform Mechanical Code.
- 14.04.040 Amendments to certain provisions of the Uniform Mechanical Code.
- 14.04.060 Additions to Uniform Mechanical Code.
- 14.04.070 Penalties for violations of Mechanical Code.

14.04.010 UNIFORM MECHANICAL CODE, 1988 EDITION, ADOPTED BY REFERENCE, GENERALLY. Pursuant to Title 31, Article 16, 1973 C.R.S., and the Lakewood Municipal Charter, the Uniform Mechanical Code of the International Conference of Building Officials, 1988 Edition, is hereby adopted by reference, subject to the deletions, amendments and additions contained herein. (Ord. 0-90-15 § 20, 1990).

14.04.020 PURPOSE OF THE UNIFORM MECHANICAL CODE. The purpose of the Uniform Mechanical Code is to provide complete requirements for the installation and maintenance of heating, ventilating, comfort cooling and refrigeration systems. Its subject matter is the regulation of the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, comfort cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances. (Ord. 0-90-15 § 21, 1990).

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14.04.030 DELETIONS FROM UNIFORM MECHANICAL CODE. The following provisions of the Uniform Mechanical Code are hereby deleted and not adopted: Section 204. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.04.040 AMENDMENTS TO CERTAIN PROVISIONS OF THE UNIFORM MECHANICAL CODE. Certain provisions of the Uniform Mechanical Code, as indicated herein, are amended.

(1) The provisions of Chapter 2 shall include the following amendments:

(A) Section 203 is replaced with the following:

Persons aggrieved under this Chapter 14.04 shall file an appeal with the Board of Appeals of the City of Lakewood as provided in Chapter 14.12 of the Lakewood Municipal Code.

(2) Section 1903(b) is amended to read as follows:

(b) Length Limitation. Unless otherwise permitted or required by the dryer manufacturer's installation instructions or approved by the building official, domestic dryer moisture exhaust ducts shall not exceed a total combined horizontal and vertical length of 14 feet, including two 90-degree elbows. Two feet shall be deducted for each 90-degree elbow in excess of two.

(Ord. 0-90-15 § 22, 1990; Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.04.060 ADDITIONS TO UNIFORM MECHANICAL CODE. The following provisions are added to those of the Uniform Mechanical Code and are incorporated into the Lakewood Building Code:

(A) Permit Fees. Fees for permits required by this Code

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shall be as specified in Section 14.02.040 of this Lakewood Building Code.

(Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.04.070 PENALTIES FOR VIOLATIONS OF MECHANICAL CODE. (a) Any person who violates any of the provisions of the code adopted by this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order, as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed in this chapter, shall severally for each and every violation and noncompliance respectively, be punishable by a fine of not more than nine hundred ninety-nine dollars or by imprisonment for not more than one hundred and eighty days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or deficits within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

UNIFORM PLUMBING CODE

Chapter 14.05

UNIFORM PLUMBING CODE

Sections:

- 14.05.010 Uniform Plumbing Code, 1988 Edition, adopted by reference, generally.
- 14.05.020 Purpose of Uniform Plumbing Code.
- 14.05.030 Deletions from Uniform Plumbing Code.
- 14.05.040 Amendments to certain provisions of the Uniform Plumbing Code.
- 14.05.060 Additions to Uniform Plumbing Code.
- 14.05.070 Penalties for violations of Plumbing Code.

14.05.010 UNIFORM PLUMBING CODE, 1988 EDITION, ADOPTED BY REFERENCE, GENERALLY. Pursuant to Title 31, Article 16, 1973 C.R.S., and the Lakewood Municipal Charter, the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, 1988 Edition, is hereby adopted by reference, subject to the deletions, amendments, and additions contained herein. (Ord. 0-90-15 § 23, 1990).

14.05.020 PURPOSE OF UNIFORM PLUMBING CODE. The purpose of the Uniform Plumbing Code is to protect the public health and safety by regulation of the installation, alteration or repair of plumbing and drainage systems and providing for the inspection thereof within the City of Lakewood. The subject matter of the Code is the installation, alteration or repair of plumbing and drainage systems and the inspection thereof. (Ord. 0-90-15 § 24, 1990).

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14.05.030 DELETIONS FROM UNIFORM PLUMBING CODE. The following provisions of the Uniform Plumbing Code are hereby deleted and not adopted:

- (1) Section 409(a);
- (2) Appendix H;
- (3) Section 20.3; Section 908(a). (Ord. 0-92-17 § 2, 1992; Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.05.040 AMENDMENTS TO CERTAIN PROVISIONS OF THE UNIFORM PLUMBING CODE. Certain provisions of the Uniform Plumbing Code, as indicated herein, are amended.

(1) The provisions of Chapter 4 shall include the following amendment:

(A) Section 20.14 is replaced with the following:

Persons aggrieved under this Chapter 14.05 shall file an appeal with the Board of Appeals of the City of Lakewood as provided in Chapter 14.12 of the Lakewood Municipal Code.

(B) Section 401 is hereby replaced with the following:

DRAINAGE SYSTEMS

Section 401 — Materials

(A) Drainage piping shall be cast iron, galvanized steel, galvanized wrought iron, lead, copper, brass, ABS, PVC, or other approved materials having a smooth and uniform bore except that:

(1) No galvanized wrought iron or galvanized steel pipe shall be used underground and shall be kept at least six (6) inches (152.4 mm) above ground.

(2) ABS and PVC DWV piping installation shall be limited to those structures where combustible construction is allowed.

(B) Drainage fitting shall be of cast iron, malleable iron, lead, brass, copper, ABS, PVC, or other approved materials having a smooth interior waterway of the same diameter as the piping served and all such fittings shall conform to the type of pipe used.

(1) Fittings on screwed pipe shall be of the recessed drainage type. Burred ends shall be reamed to the full bore of the pipe.

(2) The threads of drainage fittings shall be tapped so as to allow one fourth (1/4) inch per foot (20.9 mm/m) grade.

(Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

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14.05.060 ADDITIONS TO UNIFORM PLUMBING CODE.
The following provisions are added to those of the Uniform Plumbing Code and are incorporated into the Lakewood Building Code.

(1) Permit Fees. Fees for permits required by this Code shall be as specified in Section 14.02.040 of this Lakewood Building Code.

(2) Chapter Nine of the Uniform Plumbing Code is amended by the addition of a new subsection 913 as follows:

Section 913 — Water Conservation Fixtures

(a) Conservation in New Commercial, Industrial and Public Use Construction. All plumbing fixtures in new commercial, industrial and public use construction shall meet the following requirements for water use:

1. All water closets shall be designed to use a maximum of 1.6 gallons per flush. All closets shall be listed with an approved listing agency.

2. Shower heads for the purpose of bathing and washing shall have a maximum flow rate of 2.5 gallons per minute at 80 psi.

3. All lavatories shall be equipped with faucets that deliver a maximum flow of 0.5 gallon per minute at 60 psi; or that are equipped with metering valves that close automatically after delivering a maximum of .25 gallon; or that are controlled by an infrared or other device so that they operate only upon demand with a maximum flow rate of 0.5 gallon per minute at 60 psi, except required handicapped facilities may be equipped with faucets designed for handicapped.

4. Exceptions. Hazardous waste handling facilities and health care facilities shall be exempted from the requirements of this section, except for their restroom facilities used exclusively by visitors.

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(b) Conservation in New Residential Construction. All plumbing fixtures in new residential construction shall meet the following requirements for water use:

1. All water closets shall be designed to use a maximum of 1.6 gallons per flush. All closets shall be listed with an approved listing agency.

2. Shower heads for the purpose of bathing and washing shall have a maximum flow rate of 2.5 gallons per minute at 80 psi.

3. Kitchen and service faucets shall have a maximum flow of 2.2 gallons per minute at 60 psi. Residential hose bibs shall be exempted.

4. Lavatory faucets shall have a maximum flow of 2.2 gallons per minute at 60 psi.

(c) Automatic Flushing Tanks. The use of Automatic Flushing Tanks which flush more than one urinal at a time shall be prohibited.

(d) All urinals shall be designed to use a maximum of one (1) gallon per flush. No urinal shall be installed which uses a timing device to flush periodically irrespective of demand.

(Ord. 0-92-17 § 1, 1992; Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

UNIFORM PLUMBING CODE

14.05.070 PENALTIES FOR VIOLATIONS OF PLUMBING CODE. (a) Any person who violates any of the provisions of the code adopted by this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order, as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed in this chapter, shall severally for each and every violation and noncompliance respectively, be punishable by a fine of not more than nine hundred ninety-nine dollars or by imprisonment for not more than one hundred and eighty days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or deficits within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

NATIONAL ELECTRICAL CODE

Chapter 14.06

NATIONAL ELECTRICAL CODE

Sections:

- 14.06.010 National Electrical Code, 1990 Edition, adopted by reference, generally.
- 14.06.020 Purpose of National Electrical Code.
- 14.06.040 Amendments to certain provisions of the National Electrical Code.
- 14.06.060 Additions to National Electrical Code.
- 14.06.070 Penalties for violations of Electrical Code.

14.06.010 NATIONAL ELECTRICAL CODE, 1990 EDITION, ADOPTED BY REFERENCE, GENERALLY. Pursuant to Title 31, Article 16, 1973 C.R.S., and the Lakewood Municipal Charter, the National Electrical Code of the National Fire Protection Association, 1990 Edition, is adopted by reference, subject to the deletions, amendments and additions contained in this chapter. (Ord. 0-90-15 § 25, 1990).

14.06.020 PURPOSE OF NATIONAL ELECTRICAL CODE. The purpose of the National Electrical Code is to safeguard persons in buildings and their contents from hazards arising from the use of electricity for lights, heat, power, radio, signaling, and for other purposes. The subject matter of the Code is the regulation of electrical conductors and equipment installed within or on public and private buildings and other premises, including yards, carnival and parking lots, and industrial substations; also the conductors that connect the installations to a supply of electricity, and other outside conductors adjacent to the premises; also mobile homes and recreational vehicles. (Ord. 0-90-15 § 26, 1990).

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14.06.040 AMENDMENTS TO CERTAIN PROVISIONS OF THE NATIONAL ELECTRICAL CODE. Certain provisions of the National Electrical Code, as indicated in this section, are amended.

(1) The provisions of Article 220 shall include the following amendments:

(A) Section 220-3 is amended by adding the following exceptions.

Exception 1. In all dwelling units, no more than ten current-consuming outlets shall be connected to a 20 ampere branch circuit.

Exception 2. In all dwelling units, no more than eight current-consuming outlets shall be connected to a 15 ampere branch circuit.

(B) Section 220-4 is amended by adding the following sentence at the end of the paragraph: No more than three current-consuming outlets shall be connected to the 20 ampere small appliance circuits. (Ord. 0-90-15 § 27, 1990).

NATIONAL ELECTRICAL CODE

14.06.060 ADDITIONS TO NATIONAL ELECTRICAL CODE. The following provisions are added to those of the National Electrical Code and are incorporated into the Lakewood building code:

(1) Permits Required. It shall be unlawful for any person, firm or corporation to install, alter, repair, replace, or remodel, any electrical system or equipment regulated by this code, except as specified in Subsection (b) of this section, or cause the same to be done without first obtaining a separate electrical permit for each building or structure.

(b) Exempt Work. An electrical permit shall not be required for the following:

1. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by this code.

2. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.

3. Temporary decorative lighting.

4. Repair or replacement of current-carrying parts of any switch, contactor or control device.

5. Reinstallation of attachment plug receptacles, but not the outlets therefor.

6. Repair or replacement of any overcurrent device of the required capacity in the same location.

7. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.

8. Taping joints.

9. Removal of electrical wiring.

10. Temporary wiring for experimental purposes in suitable experimental laboratories.

11. The wiring for temporary theater, motion picture or television stage sets.

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12. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supply more than 50 watts of energy.

13. Low-energy power, control and signal circuits of Classes II and III as defined in this code.

14. A permit shall not be required for the installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

(2) Permit Fees. Fees for permits required by this code shall be as specified in Section 14.02.040 of this Lakewood building code.

(Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.06.070 PENALTIES FOR VIOLATIONS OF ELECTRICAL CODE. (a) Any person who violates any of the provisions of the code adopted by this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order, as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed in this chapter, shall severally for each and every violation and noncompliance respectively, be punishable by a fine of not more than nine hundred ninety-nine dollars or by

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imprisonment for not more than one hundred and eighty days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or deficits within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

Chapter 14.07

UNIFORM FIRE CODE

Sections:

- 14.07.010 Uniform Fire Code, 1988 Edition, adopted by reference, generally.
- 14.07.020 Purpose of the Uniform Fire Code.
- 14.07.040 Amendments to certain provisions of the Uniform Fire Code.
- 14.07.060 Additions to Uniform Fire Code.
- 14.07.070 Penalties for violations of Fire Code.

14.07.010 UNIFORM FIRE CODE, 1988 EDITION, ADOPTED BY REFERENCE, GENERALLY. Pursuant to Title 31, Article 16, 1973 C.R.S., and the Lakewood Municipal Charter, the Uniform Fire Code of the International Conference of Building Officials and the Western Fire Chiefs Association, 1988 Edition, including Appendices I-C, II-A, III-A, III-C, V-A, is hereby adopted by reference, subject to the deletions, amendments and additions contained herein. (Ord. 0-90-15 § 28, 1990).

UNIFORM FIRE CODE

14.07.020 PURPOSE OF THE UNIFORM FIRE CODE.

The purpose of the Uniform Fire Code is to govern the maintenance of buildings and premises; to safeguard life, health, property, and public welfare by regulating the storage, use and handling of dangerous and hazardous materials, substances and processes and by regulating the maintenance of adequate egress facilities. (Ord. 0-90-15 § 29, 1990).

14.07.040 AMENDMENTS TO CERTAIN PROVISIONS OF THE UNIFORM FIRE CODE. Certain provisions of the Uniform Fire Code, as indicated herein, are amended.

(1) The provisions of Article 2 shall include the following amendment:

(A) Section 2.302 is replaced with the following:

Persons aggrieved under this Chapter 14.07 shall file an appeal with the Board of Appeals of the City of Lakewood as provided in Chapter 14.12 of the Lakewood Municipal Code.

(2) The provisions of Article 10 shall include the following amendments:

(A) Section 10.312 is replaced with the following:

Section 10.312(a) General. Standpipes shall comply with the requirements of this section and U.B.C. Standards No. 38-2. All 2½" standpipe outlets shall be provided with a 1½" reducer.

(b) Where Required. Standpipe systems shall be provided as set forth in Table No. 10.312. Hose requirements may be waived by the chief of the fire protection district.

(c) Location of Class I Standpipes. There shall be a Class I standpipe outlet connection at every floor level above the first story of every required stairway and on each side of the wall adjacent to the exit opening of a horizontal exit. Outlets

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at stairways shall be located both inside and outside of the exit enclosure or in the case of smoke-proof enclosures, within the vestibule or exterior balcony, giving access to the stairway.

EXCEPTION: In buildings equipped with an approved automatic sprinkler system, risers and laterals which are not located within an enclosed stairway or smoke-proof enclosure need not be enclosed within fire-resistive construction.

There shall be a two way outlet above the roof line when the roof has a slope of less than 4 inches in 12 inches.

In buildings where more than one standpipe is provided, the standpipes shall be interconnected at the bottom.

(d) Location of Class II Standpipes. Class II standpipe outlets shall be accessible and shall be located so that all portions of the building are within 30 feet of a nozzle attached to 100 feet of hose.

In Group A, Divisions 1, 2 and 2.1 Occupancies, with occupant loads of more than 1000, outlets shall be located on each side of any stage, on each side of the rear of the auditorium and on each side of the balcony.

Fire-resistant protection of risers and laterals of Class II standpipe systems is not required.

(e) Location of Class III Standpipes. Class III standpipe systems shall have outlets located as required for Class I standpipes in Section 3805(c) and shall have Class II outlets as required in Section 3805(d).

Risers and laterals of Class III standpipe systems shall be protected as required for Class I systems.

EXCEPTIONS: (1) In buildings equipped with an approved automatic sprinkler system, risers and laterals which are not located within an enclosed stairway or smoke-proof enclosure need not be enclosed within fire-resistive construction.

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(2) Laterals for Class II outlets on Class III systems need not be protected.

In buildings where more than one Class III standpipe is provided, the standpipes shall be interconnected at bottom.

(3) The provisions of Article 14 shall include the following amendment:

(A) Section 14.104(b)(2) is amended to read as follows: Smoke detection – an approved smoke detection system shall be installed in all A, B, E, H and I occupancies. All concealed detectors shall be provided with remote indicator lights. Where not monitored, smoke detector systems shall have an outside strobe and horn in a location approved by the Fire Department.

EXCEPTION: Where approved by the Chief of the Department, heat detectors may be substituted.

(a) Buildings or portions of buildings containing more than 2,700 square feet or requiring more than three activating devices shall require an alarm panel with battery back-up and shall be a monitored system.

EXCEPTION: System monitoring may be waived when approved by the Chief in B-2 occupancies.

(b) Buildings or portions of buildings less than 2,700 square feet shall require 110 volt single station detectors, electronically connected so the activation of one device shall initiate all notification devices. There shall be provided an outside strobe and horn with location to be approved by Chief of the Department.

(4) The provisions of Article 61 shall include the following amendment:

(A) Section 61.106 is replaced with the following:

Upon approval of the chief, portable unvented oil-burning heating appliances may be permitted in any occupancy

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during the construction process when such use is necessary for the construction and the use does not represent a hazard to life or property.

The grade and type of fuel shall be limited to that for which the appliance is listed to operate. All storage and handling of fuel shall be in accordance with the provisions of Article 79 of this code. (Ord. 0-90-15 §§ 30, 31, 1990; Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.07.060 ADDITIONS TO UNIFORM FIRE CODE. The following provisions are added to those of the Uniform Fire Code and are incorporated into the Lakewood Building Code:

(1) Permit Fees. Fees for permits required by this code shall be as specified in Section 14.02.040 of this Lakewood Building Code.

(2) The Environmental Manager of the Police Department shall have the nonexclusive power and authority to enforce the provisions of the Uniform Fire Code as adopted in this chapter. The Environmental Manager shall be considered a peace officer within the meaning of Section 1.04.010(10) of this code solely for purposes of enforcing the provisions of the Uniform Fire Code as adopted in this chapter.

(Ord. 0-93-52 § 5, 1993; Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.07.070 PENALTIES FOR VIOLATIONS OF FIRE CODE.

(a) Any person who violates any of the provisions of the code adopted by this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or

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any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order, as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed in this chapter, shall severally for each and every violation and non-compliance respectively, be punishable by a fine of not more than nine hundred ninety-nine dollars or by imprisonment for not more than one hundred and eighty days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or deficits within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

Chapter 14.08

MODEL ENERGY CODE

Sections:

- 14.08.010 Model Energy Code, 1986 Edition, adopted by reference generally.
- 14.08.020 Purpose of Model Energy Code, 1986 Edition.
- 14.08.070 Penalties for violations of Model Energy Code.

14.08.010 MODEL ENERGY CODE, 1986 EDITION, ADOPTED BY REFERENCE GENERALLY. Pursuant to Title 31, Article 16, 1973, C.R.S., as amended, the Model Energy Code of the Council of American Building Officials, 1986

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Edition, is adopted by reference. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.08.020 PURPOSE OF MODEL ENERGY CODE, 1986 EDITION. The purpose of the Model Energy Code is to adopt and enforce efficiency standards for the construction and renovation of residential and nonresidential buildings. All construction shall conform to the Model Energy Code set forth in or incorporated by this chapter. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.08.070 PENALTIES FOR VIOLATIONS OF MODEL ENERGY CODE. (a) Any person who violates any of the provisions of the code adopted by this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order, as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed in this chapter, shall severally for each and every violation and noncompliance respectively, be punishable by a fine of not more than nine hundred ninety-nine dollars or by imprisonment for not more than one hundred and eighty days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or deficits within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to

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prevent the enforced removal of prohibited conditions. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

Chapter 14.10

LICENSING PROVISIONS

Sections:

- 14.10.010 Licenses required.
- 14.10.020 Application information.
- 14.10.030 License fee.
- 14.10.040 Licenses required—Exception.
- 14.10.050 Classification of license.
- 14.10.060 License classifications, fees, and insurance schedule as listed on application form.
- 14.10.070 License classification descriptions.
- 14.10.080 License fee refund.
- 14.10.090 Upgrading of license.
- 14.10.100 Validity of license.
- 14.10.110 License approval.
- 14.10.120 Licensee responsibility—General.
- 14.10.130 Suspension or revocation of licenses.

14.10.010 LICENSES REQUIRED. No person, firm, or corporation shall perform any work or service, nor shall any person, firm, or corporation contract with any other person, firm, or corporation or with any governmental entity to perform any work or service for compensation, in or in connection with the erection, construction, enlargement, alteration, repair, moving, improvement, removal, conversion, or demolition of any building or structure in this city or in connection with causing the same to be done, where the work done or

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to be done or caused to be done requires a permit or is regulated by the building code and falls within the classifications and categories set forth in this section, nor shall any permit be issued to any such person, firm, or corporation, unless such person, firm, or corporation shall have first obtained and paid the required license fee for, and shall keep and maintain in full force and effect by the payment of annual fees, a valid license authorizing such person, firm, or corporation to conduct work or perform services within the categories set forth in this chapter. The licensee is totally responsible for fulfilling the terms of the permit issued, particularly with reference to meeting all minimum code requirements. The Director may issue one building permit to an applicant for a license before the license is issued, providing the Director has approved the license application and all moneys have been paid. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.10.020 APPLICATION INFORMATION. Applications for such licenses shall be on such forms and shall contain such information as may be required by the Director, and applicants may at any time or from time to time be required to furnish additional information with respect to their qualifications and financial status or other matters relating to or affecting their licenses as may be deemed necessary or desirable by the Director or the Board of Appeals. Failure to furnish such information within sixty days or to furnish supplemental information as may be required by the Director or the Board of Appeals shall be grounds for denial of license or revocation of license. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.10.030 LICENSE FEE. Persons, firms, or corporations required to be licensed shall pay the annual license fee as set forth in Section 14.10.060 to the city and shall complete the

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license application form provided by the city for such purpose. Licenses shall be issued for a period of one year from date of issue, and shall by their own terms expire at the end of such year. Annual renewal shall be the responsibility of the contractor. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.10.040 LICENSES REQUIRED – EXCEPTION. Licenses shall be required for all types of work hereinafter specified and classified.

(1) EXCEPTION: Upon evidence satisfactory to the Building Official that the applicant is competent to perform as a contractor in the categories in which the work falls, the requirement for a license may be waived for the following:

(A) Public utility and communication companies and water and sanitation districts and mutual companies when engaged in the installation, operation, and maintenance of equipment which will be used for the production, generation, or distribution of the utility, product or service from their source through the facilities owned or operated by utility companies to the point of the customer service, but not their buildings;

(B) An owner acting as a contractor or performing the work personally when engaged in the construction of a new building or the alteration of or addition to a building of R-3 single-family detached, or M occupancy on his own property including the plumbing, heating, and/or electrical work when such work is subcontracted to a licensed subcontractor. There shall be no limit on the number of permits issued for one address. In order to qualify for the exception in this subsection, such owner shall be limited to the construction of no more than one new building of R-3 single-family or M occupancy in twenty-four (24) months;

(C) Plumbing, heating and electrical permits may be issued to homeowners for the alterations and/or additions to R-3

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detached or M occupancies when approved by the building official and subject to the successful completion of a written examination demonstrating competency in the subject areas;

(D) An owner of commercial and/or industrial property may perform nonstructural remodeling. All such work must be nonstructural except for openings, not to exceed four feet. Work performed in this category may not exceed more than thirty percent of the value of the structure. There shall be no limit to the number of permits issued to the owner per one address per year. Electrical, plumbing, and mechanical work is excluded from this exception. The following categories of work can be done by the owner when the following requirements have been met:

- (i) Plumbing work when the owner(s) or a person directly on his/their payroll has a valid state master plumber's license,
- (ii) Electrical work when the owner(s) or a person directly on his/her payroll has a valid state master electrician's license,
- (iii) Mechanical work when satisfactory evidence of the competence of the owner(s) or person(s) directly on his/their payroll is submitted to the Building Official.

NOTE: Although the requirements for a license may be waived, such waiver shall not apply to permits. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.10.050 CLASSIFICATION OF LICENSE. There shall be various classes of licenses and the holder of each license shall be authorized to perform within the classification as outlined in Section 14.10.070. Fees and insurance schedules will vary with the class of license held by the licensee. The table in Section 14.10.060 outlines, with respect to the various types of licenses, the fees applicable. (Ord. 0-86-7 § (Exh. A (part)), 1986).

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14.10.060 LICENSE CLASSIFICATIONS, FEES, AND INSURANCE SCHEDULE AS LISTED ON APPLICATION FORM. (a) Structural.

	1 Year	2 Years	3 Years
(1) Unlimited Commercial	\$125.00	\$225.00	\$325.00
(2) Limited Commercial	125.00	225.00	325.00
(3) Residential	125.00	225.00	325.00
(4) Commercial/Residential Remodel	125.00	225.00	325.00
(A) Concrete	65.00	115.00	165.00
(B) Demolition*	65.00	115.00	165.00
(C) Drywall-Lath Plaster	65.00	115.00	165.00
(D) Elevator	65.00	115.00	165.00
(E) Excavating and Grading	65.00	115.00	165.00
(F) Fence	65.00	115.00	165.00
(G) Insulation	65.00	115.00	165.00
(H) Masonry and Fireplace	65.00	115.00	165.00
(I) Portable Buildings	65.00	115.00	165.00
(J) Roofing and Waterproofing	65.00	115.00	165.00
(K) Siding	65.00	115.00	165.00
(L) Sign	65.00	115.00	165.00
(M) Steel-Iron-Sheet Metal	65.00	115.00	165.00
(N) Swimming Pool	65.00	115.00	165.00
(O) Other	65.00	115.00	165.00
(b) Plumbing*	125.00	225.00	325.00
(c) Mechanical	125.00	225.00	325.00
(d) Municipal*	125.00	225.00	325.00

* Additional Requirements. Additional requirements, including but not limited to, the posting of a bond may be imposed by the Engineering Division of the Department of Planning, Permits and Public Works or the Technical Support Section of the Department of Planning, Permits and Public Works.

(Ord. 0-91-59 § 20, 1991; Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

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14.10.070 LICENSE CLASSIFICATION DESCRIPTIONS.

(a) Structural.

(1) Unlimited Commercial. New which includes remodel. May take permits and contract for any type or size of structure, including demolition of any structure. Contractors within this category may operate within all categories subordinate to this category. He may operate within Class D Municipal, subject to restrictions therein and provided the work is performed by competent personnel directly on his payroll and provided the licensee applied for and received approval to extend his classification to include each or any of the above.

(2) Limited Commercial. New which includes remodel. May take permits and contract for occupancies in Type III, IV, or V limited to two stories, including demolition of these structures. All R-3 and R-1 occupancies shall be limited to a maximum of three stories. Contractors within this category may operate within all categories subordinate to this category, and may operate with Class D Municipal, subject to restrictions therein and provided the work is performed by competent personnel directly on his payroll and provided the licensee applied for and received approval to extend his classification to include each or any of the above.

(3) Residential. New which includes remodel. May take permits and contract for any type III, IV or V structure of Group R-3 or M occupancy which may include minor demolition in connection with permitted construction. He may also operate within Class D Municipal when such work is in connection with his permitted construction.

(4) Commercial/Residential Remodel. May take permits and contract for any nonbearing improvements, remodels and repairs, of Group R-3 or M occupancies and commercial or industrial properties. Work performed may not exceed more than thirty percent of the original structure. He may also contract

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for construction of garages, room additions, patios, carports and sheds.

(5) Special. May take permits and contract for work in one or more of the categories below when such categories are designated on the approved license:

(A) Concrete (includes retaining walls not in the public right-of-way);

(B) Demolition (demolish, move or salvage and structure);

(C) Drywall-lath plaster;

(D) Elevator (electrical work must be performed by a Colorado state-licensed electrician in the employ of this contractor or by a registered electrical contractor);

(E) Excavating and grading;

(F) Fence;

(G) Masonry and fireplace (fireplace may be masonry or mechanical);

(H) Roofing and waterproofing;

(I) Siding;

(J) Sign;

(K) Steel-iron-sheet metal;

(L) Swimming pool;

(M) Other.

The above listed special categories of work may be performed on both residential and commercial properties. Class 5 contractor may perform work not specifically stated on the license that is directly related to or in connection with the designated category or categories for which the license was issued. Except for the simple connection of a sign or small appliance to a prepared electrical source, all electrical work must be performed by either a Colorado state-licensed electrician in the employ of the licensee and/or a city-registered electrical contractor. Direct connections to the plumbing systems and/or potable water supply must be made by either a Colorado state-licensed master plumber in the employ of the licensee, or by a city-licensed

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plumbing contractor. Class III special licenses may operate as a subcontractor in the type of work for which their license was approved.

(b) Plumbing. May perform all plumbing work. In addition, a Class B plumbing contractor may perform work in the Class C mechanical category and may do work in the public right-of-way provided that he is able to comply with requirements (d)(1) below. He may be required to fulfill additional conditions as specified by the Engineering Division of the Department of Planning, Permits and Public Works of the city.

(c) Mechanical. May perform all mechanical work. May not perform work in the Class B plumbing category.

(d) Municipal. May take permits and contract for work in the public right-of-way or on private property. This work includes installation of sewer, water, storm drains and service lines and includes excavation and backfilling of trenches or installation of asphalt or concrete paving, curbs, gutters and sidewalks. A Class D municipal contractor will be required to fulfill additional requirements as specified by the Engineering Division of the Department of Planning, Permits and Public Works of the city.

(1) Bond for Municipal Contractors. In addition to other insurance requirements, the issuance of permits to work in the public right-of-way is subject to bond requirements as established by city ordinances covering such work. (Ord. 0-91-59 § 7 (part), 1991; Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.10.080 LICENSE FEE REFUND. In the event of a request for refund of license fees, twenty-five percent of the fee shall be retained by the city to cover the costs of processing the application for license. No refund shall be permitted subsequent to the issuance of any permits to the licensee. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

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14.10.090 UPGRADING OF LICENSE. Licensees wishing to upgrade their license to a higher classification must submit a new application and any other information deemed necessary by the Building Official. Such new license, if approved, will then be in force for a period of one year from date of issue. No credit shall accrue toward the new classification fee for the unused term of the original license. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.10.100 VALIDITY OF LICENSE. Licenses are valid only when the information contained on the application including name, business designation, and address is correct and current and any change is reported within thirty days after making the change or prior to making an application for a building permit.

(1) Incorporation or change in incorporation creating a new legal entity shall require a new license for such entity even though one or more stockholders or directors have a license.

(2) The organization of a partnership or the change in a partnership creating a new legal entity shall require a new license, even though one or more of the partners are licensed.

(3) The dissolution of a corporation or partnership which has been licensed terminates the license and no individual or firm may operate under such license.

(4) Licenses are not transferable.

(5) The regulations contained herein shall also apply to sole proprietorships. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.10.110 LICENSE APPROVAL. The Building Official shall review all contractor license applications. The Building Official has the authority to make the following decisions: approval, approval with restriction, approval with probation, and denial.

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(1) All decisions of the Building Official are subject to review by the Board of Appeals.

(2) If the license is granted on a restricted or probationary basis, the applicant will be advised as to the limits or restrictions of the license during the period of probation.

(3) The Building Official may at any time during the probationary period request the applicant to appear before him for further review. The Building Official may at any time review the applicant's compliance with the Building Code of the city. At the end of the probationary period, the Building Official will decide whether or not the applicant has satisfactorily met the criteria of the probation and therefore is eligible for unrestricted license.

(4) If the license is granted on a probationary or restricted basis, or is denied by the Building Official, the applicant may appeal to the Board of Appeals within thirty days of said decision of the Building Official or he may reapply, but no sooner than ninety days from such decision. After two denials, no further application will be accepted for consideration by the Building Official within a year of the second denial. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.10.120 LICENSEE RESPONSIBILITY – GENERAL.
All licensees shall be responsible for work requiring a permit under the provision of the Building Code and for the items as herein listed in this section:

(1) To provide minimum required safety measures and equipment to protect workmen and the public as prescribed by the Building Code and other applicable local, state and federal regulations;

(2) To present his license card when requested by the Building Official or his authorized representative;

(3) To employ a qualified supervisor. To provide the name of such supervisor on the permit inspection card;

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- (4) To obtain a permit when required;
- (5) To construct, without substantial departure from or disregard of the drawings and specifications on file with the city and approved by the Building Official and permit issued for the same unless such changes are approved by the Building Official;
- (6) To complete all work authorized on the permit issued under the authority of the Building Code unless good cause is shown for noncompletion;
- (7) To obtain inspection services when required by the Building Code;
- (8) To pay any fee assessed under authority of the Building Code;
- (9) To comply with any order issued under authority of the Building Code. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.10.130 SUSPENSION OR REVOCATION OF LICENSES.

(a) Authority. The Building Official may suspend or revoke a license when the licensee (including partners or a partnership, members of a firm or joint venture, or officers, directors or holders of ten percent or more of the stock of a corporate licensee) commits one or more of the following acts or omissions:

- (1) Failure to comply with any of the licensee's responsibilities as outlined in this Title 14;
- (2) Knowingly combining or conspiring with any other person, firm or corporation to permit or allow the licensee's license to be used by such persons, firms or corporations;
- (3) By acting as agent, partner, associate or in any other capacity with persons, firms or corporations to evade any provision of the Building Code;
- (4) Violation of the provisions of the Building Code;
- (5) Any conduct or activity made unlawful by the laws of the United States, the State of Colorado, or the ordinances of the City

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having any bearing upon, or relation to, the work or services performed under the license or the conviction of or a plead of “nolo contendere” to any felony or offense involving moral turpitude, providing the provisions of C.R.S. 1973, Section 24-5-101 shall be applicable with respect to consideration of felony matters;

(6) Any conduct constituting fraud or misrepresentation in or connected with any activity or activities relating to building or which are licensed or governed by this code;

(7) Failure to keep and maintain necessary insurance, workmen’s compensation or necessary state licenses.

(b) Procedure. When any of the acts or omissions as herein enumerated are committed by a licensee and the Building Official deems that such license shall be suspended or revoked, the procedure shall be as follows:

(1) The licensee shall be notified, in writing, by certified mail, mailed to the licensee’s address of record with the Building Official, at least seven days prior to suspension or revocation.

(2) Upon receipt of the notice, the licensee may request a hearing. Such request shall be in writing to the Building Official within ten days of mailing of the notice. A request for a hearing shall not stay any suspension or revocation imposed.

(3) If a hearing is requested by the licensee in writing, within the time limits above, the Building Official shall set a time, date and place and so notify the licensee.

(4) When a hearing is conducted, the licensee and other interested parties may be in attendance. Upon completion of the hearing, the Building Official may take all evidence admitted under advisement and shall notify the licensee of his findings and ruling in writing by certified mail.

(5) If the decision rendered by the Building Official is adverse to the licensee, the licensee may appeal to the Board of Appeals as an “aggrieved” person and shall file an application for review by the Board of Appeals within thirty days after mailing of notice of the ruling of the Building Official. Appeals shall be in accordance with provisions of Chapter 14.12.

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(6) Should the Board of Appeals be called upon to review a decision of the Building Official, it shall conduct a hearing and set forth its findings and decisions in writing. Decision of the Board shall be made after notice and a hearing at which any party or applicant shall be entitled to appear and present evidence and be represented by counsel. Review from a decision of the Board of Appeals shall be as provided for in Rule 106 of the Colorado Rules of Civil Procedure, and shall be limited to the causes therein specified. Such appeal shall not delay the suspension or revocation. A record of the hearings before the Board shall be kept, whether by electronic transcription, secretarial minutes or otherwise, and such records shall be kept in the custody of the Building Official and shall be made available for transcription as may be required. Both the aggrieved party and the City shall be considered parties to every proceeding of this type before the Board of Appeals and the appeal procedures referred to above are available to the aggrieved party and the City.

(7) Emergency Suspension. If the Building Official finds that an emergency exists which is cause for suspension or revocation of a license he may enter an order for immediate suspension of such license, pending further investigation and proceedings for suspension or revocation as herein provided. The licensee may, upon notice of such suspension, request an immediate hearing before the Building Official. (Ord. 0-94-40 § 2, 1994; Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

REGISTRATION OF ELECTRICAL CONTRACTORS

Chapter 14.11

REGISTRATION OF ELECTRICAL CONTRACTORS

Sections:

- 14.11.010 Definition.
- 14.11.020 Registration—Required.
- 14.11.030 Registration—Form.
- 14.11.040 Registration—Validity—Renewal.
- 14.11.050 Registration—Transferability.
- 14.11.060 Registration—Suspension or revocation.
- 14.11.070 Registration—Required for performance of work.
- 14.11.080 Electrical permit issuance.

14.11.010 DEFINITION. “Electrical contractor,” as used herein, shall mean any person, firm, partnership, corporation, association or combination thereof who undertakes or offers to undertake for another the planning, laying out, supervising and installing or the making of additions, alterations and repairs in the installation of wiring apparatus and equipment for electrical light, heat and power. A registered professional engineer or licensed architect who plans or designs electrical installation shall not be classified as an electrical contractor. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.11.020 REGISTRATION – REQUIRED. Any electrical contractor wishing to do business within the city shall register with the Building Official. (Ord. 0-90-15 § 32, 1990: Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

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14.11.030 REGISTRATION – FORM. The Building Official shall adopt a registration form which shall include, among other things:

- (1) The name and address of the electrical contractor;
- (2) A copy of the current Colorado State Electrical Contractor's License Certificate;
- (3) The name, address, and copy of the current master electrician card of any master electrician's employed by the electrical contractor;
- (4) An authorization page which shall include the names of all persons authorized by the electrical contractor to obtain electrical permits;
- (5) The names and addresses of all partners of the electrical contractor;
- (6) The names and addresses of all corporate officers, directors, and holders of ten percent or more of the corporate stock of any class of the electrical contractor. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.11.040 REGISTRATION – VALIDITY – RENEWAL. A registration shall remain valid for a period of one year from the date of issuance. A registration may be renewed by filing an application form furnished by the Building Official and paying a forty dollar fee to cover the costs of processing the renewal. A change of name, business designation, or address must be reported to the Building Official within thirty days after making such a change. A change of partners, officers, directors, or owners of ten percent or more of the corporate stock must be reported to the Building Official within thirty days after such change. Failure to report such changes within the time limit shall cause the registration to expire by force of law and become invalid at the expiration of the thirty-day period. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

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14.11.050 REGISTRATION – TRANSFERABILITY. A registration is not transferable. Upon the occurrence of any of the following, a new registration shall be obtained:

(1) Incorporation or change in incorporation creating any new legal entity shall require a new registration for such entity, even though one or more stockholders or directors may be registered;

(2) The organization of a partnership or the change of partners in a partnership shall require a new registration even though one or more of the partners may currently be registered;

(3) Dissolution of the corporation or partnership which has been registered terminates the registration and no individual or firm may operate under such registration. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.11.060 REGISTRATION – SUSPENSION OR REVOCATION. (a) The Building Official may suspend or revoke a registration when the electrical contractor (including partners of a partnership, members of a firm or joint venture, or officers, directors, or holders of ten percent or more of the stock of a corporate registrant) commits one or more of the following acts or omissions:

(1) Failure to comply with any of the registration provisions of this section;

(2) Knowingly giving false information on a registration application;

(3) Violation of any provisions of the building code.

(b) The registration shall automatically be suspended upon the suspension by the State Electrical Board of a license held by the electrical contractor as an entity or of a member of a firm or joint venture, or an officer, director, or holder of ten percent or more of the stock of a corporate registrant. The registration shall be cancelled upon the revocation of any such license by the State Electrical Board.

REGISTRATION OF ELECTRICAL CONTRACTORS

(c) If the Building Official finds that emergency cause exists for suspension or cancellation of a registration, he may enter an order for immediate suspension of such registration, pending further investigation and proceedings for suspension or revocation as herein provided. The electrical contractor may, upon notice of such suspension, request an immediate hearing before the Building Official.

(d) When the Building Official deems that a registration shall be suspended or revoked, the procedures shall be the same as prescribed for the suspension or revocation of a license. Appeals shall be in accordance with the provisions for appeal of a license revocation. (Ord. 0-94-40 § 3, 1994; Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.11.070 REGISTRATION — REQUIRED FOR PERFORMANCE OF WORK. It is unlawful for any electrical contractor, as defined in Section 14.11.010, to undertake or offer to undertake for another the planning, laying out, supervising, installing or making of additions, alterations or repairs in the installation of wiring apparatus and equipment for electrical light, heat or power, unless such electrical contractor shall be registered with the city pursuant to the terms and provisions of the ordinance codified in this chapter, and unless such registration is then currently effective and in good standing, and not suspended, revoked, terminated or expired. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.11.080 ELECTRICAL PERMIT ISSUANCE. No electrical permit shall be issued to any electrical contractor who does not have a valid and effective registration at the time of issuance of such permit; nor shall an electrical permit be issued to an owner or to any other person or contractor for the performance of work within the city by an electrical contractor who does not have a valid and effective registration at the time

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of issuance of such permit; provided, however, that the Building Official may, in his discretion, issue a permit for such work to an owner or contractor upon the specific written condition made a part of such permit that the planning, laying out, supervising, installing, or making of additions, alterations, or repairs in the installation of wiring apparatus and equipment for electrical light, heat or power shall be performed by an electrical contractor having a valid and effective registration under the provisions hereto at the time of the performance of the work under such permit. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

Chapter 14.12

BOARD OF APPEALS

Sections:

- 14.12.010 Creation and appointment.
- 14.12.020 Purpose and authority.
- 14.12.030 Decisions.
- 14.12.040 Records.

14.12.010 CREATION AND APPOINTMENT. There shall exist in the city a Board of Appeals consisting of seven members appointed by the City Council, except that all members heretofore appointed to the Board of Appeals holding office on the effective date of the ordinance codified in this title shall continue to hold office until the expiration of their terms. Members shall be appointed for a term of three years. Members must be qualified by experience and training to pass upon matters pertaining to building construction. The City Council shall also appoint four alternate members with like terms who will serve in the case of the absence from any meeting of

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any regular member of the Board of Appeals; an alternate member, called so far as practicable in rotation, shall serve in his place with all the powers, duties, functions, and responsibilities of the absent regular member. In the event of the resignation, death, or retirement of any regular members, or removal of a member for good cause, a replacement shall be designated by City Council. If a replacement is designated, it shall be for the unexpired portion of the three-year regular term and not for a full three-year term. When the term of office of a regular member or alternate expires, a replacement shall be designated by City Council. The appointed member shall serve a full three-year term.

(1) The Board of Appeals shall annually elect a chairman from the regular members who shall preside over all hearings and proceedings of the Board. The chairman may designate a member of the authority to assume his duties in his absence.

(2) The Building Official or his authorized representative shall function as Secretary and staff advisor to the Board of Appeals and shall not vote on any matter coming before the board. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.12.020 PURPOSE AND AUTHORITY. The Board of Appeals shall have the following authority to hear and decide appeals from any order (or the failure to issue an order when one is called for), requirement, decision, or determination made by the Building Official or his authorized representative or other administrative official in the following areas:

(1) To interpret the provisions of this title.

(2) To grant relief in the application of the Codes adopted by Title 14 of the Lakewood Municipal Code, providing the Board determines the applicant demonstrates the following criteria:

(A) The appeal was filed within the time allowed in 14.12.020(6);

(B) The strict application of the code is impractical or serves no useful purpose in its application to this case;

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(C) The relief is in conformity with the intent and purpose of the code;

(D) The relief does not lessen any fire-protection or health and safety requirements or any degree of structural integrity;

(E) The material, method or work offered is, for the purpose intended, comparable to that prescribed in the code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

(3) To hear appeals from the decision of the building official regarding contractor licensing as follows:

(A) To review and decide upon all appeals of decisions made by the building official on contractor licenses in the City;

(B) To review and approve rules, regulations, and procedures relating to contractor licensing;

(C) To conduct appellate hearings in the event the building official exercises his authority to deny the issuance of a license or to revoke or suspend an existing license;

(D) To advise the building official on all matters related to licensing.

(4) Any decision made by the Board as a result of an appeal shall apply only to that applicant.

(5) Limitations of Authority. The Board of Appeals shall have no authority relative to the interpretation of administrative provisions of these Codes.

(6) An appeal by an aggrieved party from any determination, action, or failure to act by the building official shall be filed by the aggrieved party within fourteen (14) days from said determination. Failure to file said appeal within fourteen days shall be a waiver of any further right of appeal. The filing of an appeal shall not prevent the issuance of a building permit for other construction that is not the object of the appeal.

(7) In addition to the appellate responsibilities to be exercised in accordance with the procedures set forth in this section, the Board of Appeals shall have the following responsibilities:

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(A) To review additions, changes or amendments which may be proposed to be made in these codes and advise the City Council with respect to the desirability and necessity for any such changes, particularly with reference to local conditions prevailing in the City and the Denver metropolitan area.

(B) To review, without further direction of the Council, all proposed amendments to the Uniform Building Code or any code adopted by this title which may be proposed by the International Conference of Building Officials, the International Association of Plumbing and Mechanical Officials, or the National Fire Protection Association, and make recommendations to the City Council with respect thereto.

(C) To receive proposals for amendments to the Building Code from the building official and any person, firm, corporation, or association, and to make recommendations to the Council with respect to the building code.

(D) To maintain contacts with the Fire Districts located in the City and the Lakewood Police Department in order to receive their recommendations for amendments to the building code.

(E) To call upon and receive expert opinions with respect to the broad spectrum of building matters, particularly as related to proposed amendments to the building code.

(8) The Board of Appeals shall adopt reasonable procedural rules and regulations to carry out its responsibilities as set forth in this chapter. (Ord. 0-91-59 § 4 (part), 1991; Ord. 0-91-54 § 1, 1991; Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.12.030 DECISIONS. All decisions of the Board of Appeals shall be in writing and shall state the reasons and grounds for such decision.

(1) Decisions of the Board shall be made after notice and a hearing at which any party or applicant shall be entitled to appear and present evidence and be represented by counsel. Copies of all such decisions shall be mailed to all parties in interest and to the City Attorney within five days of the making of such decision, by first class mail, postage prepaid, to the

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address of each party in interest as the same appears in the records of the Board of Appeals, and to the City Attorney at the Lakewood Municipal Building. The decisions of the Board of Appeals shall be final and there shall be no further administrative review.

(2) Decisions of the Board of Appeals shall be subject to review by court action, in accordance with Rule 106 of the Colorado Rules of Civil Procedures and should be limited to the causes stated herein. Any application for review must be filed in the District Court, not later than thirty days from the final action of the Board of Appeals.

(3) The city shall be considered to be a party to every proceeding before the Board of Appeals, and the city shall have thirty days following any decisions within which to initiate proceedings for the appeal or review of any such decision, and shall be barred from appeal or review of the same if proceedings are not commenced within such thirty-day period. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

14.12.040 RECORDS. A record of hearings before the Board of Appeals shall be kept, whether by electronic transcription, secretarial minutes, or otherwise and such records shall be kept in the custody of the Building Official and shall be made available for transcription as may be required. (Ord. 0-86-7 § 1 (Exh. A (part)), 1986).

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Chapter 14.13

PUBLIC IMPROVEMENTS*

Sections:

- 14.13.010 Application and authority.
- 14.13.020 Public improvements.
- 14.13.030 Land uses.
- 14.13.040 Appeal procedure.
- 14.13.050 Standards and conditions for construction of public improvements.
- 14.13.060 Acceptance of public improvements.
- 14.13.070 Phased construction of public improvements.
- 14.13.080 Collateral.
- 14.13.090 Certificate of occupancy.
- 13.13.100 Default of, or noncompliance with, public improvements agreement.

14.13.010 APPLICATION AND AUTHORITY. Every application for a zoning change, special use permit, final plat, building permit, modification to an approved Official Development Plan for a Planned Development District, or modification to an approved site plan shall be reviewed by the City to determine whether the applicant, the land which the applicant desires to develop, and other facts contained in or relating to the application, are in full compliance with the provisions of this chapter, the Zoning Ordinance, the Subdivision Ordinance, and all other applicable ordinances, rules and regulations of the City relating to zoning, special use permits, platting, construction, site plans, drainage, and public improvements. If the City determines that there is noncompliance with said provisions, the City shall so inform the applicant, and no further processing of the zoning change, special use permit, platting, building permit, or

*Prior ordinance history: Ords. 0-78-28, 0-80-98, 0-81-28, 0-82-15 and 0-83-108.

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modification application shall occur until such time as the City determines that the application is in full compliance with said provisions. Whenever the term “applicant” is used in this chapter, it shall mean the “owner of land proposed to be developed and/or his authorized agent.” Unless the context indicates otherwise, whenever the term “modification” is used in this chapter, it shall mean a “modification to an approved Official Development Plan for a Planned Development District and/or a modification of an approved site plan.” (Ord. 0-94-40 § 4, 1994; Ord. 0-84-105 § 1 (part), 1984).

14.13.020 PUBLIC IMPROVEMENTS. (a) Public Improvements Defined. “Public improvements” shall be defined as those rights-of-way, easements, access rights, and physical improvements which, upon formal acceptance by the city, shall become the responsibility of the city for ownership and/or maintenance and repair, unless otherwise provided, and shall include, but not by way of limitation, the following: curb and gutter, asphalt pavement, concrete pavement, streets of all types, survey monuments, pavement striping, sidewalks, pedestrian/bike paths, traffic signals, street lights, highways, freeways, rights-of-way, easements, access rights, construction plans, medians, bridges, acceleration and deceleration lanes, culverts, storm drainage facilities including necessary structures, channels, water lines, sanitary sewer lines, and all other improvements, which upon

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acceptance by the city, are intended to be for the use of and enjoyment of the public.

(b) Review. Applications for zoning changes, special use permits, final plats, building permits, and modifications shall be reviewed by the City Engineer in accordance with the provisions contained in this chapter to determine if the dedication, acquisition, installation, construction, or reconstruction of public improvements is necessary. The need for all public improvements shall be based upon a consideration of the following factors:

(i) The need to insure that the health, safety and welfare of the public will be maintained;

(ii) A determination as to whether public improvements are necessary to serve the area in which the development is to occur;

(iii) Existing or potential development of the surrounding area;

(iv) The zoning use involved.

(c) The City Council may by resolution adopt policies to provide guidelines on the need for public improvements.

(d) Public Improvements Agreement. If the City Engineer determines that the applicant's zoning change, special use permit, final plat, building permit, or modification application creates the need for the dedication, acquisition, installation, construction, or reconstruction of public improvements, then, after such determination has been made, the applicant shall enter into a public improvements agreement prior to the city's approval of the zoning change, special use permit, final plat, building permit, or modification application. The public improvements agreement shall be in a form determined by the city, and shall provide for the dedication and/or construction of necessary public improvements by the applicant. In some

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instances the city may wish to postpone the actual execution of the public improvements agreement until further development of the property, in which case the city shall make it clear by resolution, ordinance or otherwise that the approval of the

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zoning change, special use permit, final plat, building permit, or modification application is conditioned upon the dedication and/or construction of the required public improvements.

(1) **Zoning Changes.** Every application for a zoning change shall be reviewed by the City Engineer in accordance with the provisions of this chapter and the ordinances and regulations of the city to determine if public improvements are necessary as a condition of the approval of the zoning change.

(2) **Special Use Permit.** Every application for a special use permit shall be reviewed by the City Engineer in accordance with the provisions of this chapter and the ordinances and regulations of the city to determine if public improvements are necessary as a condition of the approval of the special use permit.

(3) **Final Plat.** Every application for a final plat shall be reviewed by the City Engineer in accordance with the provisions of this chapter and the ordinances and regulations of the city to determine if public improvements are necessary as a condition of the approval of a final plat. If the applicant is a party to an existing public improvements agreement for land which is being replatted, the City Engineer may in his discretion require an amendment to said agreement to provide for additional or other public improvements necessary to serve the land to which the new application for a final plat applies.

(4) **Building Permits.** Every application for a building permit shall be reviewed by the City Engineer to determine if the applicant is already a party to a current and valid public improvements agreement providing for public improvements necessary to serve the land to which the application for a building permit applies.

(A) If the applicant is a party to a current and valid public improvements agreement and it is determined that the agreement was executed less than two years prior to the date that the building permit application is filed and the applicant provides

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all collateral required by the agreement, then the Building Official shall issue the building permit if all other requirements as set forth in this code are met, and shall incorporate said public improvements agreement into said permit by reference. If, however, it is determined that the public improvements agreement was executed more than two years prior to the date that the application for a building permit is filed, the application shall be reviewed by the City Engineer to determine if additional improvements are necessary to serve the land to which the application for a building permit applies, in which case the applicant shall enter into a new or amended public improvements agreement prior to the issuance of a building permit.

(B) If the applicant is not a party to a current and valid public improvements agreement and the City Engineer determines that public improvements are made necessary by the proposed construction of the anticipated use thereof, the City Engineer shall so inform the Building Official, and no building permit shall be issued until the applicant has entered into a public improvements agreement for the dedication, acquisition, installation, construction, or reconstruction of said improvements as required by the provisions of this code.

(5) Modifications. Every application requesting a modification to an approved Official Development Plan for a Mixed Use District and every application requesting a modification of an approved site plan shall be reviewed by the City Engineer in accordance with the provisions of this chapter and the ordinances and regulations of the city to determine if the modification necessitates the need for new, additional or other public improvements.

(6) This chapter recognizes that in some instances the specific requirements of this Code as they relate to the terms and conditions of public improvements agreements cannot be imposed with strict precision given the varying factual circumstances of individual cases. Therefore, in those instances where

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it is necessary to make minor modifications, variances and/or waivers of specific public improvements requirements, the City Engineer may do so.

(7) Every public improvements agreement shall be acknowledged and signed by the owner of the land proposed to be developed and/or his duly authorized agent. An agent, signing the public improvements agreement, must give adequate assurance to the city that he or she has the clear and explicit authority to act on behalf of the owner. (Ord. 0-88-66 §§ 1, 2, 1988; Ord. 0-88-19 § 1, 1988; Ord. 0-84-105 § 1 (part), 1984).

14.13.030 LAND USES. The property use in every proposed development shall be reviewed by the City Engineer to determine if public improvements are necessary as defined in Section 14.13.020(b). If the proposed development makes the acquisition, installation, construction, or reconstruction of public improvements necessary, such improvements shall be acquired, installed, constructed or reconstructed in accordance with the following:

(1) Policies adopted by City Council resolution.

(2) All public improvements required must be acquired, installed, constructed or reconstructed immediately unless waived or deferred in accordance with policies adopted pursuant to Section 14.13.020(c).

(3) If the City Engineer determines that only a portion of the necessary public improvements should be dedicated and/or constructed immediately, then the remainder shall be dedicated and/or constructed when additional building permits are issued or at a time determined appropriate by the City Engineer consistent with the policies described in Section 14.13.020(c).

(4) The City Council shall retain the option of seeking creation of a special improvement district in accordance with the provisions of Section 10.1 of the City Charter and other

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applicable City ordinances and regulations. (Ord. 0-88-66 § 3, 1988; Ord. 0-84-105 § 1 (part), 1984).

14.13.040 APPEAL PROCEDURE. (a) Initially the Director of the Department of Planning, Permits and Public Works, and subsequently Planning Commission, shall hear and decide appeals from any order, decision, or determination made by the City Engineer which relates to the requirements for public improvements in connection with the application for a zoning change, special use permit, final plat, or modification to an approved Official Development Plan.

(b) If an applicant applies for a building permit on land which will not be considered by the City for a zoning change, special use permit, final plat or modification of an Official Development Plan and for which no public improvements agreement is in existence, the applicant shall have the right of appeal to the Director of the Department of Planning, Permits and Public Works either before signing a public improvements agreement or after signing a public improvements agreement. If the applicant chooses to appeal prior to signing a public improvements agreement, no building permit shall be issued until there has been a final determination on the appeal and a public improvement agreement, if applicable, has been signed by the applicant. If the applicant chooses to sign a public improvements agreement and obtain a building permit prior to appeal, the applicant shall have ten (10) calendar days after signing said public improvements agreement to appeal in writing the improvements required by the City Engineer to the Director of the Department of Planning, Permits and Public Works.

(c) An expeditious and informal appeal to the Director of the Department of Planning, Permits and Public Works is a prerequisite to an appeal to the Planning Commission. The Director of the Department of Planning, Permits and Public Works shall hear the appeal within twenty (20) calendar days after receipt of a completed appeal application. The Director of the Department of Planning,

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Permits and Public Works shall make a written decision which shall be mailed to the applicant within fifteen (15) calendar days of said hearing.

(d) The Director of the Department of Planning, Permits and Public Works shall have the authority to defer on the basis of written City policy or waive all or part of the public improvements and/or modify the extent of public improvements consistent with maintaining the health, safety and welfare of the public and consistent with the Engineering Regulations, Construction Specifications and Design Standards.

The Director's decision shall be based on consideration of the following factors:

1. The cost of the public improvements relative to the cost of the private improvements; or,
2. Whether there are comparable public improvements or the potential for such improvements in the adjacent or immediate area; or,
3. The classification of the street where the public improvements will be located; the necessity for improvements on arterial and collector streets is often greater than the need for improvements on local streets; or,
4. Whether there has been an erroneous application of the standards of 14.13.020(b) or 14.13.030 to the development; or,
5. Whether the strict application of this chapter will be in the interest of the public health, safety and welfare or achieve substantial justice.

(e) Any appeal from the decision of the Director of the Department of Planning, Permits and Public Works shall be to the Planning Commission. A notice of appeal must be filed with the secretary of the Planning Commission within ten (10) calendar days of receipt of the decision of the Director of the Department of Planning, Permits and Public Works. The Planning Commission shall hold a complete, new hearing within thirty (30) calendar days of the filing

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of the notice of appeal. Those issues that have been adjudicated by the Director of the Department of Planning, Permits and Public Works and not appealed are final. The Planning Commission shall have the same authority and use the same factors to decide appeals as is set forth in subparagraph (d) of this section. Any appeal of the final decision of the Planning Commission shall be to the Jefferson County District Court.

(f) Any appeal to the Planning Commission shall require payment of a fee prior to consideration of the appeal. The amount of this fee shall be established by City Council Resolution.

(g) The City Council shall not hear an application for a zoning change, final plat or modification until all administrative appeals, including appeal to the Planning Commission, have been exhausted or waived by the applicant and the applicant has subsequently signed a public improvements agreement. Application for a special use permit shall not be approved until all administrative appeals, including appeal to the Planning Commission, have been exhausted or waived by the applicant and the applicant has subsequently signed a public improvements agreement. (Ord. 0-91-59 § 6 (part), 1991; Ord. 0-88-19 § 2, 1988; Ord. 0-85-126 § 1, 1985; Ord. 0-84-105 § 1 (part), 1984).

14.13.050 STANDARDS AND CONDITIONS FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS. Whenever public improvements are required under this chapter, the following provisions shall apply:

(a) The cost of constructing all public improvements shall be borne by the applicant, and the construction thereof shall be at the sole cost, risk, and expense of the applicant, unless city ordinances state otherwise.

(b) Public Improvements shall be constructed in full compliance with the applicable design and construction standards as adopted by the city. Even so, the applicant shall indemnify and hold the city

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harmless from all claims by any person based upon improper or negligent construction of said public improvements.

(c) No public improvement construction shall be started until the city has approved the plans, specifications, and permit application as set forth in Chapter 12.04 of this code.

(d) In the event the terms or enforceability of a public improvements agreement is litigated, the city shall be reimbursed for its reasonable attorneys' fees and costs by the applicant, provided the city is the prevailing party. (Ord. 0-84-105 § 1 (part), 1984).

14.13.060 ACCEPTANCE OF PUBLIC IMPROVEMENTS.

(a) After completion of all improvements to be constructed pursuant to a public improvements agreement, the applicant shall request, by certified letter addressed to the City Engineer, that the City Engineer issue a certificate of acceptance to said applicant. At his discretion the City Engineer may, by written

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notice, require said request to be accompanied by a letter from a registered professional engineer stating that said improvements have been completed and installed in accordance with the public improvements agreement, the approved final engineering construction plans, and the applicable design standards of the city. The City Engineer may also require a submission of as-built drawings certified by said registered professional engineer.

(b) The City Engineer shall, within thirty days after receipt of said written request, cause the improvements to be inspected. If the City Engineer determines that all improvements are completed without significant defects and that they comply with the provisions of any applicable engineering standards and public improvements agreement, the City Engineer shall issue the certificate of acceptance.

(c) If the City Engineer determines that any improvements are not complete, or if they are complete, that they contain significant defects, the City Engineer shall inform the applicant, by certified mail, of the improvements requiring completion or repair, and shall not issue a certificate of acceptance until the specified improvements are completed or repaired. Upon receipt of this written notice, the incomplete or defective public improvements shall be completed or repaired within forty-five calendar days unless extended by the City Engineer. Requests for extension shall be by certified mail addressed to the City Engineer, and shall be made on the basis of inclement weather or other similar circumstances beyond the applicant's control.

(d) All public improvements shall be completed by the applicant by a date to be determined by the City Engineer, which date shall be incorporated into the applicable public improvements agreement. If no certificate of acceptance has been issued prior to said date, the city may construct, complete, or repair any public improvements required under such agreement and may apply the collateral required by Section 14.13.080 to pay the costs of completion, correction, or repair, or may employ

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any other lawful remedy to secure completion, correction, or repair of such improvements. Upon completion, correction or repair of such improvements, the City Engineer shall issue a certificate of acceptance thereof, provided the city has received the full amount of all funds necessary to pay for such completion, correction, or repair from the applicant or the applicant's collateral.

(e) Within one year from the date of issuance of the certificate of acceptance, the applicant shall repair any defect discovered in any improvements for which a certificate of acceptance has been issued; provided that written notice of such defect has been provided to the applicant by the City Engineer. If any such defect is not repaired within forty-five days of notice thereof, the city may correct said defect and may apply the collateral required by Section 14.13.080 to pay the costs of such repairs, or may employ any other lawful remedy to secure correction and repair of such defect and to recover any costs incurred by the city in doing so.

(f) Dedications of rights-of-way, easements, access rights, and all other interests in real property conveyed to the city by an applicant as part of the applicant's public improvement requirements shall be submitted to the City Manager or his designee. Acceptance by the City Manager or his designee shall constitute acceptance by the city. The face page of the conveyance instrument shall contain a reference to Ordinance No. 0-83-108, and the appropriate tax schedule number to aid the County Assessor in removing the property from the county tax rolls. A sample acceptance format is as follows:

Ordinance	Log No.	Tax Schedule Accepted By
		No. City of Lakewood
		By: _____.

(Ord. 0-84-105 § 1 (part), 1984).

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14.13.070 PHASED CONSTRUCTION OF PUBLIC IMPROVEMENTS. The public improvements agreement may, if approved by the City Engineer, provide that the installation, construction, or reconstruction of public improvements shall be in specified phases. If construction in phases is approved, the provisions of this chapter shall apply to each phase as if it were a separate and distinct public improvements agreement. Any such phase shall be an integrated, self-contained project consisting of all public improvements necessary to serve the property to be developed as part of said phase, and phasing shall not be utilized to provide for construction of public improvements on a piecemeal basis. Each separate phase shall include, as a minimum, both sides of a street at least one block long, or equivalent development as determined by the City Engineer, with all attendant and related public improvements. (Ord. 0-84-105 § 1 (part), 1984).

14.13.080 COLLATERAL. (a) All collateral shall be for the benefit of the city, and shall indemnify the city for the cost of acquisition, installation, construction, or reconstruction of the required public improvements. Collateral shall be in the form of cash, surety bond, or irrevocable letter of credit, or a combination thereof, in a form approved by the City Attorney. Surety bonds shall be obtained from a financially responsible insurance company licensed in the state of Colorado and acceptable to the city. Irrevocable letters of credit shall be issued by a federally insured national or state banking institution or savings and loan having a capital and surplus of not less than ten million dollars or such other financial institution, including one with less capital and surplus, as may be acceptable to the city. Collateral shall be filed with the city when a building permit application is submitted to the city for land which is covered by a public improvements agreement or in those cases where a building permit application is not submitted, at a time

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determined appropriate by the City Engineer. However, under no circumstances will the posting of collateral by an applicant relieve the applicant of his responsibility to perform all obligations under the terms of the public improvements agreement. The exact amount of collateral to be required of an applicant shall be established by the City Engineer based on the following standards.

(b) If the City Engineer's estimate of total cost for the acquisition, installation, construction, or reconstruction of public improvements exceeds ten thousand dollars, the applicant shall provide collateral to the city to guarantee the acquisition, installation, construction, or reconstruction of said public improvements in the amount of one hundred percent of said estimate. The exact percentage may be reduced from the normal one hundred percent requirement by the City Engineer based on the following standards:

(1) If the public improvements are in place and dedications have been made prior to the filing of an application for a building permit for improvements constructed as part of a public improvements agreement, the city shall verify by inspection that the improvements in place are in satisfactory condition. If said improvements are in satisfactory condition, the collateral shall be a minimum of ten percent of the City Engineer's estimate of the total cost of public improvements. Said collateral shall be held to correct any defect in the materials or workmanship of the improvements which may subsequently be discovered and for which notice is given to the applicant within one year pursuant to the provisions of Section 14.13.060. If, however, upon inspection the improvements are found not to be in satisfactory condition and the city determines that repairs are necessary, additional collateral shall be required based upon the City Engineer's estimate of the costs of such needed repairs. It is not necessary that a certificate of acceptance be in effect

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in order for the applicant to be entitled to the collateral reductions provided in this chapter.

(2) In those cases where public improvements have not been constructed and/or dedications have not been made prior to the filing of an application for a building permit, then the following standards shall apply:

(A) The first time an applicant enters into a public improvements agreement with the city, the collateral required for the public improvements shall be one hundred percent of the City Engineer's estimate of the total cost of the proposed public improvements.

(B) After the applicant has satisfactorily completed one public improvements agreement, including issuance of a certificate of acceptance, successful completion of the one-year warranty period, and return of all collateral by the city, the second time an applicant enters into a public improvements agreement with the city, the applicant may apply for a reduction of the collateral required. Upon review of the applicant's performance record on the initial project and approval of the City Engineer, the collateral required may be reduced to fifty percent of the City Engineer's estimate of the total cost of the proposed public improvements.

(C) After satisfactory completion of a second public improvements agreement by the applicant, including issuance of a certificate of acceptance, successful completion of the one-year warranty period and return of all collateral by the city, the applicant may apply for an additional reduction of the collateral required for all subsequent public improvement agreements. Upon review of the applicant's performance on the second project and approval of the City Engineer, the collateral required may be reduced to twenty-five percent of the City Engineer's estimate of the total cost of the proposed public improvements.

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(3) Notwithstanding the aforementioned provisions concerning possible collateral reductions, an applicant shall always be required to post collateral in the amount of one hundred percent of the estimated total cost of public improvements if the City Engineer determines that one of the following situations applies:

(A) The applicant fails to post the proper collateral for any public improvements after the required amount has been determined.

(B) The collateral posted by the applicant is inadequate and the applicant refuses to post additional collateral.

(C) It becomes necessary for the city to use the collateral posted by an applicant in order to complete or repair public improvements for which the collateral was initially posted.

(D) The applicant fails to complete public improvements by the date specified in the public improvements agreement or by the date of any approved extensions.

(4) If collateral requirements are increased to one hundred percent as a result of the City Engineer's determination that one of the situations in Section 14.13.080(b)(3) applies, the applicant will again be eligible for collateral reductions provided the public improvements are successfully completed, including issuance of a certificate of acceptance, successful completion of the one-year warranty period, and return of all collateral by the city, and upon review and approval of the applicant's performance record by the City Engineer.

(5) Notwithstanding anything to the contrary contained in this section, any contractor performing work pursuant to a contract directly with the city shall adhere to the performance payment requirements set forth in the contract documents.

(c) If the City Engineer's estimate of total cost for the acquisition, installation, construction, or reconstruction of public improvements is ten thousand dollars or less, no collateral shall be required, unless, at the time that the applicant requests a

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temporary certificate of occupancy for any building to be served by the improvements, acceptance of said improvements has not yet occurred, in which event, collateral in an amount equal to the greater of ten percent of the total costs of all public improvements to be constructed pursuant to a public improvements agreement or one hundred fifty percent of the estimated cost of such improvements remaining to be satisfactorily completed shall be provided before any temporary certificate of occupancy is issued for any structure to be served by such improvements. However, under no circumstances will collateral be accepted in lieu of acceptance of public improvements for purposes of a final certificate of occupancy.

(d) Upon issuance of the certificate of acceptance, collateral in the amount of ten percent of the estimated total cost of the accepted improvements shall be provided or retained. Said collateral shall be applied to correct any defect in the materials and workmanship of the improvements constructed and installed for which notice and opportunity for correction has been given pursuant to Section 14.13.060. If no defect is discovered and notice thereof is given to the applicant within one year, all of said collateral shall be released.

(e) If, at the expiration of one year from the date of issuance of the certificate of acceptance, the applicant has failed to correct any defect of which notice has been mailed to him, the city shall retain the collateral for forty-five additional days to allow time for correction of each such defect and for a claim to be made by the city against such collateral in the event that such defect has not been corrected within the time allowed by Section 14.13.060(e). At the end of such forty-five day period, the city shall release any collateral against which no written claim has been made by the city. (Ord. 0-84-105 § 1 (part), 1984).

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14.13.090 CERTIFICATE OF OCCUPANCY. (a) No final certificate of occupancy shall be issued for any building constructed pursuant to a building permit unless a certificate of acceptance for all public improvements required as a condition of issuance of said permit has been issued by the City Engineer. At the discretion of the city, the applicant may obtain a temporary certificate of occupancy provided collateral has been posted pursuant to Section 14.13.080(c) in lieu of completion and acceptance of public improvements. However, no certificate of occupancy, temporary or final, shall be issued under any conditions for any building constructed pursuant to a building permit unless the following conditions are met:

(1) Public improvements such as drainage improvements, driveways, parking areas, etc., have been constructed sufficient to ensure that the health, safety, and welfare of the public will be maintained.

(2) All-weather access is provided and maintained.

(b) Public improvements in place prior to building permit issuance that are damaged during construction shall be repaired by the applicant and accepted by the city prior to issuance of a certificate of occupancy. (Ord. 0-84-105 § 1 (part), 1984).

14.13.100 DEFAULT OF, OR NONCOMPLIANCE WITH, PUBLIC IMPROVEMENTS AGREEMENT. No building permit shall be issued to any applicant who is (1) a party to a public improvements agreement, or (2) a successor-in-interest of a party to such an agreement, if the City Engineer determines that the applicant or applicant's predecessor-in-interest is in any way in default or noncompliance with the agreement. Once a building permit has been issued to an applicant who is a party, or a successor-in-interest to a party, to a public improvements agreement, the continued performance of the agreement in accordance with its terms shall be a continuing condition precedent to the validity of said building permit, and the

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building official may immediately suspend said permit and all work being done thereunder upon any evidence satisfactory to the City Engineer of nonperformance, noncompliance, or breach of said public improvements agreement by said applicant. Withholding or suspension of building permits shall not be deemed to be an exclusive remedy for any breach of a public improvements agreement. (Ord. 0-84-105 § 1 (part), 1984).

BUILDING NUMBERING AND STREET NAMING

Chapter 14.14

BUILDING NUMBERING AND STREET NAMING

Sections:

- 14.14.010 Buildings to be numbered.
- 14.14.020 Designation.
- 14.14.030 System.
- 14.14.040 Record.
- 14.14.050 Notice to place number.
- 14.14.060 Renumbering and renaming.
- 14.14.070 Adjustments.
- 14.14.080 Material and visibility of numerals—Placing.
- 14.14.090 Street maps.
- 14.14.100 Temporary signs.
- 14.14.110 Private roadways—Identification Signs.

14.14.010 BUILDINGS TO BE NUMBERED. All buildings or structures, except detached accessory use structures, shall have displayed the proper building number above or near the primary door nearest the access point and emergency fire lane to any such numbered structure. It shall be the duty of the owner/occupant to place said numbers in the manner provided in this chapter. (Ord. 0-82-10 § 1 (part), 1982).

14.14.020 DESIGNATION. The Director of the Department of Planning, Permits and Public Works, or his duly designated representative only, shall designate the proper numbers for all houses, buildings or structures required to be numbered in the city. (Ord. 0-91-59 § 5 (part), 1991; Ord. 0-82-10 § 1 (part), 1982).

14.14.030 SYSTEM. All numbering and street naming shall be done in accordance with the Jefferson County Metropolitan Street

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Guide, as approved by the county Planning Commission in November, 1968. (Ord. 0-82-10 § 1 (part), 1982).

14.14.040 RECORD. (a) It shall be the duty of the Director of the Department of Planning, Permits and Public Works, or his duly designated representative, to maintain in his office or department the official record of the proper numbers assigned to all houses, buildings or structures erected after August, 1970.

(b) Records of addresses between 1946 and 1970 are still retained in county files. (Ord. 0-91-59 § 5 (part), 1991; Ord. 0-82-10 § 1 (part), 1982).

14.14.050 NOTICE TO PLACE NUMBER. (a) It shall be the duty of any owner/occupant of any premises, upon notice from the Director of the Department of Planning, Permits and Public Works, or his duly designated representative, to cause the official number to be placed on any building so owned or occupied. Such numbering shall be accomplished in the manner required within thirty days after service of such notice.

(b) It is unlawful for any owner/occupant to retain or use or to permit to be retained or used upon any building, any number other than the number designated by the Director of the Department of Planning, Permits and Public Works, or his duly designated representative. (Ord. 0-91-59 § 5 (part), 1991; Ord. 0-82-10 § 1 (part), 1982).

14.14.060 RENUMBERING AND RENAMING. In all cases where a street has been named or numbered or renamed or renumbered pursuant to any other legal requirement, as the same may be required from time to time by action of the Council, it shall be the duty of the Director of the Department of Planning, Permits and Public Works, or his duly designated representative, to adjust and rename or renumber such streets. (Ord. 0-91-59 § 5 (part), 1991; Ord. 0-82-10 § 1 (part), 1982).

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14.14.070 ADJUSTMENTS. In all cases where there is a mistake or conflict in names or numbers, or where some special arrangement varying from the general terms of this chapter is necessary, the Director of the Department of Planning, Permits and Public Works, or his duly designated representative, shall direct and make the proper adjustment of the same in harmony with the spirit and intention of this chapter. (Ord. 0-91-59 § 5 (part), 1991; Ord. 0-82-10 § 1 (part), 1982).

14.14.080 MATERIAL AND VISIBILITY OF NUMERALS — PLACING. (a) All numerals shall be placed in a conspicuous position at the front of each building above or near the door or entrance to the structure. This shall also include the rear of the structure when, for emergency purposes, access is also from a fire lane. Arabic numerals shall be used.

(b) All numbers shall be made of some durable material and shall be distinctly legible and at least three inches in height. (Ord. 0-82-10 § 1 (part), 1982).

14.14.090 STREET MAPS. The Engineering Division shall prepare, periodically, maps of the City streets showing the present official numbers of all buildings. (Ord. 0-94-40 § 5, 1994; Ord. 0-82-10 § 1 (part), 1982).

14.14.100 TEMPORARY SIGNS. At all new construction sites, a temporary sign shall be erected on the property indicating the assigned address of the structure. (Ord. 0-82-10 § 1 (part), 1982).

14.14.110 PRIVATE ROADWAYS — IDENTIFICATION SIGNS. (a) All private roadways within the city upon which building numbering and addressing are dependent shall be named and marked with reflectorized street signs with a silver or white legend on a green background having a primary legend in all capital letters no less than four inches high. Suffixes shall

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be in all capital letters no less than two inches high. The sign shall be placed at all intersections of private roadways with other private or public roadways and shall be erected and maintained by the owner or owners of said private roadway.

(b) All private roadway identification signs shall be free-standing signs of a type approved by the Traffic Engineer and of no less than six inches in height and no less than twenty-four inches in length securely fastened to a pole no less than seven feet in height securely anchored in the ground and as near as practicable to the edge of the private roadway being identified. The city Traffic Engineer shall approve the placement prior to the installation. (Ord. 0-82-10 § 1 (part), 1982).

Chapter 14.15

STORMWATER MANAGEMENT

Sections:

- 14.15.010 Title.
- 14.15.020 Purpose.
- 14.15.030 Definitions.
- 14.15.040 Applicability.
- 14.15.050 Design criteria and performance standards.
- 14.15.060 Easements.
- 14.15.070 Statement on building permit, final plat and/or site plan.
- 14.15.080 Disclaimer of liability.
- 14.15.090 Public and private responsibilities for maintenance of system.
- 14.15.100 Administration.
- 14.15.110 Administrative appeals.

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14.15.010 TITLE. The ordinance codified in this chapter shall be known as the "stormwater management ordinance of the city." (Ord. 0-81-165 § 1, 1981).

14.15.020 PURPOSE. In order to promote the public health, safety, and general welfare of the citizens of Lakewood, Colorado, these stormwater management regulations are enacted for the general purpose of assuring the proper balance between use of land and the preservation of a safe and beneficial environment. More specifically, the provisions of these regulations are intended to reduce property damage and human suffering and minimize the hazards of personal injury and loss of life due to flooding. This is to be accomplished by establishing runoff control, establishing responsibilities for maintenance and operation, and establishing technical standards and criteria for implementation of stormwater management. (Ord. 0-81-165 § 2, 1981).

14.15.030 DEFINITIONS. For purposes of this chapter, the words and terms used, defined, interpreted, or further described herein shall be construed as follows:

- (1) "City" means the city of Lakewood, Colorado.
- (2) "Control structure" means a facility constructed to regulate the rate of discharge of stormwater.
- (3) "Development" means any manmade change to real estate or property, including buildings or other structures, streets, parking lots, mining, dredging, filling, grading, paving, or excavating.
- (4) "Director" means the City Manager or his/her designee.
- (5) "Easement" means authorization by a property owner for use by another party or parties of all or any portion of his/her land for a specified purpose.
- (6) "Emergency excess stormwater passage" means a channel

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or swale formed in the ground surface to carry stormwater runoff through a specific area.

(7) "Excess stormwater" means that portion of stormwater runoff which exceeds the transportation capacity of storm sewers or natural drainage channels serving a specific watershed.

(8) "Infill development" means the development of land which:

(A) Has previously been subdivided; or

(B) Is described by a metes and bounds description and which can legally be developed without subdivision.

(9) "Natural drainage" means water which flows by gravity in channels formed by the surface topography of the earth prior to changes made by the efforts of man.

(10) "Natural state" means land with soil and vegetation conditions that existed prior to any manmade activity on the land.

(11) "New development" means the development of land which has not been previously legally subdivided.

(12) "Safe stormwater drainage capacity" means the quantity of stormwater runoff that can be transported within a channel, passage, conduit, tube, duct, or combination thereof, in such a manner that the elevation of the water does not rise above the level of the adjacent ground surface so as to cause any damage to structures or facilities located thereon.

(13) "Stormwater runoff" means water that results from precipitation which is not absorbed by the soil, evaporated into the atmosphere, or entrapped by ground surface depressions and vegetation, and which flows over the ground surface.

(14) "Stormwater management system" means all facilities used to control stormwater, including stormwater pipes, stormwater detention areas, berms, channels, swales, control structures, easements, emergency excess stormwater passages, irrigation systems, improved watercourses, and any other facility or appurtenances used in the management of stormwater.

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(15) "Stormwater runoff release rate" means the rate (quantity per unit of time) at which stormwater runoff is released from upstream to downstream land.

(16) "Stormwater detention area" means an area designated to temporarily accumulate excess stormwater.

(17) "Tributary watershed" means the entire catchment area that contributes stormwater runoff to a given point.

(18) "One-hundred year storm" means rainstorms of a specific duration having a one percent chance of occurrence in any given year.

(19) "Five-year storm" means rainstorms of a specific duration having a twenty percent chance of occurrence in any given year. (Ord. 0-81-165 § 3, 1981).

14.15.040 APPLICABILITY. Any person, firm, corporation or business proposing to construct buildings or develop or redevelop land within the City shall be required to provide stormwater runoff control meeting the requirements of this chapter whenever the total area of land under identical ownership, including the land to be developed or upon which buildings are to be constructed, equals or exceeds those shown in the following chart. This chart applies to both building permits and subdivision of land.

Type of Development	Zoning Classification	Area
New and infill	CN	Exempt
New and infill	1R, 2R, 3R and single-family and duplex portions of PD	2 acres
New and infill	4R, 5R, 6R, OF, 1-C, 2-C, 3-C, 4-C, IN, and multifamily through industrial portions of PD	1 acre

(Ord. 0-94-40 § 6, 1994; Ord. 0-81-165 § 4, 1981).

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14.15.050 DESIGN CRITERIA AND PERFORMANCE STANDARDS. It shall be the duty of an applicant for a building permit or subdivision of land to provide a stormwater management system as provided in this section.

(1) Design Criteria. Unless otherwise provided, the engineering regulations, construction specifications design standards, and amendments adopted by the City Council, shall govern the design of improvements with respect to managing stormwater runoff.

(2) Stormwater Runoff Release Rate. Any person meeting the application provisions of this chapter as specified in Section 14.15.040 shall control the release rate of stormwater runoff so that runoff after development shall not exceed the runoff from the same parcel of land in its natural state for the five-year and one-hundred-year storm respectively.

(3) Determination of Detention Volume. The volume of required water detention shall be calculated on the basis of runoff from the five-year and one-hundred-year return frequency storms. Such calculations should be made in accordance with a method of analysis in the Urban Storm Drainage Criteria Manual, published by the Denver Regional Council of Governments, unless specified otherwise by the Director.

(4) Compensating Detention. In the event that orderly and reasonable development of an area requires that the detention of stormwater be located elsewhere, compensating detention (the detention of an equal volume of stormwater) may be provided at an alternative location if approved by the Director.

(5) Partial and Full Exemption. When it can be demonstrated by the applicant to the Director that a higher stormwater release rate will not be contrary to the purpose and intent of this chapter and where such proposed release rate will not exceed the safe stormwater drainage capacity in the downstream portion of the watershed, the release rate may be increased or decreased as deemed appropriate by the Director. When

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determining the safe stormwater drainage capacity in the downstream portion of the watershed, it shall be assumed that all undeveloped land in the tributary watershed would be granted the same exemption as the applicant. If the safe stormwater drainage capacity is exceeded under these conditions, the applicant's release rate will be decreased so that the safe stormwater drainage capacity is not exceeded.

(6) Emergency Excess Stormwater Passage. An excess stormwater passage shall be provided for all stormwater detention areas. Such passage shall have the capacity to convey through the proposed development the excess stormwater for the tributary watershed. The capacity of such stormwater passage shall be constructed in a manner to transport the peak rate of runoff from the one-hundred-year frequency storm assuming all storm sewers are inoperative, all upstream areas are fully developed, and that antecedent rainfall has saturated the tributary watershed.

No buildings or structures shall be constructed within the excess stormwater passage; however, streets, parking lots, playgrounds, park areas, pedestrian walkways, utility easements and other open space uses shall be considered compatible uses within the excess stormwater passage.

Where a proposed development contains an existing natural drainage channel, appropriate land planning shall be undertaken to preserve the natural drainage channel as part of the excess stormwater passage. (Ord. 0-81-165 § 5, 1981).

14.15.060 EASEMENTS. (a) Easements which cover the outlet structure, low flow pipe, stormwater pipes, detention area berms, and other parts of the stormwater management system as the city deems desirable, shall be granted to the city. These easements are to be deeded for the purposes of operation, repair, alteration, and maintenance in areas composed of single-family detached dwellings and two-family dwellings or in other

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developments when the city has accepted maintenance and operation responsibilities.

(b) All developments which have publicly owned easements shall provide covenants running with the land stating that no buildings, fills, excavations, structures, fences, or other alterations shall be constructed within a publicly owned easement without the express written consent of the city.

(c) The enactment of the ordinance codified in this chapter is not intended to modify or alter any existing easement or rights-of-way for storm drainage purposes, but is intended to establish criteria for construction and maintenance and operation of new storm drainage facilities, both public and private. (Ord. 0-81-165 § 7, 1981).

14.15.070 **STATEMENT ON BUILDING PERMIT, FINAL PLAT AND/OR SITE PLAN.** When the city has determined that maintenance and operation of the stormwater management system is to be a private responsibility, the building permit, final plat and/or site plan of that development shall have language stating that the maintenance and operation of the stormwater management system will remain the responsibility of the property owner and his heirs, successors, and assigns. (Ord. 0-81-165 § 8, 1981).

14.15.080 **DISCLAIMER OF LIABILITY.** The criteria set forth in this chapter establish minimum requirements which must be implemented with good engineering practice and workmanship. Use of the requirements in this chapter shall not constitute a representation, guarantee, or warranty of any kind by the city as to the adequacy or safety of any stormwater management system. Larger storms may occur or stormwater runoff heights may be increased by manmade or natural causes. These regulations shall not create liability on the part of the city with respect to any legislative or administrative decision made under this chapter. (Ord. 0-81-164 § 9, 1981).

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14.15.090 PUBLIC AND PRIVATE RESPONSIBILITIES FOR MAINTENANCE OF SYSTEM. (a) Public Responsibilities. In areas constructed exclusively as single-family detached dwellings or two-family detached dwellings, the city shall be responsible, after acceptance of the stormwater management system, for the maintenance and operation of any stormwater management system within a public easement. It is the intent of the city to provide for maintenance and operation of stormwater facilities in areas of single-family detached dwellings and two-family detached dwellings, provided there are public easements within which maintenance and operation can be done, and provided all design, construction, and maintenance criteria of the city are followed. Maintenance and operation of condominiums, multifamily, commercial, industrial and other uses shall be done by other persons as stated in subsection (b) of this section. In areas of mixed use such as multifamily housing and single-family detached dwellings, the Director will decide on a case-by-case basis whether maintenance and operation will be performed by the city.

(b) Private Responsibilities. If the Director has determined that the city will not accept the responsibility for maintenance and operation of a stormwater management system, the owner of the land then has the responsibility for the maintenance and operation of the stormwater management system. Such responsibility shall be assumed by subsequent owners.

If the city has determined that the property owner has not properly maintained or operated the stormwater management system, the Director shall cause notice to be served upon the property owner. Such notice shall be in writing, signed by the Director, and shall be personally served upon the property owner. The notice shall specifically state why the stormwater management system has been determined to be improperly maintained or operated and the procedures which must be undertaken to correct the system's deficiencies.

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Any person wishing to appeal the city's determination that the stormwater management system has not been properly maintained or operated shall file a written petition with the Director as described in Section 14.15.110. If the property owner does not appeal or correct the deficiencies within fourteen days of service of the notice, the city has the right to enter the property, maintain the stormwater management facilities, and require reimbursement for the costs that may be incurred by the city. (Ord. 0-81-165 § 6 (C), 1981).

14.15.100 ADMINISTRATION. This chapter shall be administered by the Director. (Ord. 0-81-165 § 6 (A), 1981).

14.15.110 ADMINISTRATIVE APPEALS. (a) Any person affected by any decision of the Director which has been given in connection with the application and enforcement of this chapter may appeal the decision to the Planning Commission. The appeal shall be filed within seven days of the decision of the Director.

(b) Any person appealing the decision shall file a written petition with the Director and set forth a brief statement concerning the purpose of the hearing. Upon receipt of the petition, the Director shall set a time and place for such hearing and shall provide written notice to the petitioner. At such hearing, the petitioner shall be given the opportunity to be heard and show why any decision should be modified or withdrawn. The hearing shall be commenced not later than forty-five days after the date on which the petition was filed.

(c) Any person aggrieved by the decision of the Planning Commission may seek relief in any court of competent jurisdiction as provided by the laws of Colorado. Any appeal pursuant to this section shall not stay the effect of the Director's order unless so ordered by the Planning Commission. (Ord. 0-81-165 § 6 (B), 1981).

PARK AND OPEN SPACE DEDICATION

Chapter 14.16

PARK AND OPEN SPACE DEDICATION

Sections:

- 14.16.010 Scope and application.
- 14.16.020 Park standards.
- 14.16.030 Regional parks provided.
- 14.16.040 Calculation of land dedication requirements for park and open space.
- 14.16.050 Criteria for land eligible for park and open space use.
- 14.16.060 Criteria for land not eligible for park and open space use.
- 14.16.070 Procedure/Fee determination.
- 14.16.080 Site development standards—General.
- 14.16.090 Interpretations and appeal.

14.16.010 SCOPE AND APPLICATION. Each development containing residential land uses shall dedicate to the city, park sites and open space areas in accordance with the provisions of this title. At the discretion of the Director of Community Resources, fees in lieu of dedications shall be levied as set forth herein. The Director shall use the park element of the Comprehensive Plan as a guide for determining park and recreation needs in proximity to the proposed development area. The

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park and open space requirements discussed herein shall be reasonably related to the needs of the residents of the proposed development. Official Development Plans that have been approved by the Planning Commission prior to the date of enactment of the ordinance codified in this chapter are not affected by the provisions herein. (Ord. 0-89-3 § 5 (part), 1989; Ord. 0-83-137 § 1 (part), 1983).

14.16.020 PARK STANDARDS. For purposes of this title, the city's park standards shall be a minimum of ten and five tenths acres of park area per one thousand anticipated population within the proposed development. This standard of ten and five tenths acres per one thousand population is composed of the following elements:

- (1) Five acres per one thousand population for regional parks;
- (2) Three acres per one thousand population for community parks;
- (3) Two and five tenths acres per one thousand population for neighborhood parks. (Ord. 0-83-137 § 1 (part), 1983).

14.16.030 REGIONAL PARKS PROVIDED. The City Council determines, as of the time of adoption of the ordinance codified in this chapter, that the regional park needs of the residents of the city are satisfied by the two thousand three hundred acre Bear Creek Lake Park, the one thousand six hundred fifty-five acre Hayden Green Mountain Park and State of Colorado parks to the west and south of the city. Therefore, a residential development shall not be obligated to dedicate land for regional park purposes in the city so that the operating standard for dedication of parklands shall be five and five tenths acres of parkland for community parks and neighborhood parks per one thousand population. (Ord. 0-83-137 § 1 (part), 1983).

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14.16.040 CALCULATION OF LAND DEDICATION REQUIREMENTS FOR PARK AND OPEN SPACE. (a) Parkland Standard. All residential developers shall provide a minimum of five and five tenths acres of park area per one thousand anticipated population or cash in lieu thereof.

(b) Population Standard. For purpose of these calculations, the anticipated population of each residential dwelling unit shall be two and five tenths persons per dwelling unit.

(c) Example Calculation.

Proposed development size: 10 acres

Proposed density: 10 units/acre

Park and open space acreage required:

$$10 \text{ development acres} \times \frac{10 \text{ units}}{\text{acre}} \times \frac{2.5 \text{ people}}{\text{unit}} \times \frac{5.5 \text{ acres park}}{1,000 \text{ people}} =$$

1.375 acres of parkland required.

(d) Dwelling Unit Changes. If an area is replatted prior to construction of the development, and the number of anticipated dwelling units increases or decreases by more than ten percent, the developer shall be required to adjust either the amount of parkland dedicated consonant with the aforementioned provisions and formula, or the amount of cash in lieu thereof to provide for the change in units.

(e) If there is a land dedication requirement for school site development, that dedication may partially fulfill the city's park dedication requirements when the parkland to be dedicated is contiguous to the school site. Only the school land devoted to usable play area may be counted toward the city's park dedication requirement.

(f) All or a portion of the park dedication requirement may remain in private ownership for private use of that development

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at the discretion of the Director of Community Resources. The land area, which may remain in private ownership, must:

- (1) not exceed an average slope of 4:1; and
- (2) be privately maintained. (Ord. 0-89-3 § 5 (part), 1989; Ord. 0-83-137 § 1 (part), 1983).

14.16.050 CRITERIA FOR LAND ELIGIBLE FOR PARK AND OPEN SPACE USE. The following criteria will normally apply in determining what type and nature of land will meet the requirement for dedication:

- (1) Land that is accessible from two separate locations by standard maintenance vehicles, or from one location with a minimum fifty foot frontage;
- (2) Land or water bodies contiguous to other acceptable parkland;
- (3) Usable land within the one hundred-year floodway fringe which would not be inundated in a five-year storm;
- (4) Special areas of natural, historical, or cultural significance.

The Director of Community Resources will develop criteria to further define usable land. (Ord. 0-89-3 § 5 (part), 1989; Ord. 0-83-137 § 1 (part), 1983).

14.16.060 CRITERIA FOR LAND NOT ELIGIBLE FOR PARK AND OPEN SPACE USE. The following criteria will normally apply in determining what type and nature of land will not meet the requirement for dedication:

- (1) Land required by Article 15 of the zoning regulations for private open space;
- (2) Land used to fulfill requirements of the city's storm drainage ordinances, such as detention ponds, retention ponds or drainageways;
- (3) Rights-of-way and/or easements of irrigation ditches, laterals and aqueducts, power lines, pipelines or other public

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or private utilities without the written permission of the right-of-way owner;

(4) Hazardous geological land area, mineral extraction areas, and hazardous wildfire areas;

(5) Steep sloped or rugged land area;

(6) Swamps or boggy lands. (Ord 0-83-137 § 1 (part), 1983).

14.16.070 PROCEDURE/FEE DETERMINATION. (a) All land and/or fee requirements in lieu of land for subdivisions and other residential development shall be met at the time of platting. A letter of credit, not to exceed one year in length, may be substituted for the fee requirement at the time of platting.

(b) If the Director of Community Resources determines that a land dedication in accordance with this chapter would not serve the public interest, the Director of Parks and Recreation may require payment of a fee in lieu of the dedication or may require dedication of a smaller amount of land than would otherwise be required, and payment of a fee in lieu of the portion not dedicated. The amount of the fee shall be the fair market value of the land which would otherwise be dedicated; however, the total fee shall not exceed an amount equal to seven hundred dollars per unit.

(c) In the event that a fair market value cannot be determined by mutual agreement between the Director of Community Resources and the developer, the fair market value of the zoned, unplatted, and unimproved land shall be determined by an independent party, being a qualified appraiser who shall be mutually agreed upon by the Director of Community Resources and the developer. The independent party shall be a Member of the Appraisal Institute (MAI) or the Society of Real Estate Appraisers (SRA). The developer and the city shall each pay one-half the cost of the appraisal.

(d) Fees in lieu of a land donation shall normally be required

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when the dedication formula would result in parkland of three acres or less.

(e) Fees shall be payable to the City of Lakewood Conservation Trust Fund designated for the acquisition and/or development of park and open space land in the same Planning District as shown in Concept Lakewood. (Ord. 0-89-3 § 5 (part), 1989; Ord. 0-83-137 § 1 (part), 1983).

14.16.080 SITE DEVELOPMENT STANDARDS – GENERAL. (a) Land that has been platted as public park and open space, or otherwise dedicated to the city, shall not be used in the development process of adjoining lands, except as stated in subsections (b), (c) and (d) of this section, and/or as reflected in an approved subdivision grading plan.

(b) The developer shall be responsible for the installation of public improvements adjacent to the park site including, but not limited to, curb and gutters, streets, storm drainage facilities, and bridges made necessary by the development. Said public improvements will normally be limited to two hundred ten linear feet per acre of parkland. This does not include park development or tap fees unless such improvements are part of the Public Improvements Agreement.

(c) All slopes shall be stabilized in accordance with acceptable engineering standards to prevent public endangerment, and for ease of maintenance. The maximum slope shall normally not exceed 4:1 or other slope treatment will be required.

(d) Sites shall be made easily accessible to city maintenance equipment. (Ord. 0-83-137 § 1 (part), 1983).

14.16.090 INTERPRETATIONS AND APPEAL. Interpretations of the requirements set forth in this chapter shall be

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made by the Director of Community Resources. Appeals of any such interpretations shall be made directly to the Planning Commission. (Ord. 0-89-3 § 5 (part), 1989; Ord. 0-83-137 § 1 (part), 1983).

Chapter 14.20

ENGINEERING REGULATIONS, CONSTRUCTION SPECIFICATIONS AND DESIGN STANDARDS

Sections:

- 14.20.010 Adopted.
- 14.20.020 Copies on file.
- 14.20.030 Compliance.
- 14.20.040 Conflict.
- 14.20.050 Authority.

14.20.010 ADOPTED. Pursuant to Title 31, Article 16, C.R.S., the Engineering Regulations, Construction Specifications and Design Standards of the city of Lakewood, dated September, 1986, are adopted by reference. (Ord. 0-86-107 § 2, 1986).

14.12.020 COPIES ON FILE. One copy of each of the documents adopted in Section 14.20.010 shall be on file in the City Clerk's office and are open to public inspection during regular office hours. (Ord. 0-94-40 § 7, 1994; Ord. 0-86-107 § 6, 1986).

14.20.030 COMPLIANCE. The Engineering Regulations, Construction Specifications, and Design Standards, shall govern construction of public facilities and construction within the public ways of this city; and no such construction shall be approved unless performed and completed in accordance with

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the Engineering Regulations, Construction Specifications, and Design Standards. (Ord. 0-86-107 § 3, 1986).

14.20.040 CONFLICT. In cases of conflict between the Engineering Regulations, Construction Specifications, and Design Standards adopted in this chapter and any other rule, regulation, or ordinance of the city, the Engineering Regulations, Construction Specifications, and Design Standards shall prevail. (Ord. 0-86-107 § 4, 1986).

14.20.050 AUTHORITY. The Director of the Department of Planning, Permits and Public Works shall have and is given the authority to, from time to time and at any time, make minor additions, revisions, and corrections to the Engineering Regulations, Construction Specifications, and Design Standards in accordance with good engineering standards and practice. (Ord. 0-91-59 § 21, 1991; Ord. 0-86-107 § 5, 1986).

Chapter 14.21

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Sections:

- 14.21.010 Purpose.
- 14.21.020 Scope.
- 14.21.030 Permits required.
- 14.21.040 Hazards.
- 14.21.050 Definitions.
- 14.21.060 Grading permit requirements.
- 14.21.070 Qualitative grading requirements.
- 14.21.080 Appeal procedures.
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- 14.21.100 Bonds.
- 14.21.110 Cuts.
- 14.21.120 Fills.
- 14.21.130 Setbacks.
- 14.21.140 Drainage and terracing.
- 14.21.150 Retaining walls.
- 14.21.160 Erosion control.
- 14.21.170 Grading inspection.
- 14.21.180 Completion of work.
- 14.21.190 Conflicting provisions.

14.21.010 PURPOSE. The purpose of this chapter is to protect the public health, safety, and welfare by regulating grading on private property and to establish guidelines which relate to the aesthetic impacts of cuts and fills upon adjacent properties. In preparing a property for development, care should be taken to preserve existing land forms to the maximum extent possible consistent with the need to establish appropriate street grades, drainage patterns, and building sites. (Ord. 0-88-40 § 1 (part), 1988).

14.21.020 SCOPE. This chapter sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction. (Ord. 0-88-40 § 1 (part), 1988).

14.21.030 PERMITS REQUIRED. (A) No person shall do any grading without first having obtained a grading permit from the Director of the Department of Planning, Permits and Public Works except for the following:

(1) An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not except any fill made with

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the material from such excavation nor exempt any excavation having an unsupported height greater than two feet (2') after the completion of such structure.

- (2) Cemetery graves.
- (3) Refuse disposal sites controlled by other regulations.
- (4) Excavations for wells or tunnels or utilities.
- (5) Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, providing such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
- (6) Exploratory excavations under the direction of soils engineers or engineering geologists.
- (7) An excavation which is (a) less than two feet (2') in depth, or (b) which does not create a cut slope greater than two feet (2') in height and steeper than three (3) horizontal to one (1) vertical.
- (8) A fill less than one foot (1') in depth and placed on natural terrain with a slope flatter than five (5) horizontal to one (1) vertical.
- (9) A fill less than three feet (3') in depth, which does not exceed fifty (50) cubic yards on any one lot and does not obstruct a drainage course, and which is not intended to support structures.
- (10) Street right-of-way construction.

(B) No person shall do any grading without first having obtained a grading permit from the Director of the Department of Planning, Permits and Public Works. No grading permit will be issued until such time as the Director of the Department of Planning, Permits and Public Works has approved a grading plan which is accompanied by a final site plan for an impending development. Additionally, the Director has the authority to require, prior to issuance of a grading permit, a haul route to be approved by the Director for transporting any excess dirt material. Further, the Director may require that he approve any site within Lakewood where the excess material is to be dumped. A grading plan shall be valid for a period not to exceed

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six months from the date of approval. An exception to the site plan requirement may be authorized by the Director of the Department of Planning, Permits and Public Works based upon the following circumstances:

- (1) The proposed grading is in direct response to a drainage problem; or
- (2) It is clear that the proposed grading is appropriate for the property, and that no adverse impact on adjacent properties will result; or
- (3) The proposed grading is done to achieve a subgrade or an anticipated street right-of-way and/or drainage structures or outfalls; or
- (4) The proposed grading is overlot grading of a large single-family or PD zoned area, being done prior to approval of a final plat and final site plan, and only in instances where it is clear that such grading will not impact surrounding areas.

In instances where a grading permit is issued prior to approval of a site plan, no building permit will be issued until a site plan (or plot plan in the case of a single-family home or duplex) and final grading plan have been approved by the Director.

A grading permit shall be required for an entire filing or each site, and may cover both excavations and fills.

Existing excavations or embankments in place prior to the adoption of this ordinance will be exempt from the standards outlined herein. This exception is granted only if the grading was done in accordance with Chapter 70 of the Uniform Building Code in effect at the time of grading of the excavation or embankment, and if a grading permit has been issued, and the work performed according to an approved grading plan. (Ord. 0-94-40 §§ 8, 9, 1994; Ord. 0-91-59 § 5 (part), 1991; Ord. 0-88-40 § 1 (part), 1988).

14.21.040 HAZARDS. Whenever the Director of the Department of Community Planning and Development determines that any

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existing excavation or embankment or fill on private property has become a hazard to public safety, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the Director shall within the period specified therein repair or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of this code. Failure to comply with this ordinance will result in the owner's failure to obtain a Certificate of Occupancy for the project, the City issuing a stop work order to halt the work, or any other actions as deemed necessary by the Director. (Ord. 0-94-40 § 10, 1994; Ord. 0-91-59 § 5 (part), 1991; Ord. 0-88-40 § 1 (part), 1988).

14.21.050 DEFINITIONS. For the purposes of this chapter, the definitions listed hereunder shall be construed as specified in this section.

(A) Approval shall mean the proposed work or completed work conforms to this chapter in the opinion of the Director of the Department of Planning, Permits and Public Works.

(B) As-graded is the extent of surface conditions on completion of grading, including the final quantities of cuts and fills that have occurred.

(C) Bedrock is in-place solid rock.

(D) Bench is a relatively level step excavated into earth material on which fill is to be placed.

(E) Borrow is earth material acquired from an off-site location for use in grading on a site.

(F) Civil Engineer is a professional engineer registered in the State of Colorado to practice in the field of civil works.

(G) Civil Engineering is the application of the knowledge of the forces of nature, principles of mechanics and the properties of

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materials to the evaluation, design and construction of civil works for the beneficial uses of mankind.

(H) Compaction is the densification of a fill by mechanical means.

(I) Director is the Director of the Department of Planning, Permits and Public Works of the City of Lakewood, Colorado or his designee.

(J) Earth material is any rock, natural soil or fill and/or any combination thereof.

(K) Engineering Geologist is a geologist experienced and knowledgeable in engineering geology.

(L) Engineering Geology is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil work.

(M) Erosion is the wearing away of the ground surface as a result of the movement of wind, water and/or ice.

(N) Excavation is the mechanical removal of earth material.

(O) Fill is a deposit of earth material placed by artificial means.

(P) Geotechnical engineer. See Soils Engineer.

(Q) Grade is the vertical location of the ground surface

(1) Existing Grade is the grade prior to grading.

(2) Rough Grade is the stage at which the grade approximately conforms to the approved plan.

(3) Finish Grade is the final grade of the site which conforms to the approved plan.

(R) Grading is any excavation or filling, or combination thereof.

(S) Key is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

(T) Site is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

(U) Slope is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

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(V) Soil is sediments or other unconsolidated accumulations of solid particles produced by the physical and chemical disintegration of rocks; may or may not contain organic matter.

(W) Soils Engineer (Geotechnical engineering) is an engineer experienced and knowledgeable in the practice of soils (geo-technical) engineering.

(X) Soils Engineering (Geotechnical engineering) is the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and/or testing of the construction thereof.

(Y) Substantial for purposes of this chapter means the cutting or filling of a site to accomplish a two foot (2') or greater change from natural grade.

(Z) Terrace is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes. (Ord. 0-91-59 § 5 (part), 1991; Ord. 0-88-40 § 1 (part), 1988).

14.21.060 GRADING PERMIT REQUIREMENTS. (A) Plans and Specifications. When required by the Director, each application for a grading permit shall be accompanied by three sets of plans and specifications, and supporting data consisting of a soils engineering report and engineering geology report. These reports will be required on a case-by-case basis as determined by the Director. The plans and specifications shall be prepared and signed by a civil engineer where required by the Director.

(B) Information on Plans and in Specifications. Plans shall be drawn to scale and upon approval will be required to be submitted as mylar reproducible for records. The plans shall be of a sufficient clarity to indicate the nature and extent of the work proposed and shall show in detail that the proposed grading will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. Plans and specifications shall be drawn according to the Engineering Regulations, Construction Specifications and Design Standards of the City of Lakewood.

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(C) For grading plans submitted with a building permit application in the 1-R, 2-R and 3-R Zone Districts, the plans and specifications shall be drawn according to the requirements provided by the Plans and Permits Section of the Department of Planning, Permits and Public Works. The standards of 14.21.070 will apply to single-family and duplex building permit applications.

(D) Soils Engineering Report. The soils engineering report required by Subsection (A) shall include:

- (1) Data regarding the nature, distribution and strength of existing soils,
- (2) Conclusions and recommendations for grading procedures,
- (3) Design criteria for corrective measures, including buttress fills, when necessary,
- (4) Opinions and recommendations covering adequacy of sites to be developed by the proposed grading, including the stability of slopes.

Recommendations included in the report and approved by the Director shall be incorporated in the grading plans or specifications.

(E) Engineering Geology Report. The engineering geology report required by Subsection (A) shall include a description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading. Recommendations included in the report and approved by the Director shall be incorporated in the grading plans or specifications.

(F) Issuance. The provisions of Section 303 of the Uniform Building Code are applicable to grading permits. The Director may require that grading operations and project design be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued. (Ord. 0-91-59 § 4 (part), 1991; Ord. 0-88-40 § 1 (part), 1988).

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14.21.070 QUALITATIVE GRADING REQUIREMENTS. (A)

It shall be the responsibility of the owner/developer to assure that minimal impact on adjacent properties results from the grading proposal. If a substantial change in grade occurs within fifty feet (50') of the property line, the Director shall have the authority to require a less steep slope, more extensive landscape buffering, additional setback or other appropriate measures in order to minimize impacts on adjacent properties.

(B) The grading plan shall include contours extending a minimum of one hundred feet (100') beyond the property lines of the subject site. This distance may be varied or waived by the Director on a case-by-case basis, depending on individual circumstances. Any buildings, trees (exceeding 4" in caliper) or other physical features, such as drainageways, lakes, etc., must be shown on the grading plan. Additionally, the first floor finished elevation of any buildings on the adjacent properties and any tree which may have its roots impacted by the proposed grading shall be shown.

(C) Fill slopes between the subject site and buildings on an adjacent site should not exceed 3 : 1 grade if the height of the

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slope where the fill is occurring exceeds two feet (2'). This gradient is established to assure that the slope is capable of supporting landscape material, can be reasonably maintained, and to mitigate potential impacts such as erosion, deposition and drainage flows on adjacent properties. Acceptable ground cover for such a slope must be reflected on the site plan submitted for such a slope and must be reflected on the site plan submitted with the grading plan. If the Director has waived the site plan requirement, the grading plan shall reflect appropriate ground cover treatment for erosion control.

(D) The height of any proposed building will be considered in evaluating the impact on adjacent land use. The height and setback of buildings on adjacent properties will also be considered to determine if negative impacts with respect to appearance, visibility and drainage would result.

(E) On-site drainage and the need to maintain flows away from the proposed buildings will be considered when reviewing proposed site grading.

(F) Retention of existing land forms by designing buildings which are built into a hillside or which provide walk-out basements is encouraged even though this may result in some slopes which exceed the 3 : 1 standard outlined in 14.21.070(C).

(G) If a site plan is submitted after grading has occurred, changes to the approved grading may be required if the site plan indicates a need for such. (Ord. 0-88-40 § 1 (part), 1988).

14.21.080 APPEAL PROCEDURES. (A) The Planning Commission shall hear and decide appeals from any order, decision or determination made by the Director which relates to failure of the grading plan to meet engineering standards. The Planning Commission shall also hear and decide appeals from any order, decision, or determination made by the Director which relates to failure of the grading plan to meet

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aesthetic/qualitative standards, or failure to mitigate the impact on the subject site or on adjacent properties.

(B) The applicant shall have fourteen days after receiving a written denial from the Director to appeal said denial. Any appeal from an order, decision, or determination of the Director shall require payment of a fee prior to Planning Commission's consideration of the appeal. The amount of this fee shall be established by City Council Resolution. The decision of the Planning Commission shall be final and any appeal from that decision shall be to Jefferson County District Court. (Ord. 0-88-40 § 1 (part), 1988).

14.21.090 GRADING FEES. (A) General. Fees shall be as determined by City Council Resolution.

(B) Plan Review Fees. When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be as set forth by City Council Resolution. Separate plan review fees shall apply to retaining walls or major drainage structures as required elsewhere in this code. For excavation and fill on the same site, the fee shall be based on the volume of excavation or fill, whichever is greater.

(C) Grading Permit Fees. A fee for each grading permit shall be paid to the Director as set forth by City Council Resolution. Separate permits and fees shall apply to retaining walls or major drainage structures as required elsewhere in this code. There shall be no separate charge for standard terrace drains and similar facilities. (Ord. 0-88-40 § 1 (part), 1988).

14.21.100 BONDS. The Director may require a surety bond, cash bond, or letter of credit in such form and amount as may be deemed necessary to assure that the work is completed in accordance with the approved plans and specifications. (Ord. 0-88-40 § 1 (part), 1988).

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14.21.110 CUTS. (A) General. Unless otherwise recommended in the approved soils engineering and/or engineering geology report, cuts shall conform to the provisions of this section. In the absence of an approved soils engineering report, these provisions may be waived for minor cuts not intended to support structures.

(B) Slope. The slope or cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than three (3) horizontal to one (1) vertical except as accordance with the provisions and criteria of Section 14.21.070 of this title. No approval for slopes steeper than 3 : 1 is permitted unless the owner furnishes a soils engineering or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property. The provisions of Section 14.21.070 continue to apply.

(C) Drainage and Terracing. Drainage and terracing shall be provided as required in Section 14.21.140. (Ord. 0-88-40 § 1 (part), 1988).

14.21.120 FILLS. (A) General. Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section. In the absence of an approved soils engineering report, these provisions may be waived for minor fills not intended to support structures.

(B) Fill location. Fill slopes shall not be constructed on natural slopes which have a slope steeper than three (3) to one (1).

(C) Preparation of ground. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials, scarifying to provide a bond with the new fill and, where slopes are steeper than five (5) to one (1) and the height is greater than five feet (5'), by

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benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than five (5) to one (1) shall be at least ten feet (10') wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least ten feet (10') wide but the cut shall be made before placing the fill and must be accepted by the soils engineer or engineering geologist or both as a suitable foundation for fill.

(D) Fill Material. Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the Director, no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills.

Exception: The Director may permit placement of larger rock when the soils engineer properly devises a method of placement, continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

(1) Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.

(2) When required, rock sizes greater than 12 inches in maximum dimension shall be 10 feet or more below grade, measured vertically.

(3) Rocks shall be placed so as to assure filling of all voids with finer material.

(E) Compaction. All fills shall be compacted to a minimum of 90 percent of maximum density as determined by U.B.C. Standard No. 70-1. In place density shall be determined in accordance with U.B.C. Standard No. 70-2, 70-3, 70-4 or 70-5.

(F) Slope. The fill slopes shall be no steeper than three horizontal to one vertical.

(G) Drainage and Terracing. Drainage and terracing shall be

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provided. The area above fill slopes and the surfaces of terraces shall be graded and paved as required by Section 14.21.140. (Ord. 0-88-40 § 1 (part), 1988).

14.21.130 SETBACKS. (A) General. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary.

(B) Top of Cut Slope. The top of cut slopes shall be made not nearer to a site boundary line than ten feet, unless authorized pursuant to Section 14.21.070 of this title. The setback may need to be increased for any required interceptor drains, and as determined by the Director.

(C) Toe of Fill Slope. The toe of fill slope shall be made not nearer to the site boundary line than ten feet (10'), or three feet (3') of setback for each one foot (1') of fill, whichever is greater, unless otherwise allowed pursuant to Section 14.21.070. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the Director deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to:

- (1) Additional setbacks.
- (2) Provision for retaining or slough walls.
- (3) Mechanical or chemical treatment of the fill slope surface to minimize erosion.
- (4) Provisions for the control of surface waters.

(D) Modification of Slope Location. The Director may approve alternate setbacks. The Director may require an investigation and recommendation by a qualified engineer or engineer geologist to demonstrate that the intent of this section has been satisfied. (Ord. 0-88-40 § 1 (part), 1988).

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14.21.140 DRAINAGE AND TERRACING. (A) General. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this section for cut or fill slopes steeper than three (3) horizontal to one (1) vertical.

(B) Terrace. Terraces at least six feet (6') in width shall be established at not more than thirty foot (30') intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be at mid-height. For cut or fill slopes greater than sixty feet (60') and up to one hundred twenty feet (120') in vertical height, one terrace at approximately mid-height shall be twelve feet (12') in width. Terrace widths and spacing for cut and fill slopes greater than one hundred twenty feet (120') in height shall be designed by the civil engineer and approved by the Director. Suitable access shall be provided to permit proper cleaning and maintenance.

Swales or ditches on terraces shall have a minimum gradient of 5 percent and must be paved with reinforced concrete not less than four (4) inches in thickness or with an approved equal paving. They shall have a minimum depth at the deepest point of one foot (1') and a minimum paved width of five feet (5').

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (projected) without discharging into a down drain.

(C) Subsurface drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

(D) Disposal. All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the Director and/or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of nonerosive downdrains or other acceptable devices.

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Building pads shall have a drainage gradient of 2 percent toward approved drainage facilities, unless waived by the Director.

Exception: The gradient from the building pad may be 1 percent if all of the following conditions exist throughout the permit area:

(1) No proposed fills are greater than ten feet (10') in maximum depth.

(2) No proposed finish cut or fill slope faces have a vertical height in excess of ten feet (10').

(3) No existing slope, which has a slope face steeper than ten (10) horizontally to one (1) vertically, has a vertical height in excess of ten feet (10').

(E) Interceptor Drains. Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes towards the cut and has a drainage path greater than forty feet (40') measured horizontally. Interceptor drains shall be paved with a minimum of three (3) inches of concrete or gunite and reinforced. They shall have a minimum depth of twelve (12) inches and a minimum paved width of thirty (30) inches measured horizontally across the drain. The slope of drain shall be approved by the Director. (Ord. 0-88-40 § 1 (part), 1988).

14.21.150 RETAINING WALLS. These regulations governing the installation of retaining walls are applicable to all zone districts. All retaining wall designs shall be reviewed and approved by the appropriate staff of the City of Lakewood to assure structural stability and ensure that their appearance is pleasing and compatible with the building on the site. Planning staff shall review the surface treatment of retaining walls to determine aesthetic appearance and compatibility with the on-site structures. Inspection of retaining walls in the public

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right-of-way or easements will be conducted by the engineering staff. Inspection of retaining walls on private property will be conducted by the Department of Planning, Permits and Public Works staff.

(A) Any retaining wall exceeding thirty inches (30") in height shall be designed and sealed by a Professional Engineer. The design must be reviewed and approved by the appropriate City staff.

(B) If a series of adjacent walls are structurally interdependent and the sum of the height of the walls is greater than thirty inches (30"), the structure will be reviewed as one wall.

(C) Terracing through the use of successive retaining walls shall provide benches sufficient in width to allow for acceptable landscape material and maintenance of that material.

(D) The materials, color, height, and forms of all retaining walls shall be reviewed for their compatibility with buildings, plant materials, land forms, and other on-site and off-site elements.

(E) The retaining wall checklist contained in the current Engineering Regulations, Construction Specifications and Design Standards must be submitted with any request for retaining walls. (Ord. 0-91-59 § 4 (part), 1991; Ord. 0-88-40 § 1 (part), 1988).

14.21.160 EROSION CONTROL. (A) Slopes. The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting. The protection for the slopes shall be installed as soon as practicable and prior to calling for final approval. If wind erosion is occurring, the Director has the authority to immediately require any means necessary to alleviate the erosion, i.e., snow fencing, hay bales, water trucks, etc. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted,

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when substantiated by recommendations contained in the soils engineering or engineering geology reports. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety. (Ord. 0-88-40 § 1 (part), 1988).

14.21.170 GRADING INSPECTION. (A) General. All grading operations for which a permit is required shall be subject to inspection by the Director, if on private property. Engineering Division personnel shall inspect grading within public right-of-way. When required by the Director, special inspection and testing of grading operations shall be performed in accordance with the provisions of Section 306 of the Uniform Building Code and Subsection 14.21.170(C).

(B) Grading Designation. All grading in excess of 5000 cubic yards shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading". Grading involving less than 5000 cubic yards shall be designated "regular grading" unless the permittee, with the approval of the Director, chooses to have the grading performed as "engineering grading."

(C) Engineering Grading Requirements. For engineered grading, it shall be the responsibility of the civil engineer who prepares the approved grading plan to incorporate all recommendations from the soils engineering and engineering geology reports into the grading plan. He also shall be responsible for the professional inspection and approval of the grading. If required by the Director, a special inspection must be conducted to verify the engineering grading was properly administered. This responsibility shall include, but need not be limited to, inspection and approval as to the establishment or line, grade and drainage of the development area. The civil engineering shall act as the coordinating agent in the event the

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need arises for liaison between the other professionals, the contractor and the Director. The civil engineer shall also be responsible for the preparation of revised plans and the submission of as-graded grading plans upon completion of the work. The grading contractor shall submit in a form prescribed by the Director a statement of compliance to the as-built plan.

Soils engineering and engineering geology reports shall be required as specified in Section 14.21.060. During grading, all necessary reports, compaction data and soil engineering and engineering geology recommendations shall be submitted to the civil engineer and the Director by the soils engineer and the engineering geologist.

The soil engineer's area of responsibility shall include, but need not be limited to, the professional inspection and approval of the adequacy of natural ground for receiving fills and the stability of cut slopes with respect to geological matters and the need for subdrains or other groundwater drainage devices. He shall report his findings to the soils engineer and the civil engineer for engineering analysis.

The Director shall inspect the project at the various stages of the work to determine that adequate control is being exercised by the professional consultants.

(D) Regular Grading Requirements. The Director may require inspection and testing by an approved testing agency.

The testing agency's responsibility shall include, but need not be limited to, approval concerning the inspection of cleared areas and benches to receive fill, and the compaction of fills.

When the Director has cause to believe that geologic factors may be involved, the grading operation will be required to conform to the "engineering grading" requirement.

(E) Notification of Non-Compliance. If, in the course of fulfilling his responsibility under this chapter, the civil engineer, the soils engineer, the engineering geologist or the testing

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agency finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the Director. Recommendations for corrective measures, if necessary, shall be submitted by the civil engineer, soils engineer or the engineering geologist.

(F) Transfer of Responsibility for Approval. If the civil engineer, the soils engineer, the engineering geologist or the testing agency of record is changed during the course of the work, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of his technical competence for approval upon completion of the work. (Ord. 0-88-40 § 1 (part), 1988).

14.21.180 COMPLETION OF WORK. (A) Final reports. Upon completion of the rough grading work and at the final completion of the work, the Director may require the following reports and drawings and supplements thereto:

(1) An as-graded grading plan prepared by the civil engineer including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities. The engineer shall state that to the best of his knowledge the work was done in accordance with the final approved grading plan.

(2) A soils-grading report prepared by the soils engineer, including locations and elevations of field density tests, summaries of field and laboratory test and other substantiating data and comments on any changes made during grading and their effect on the recommendations made in the soils engineering investigation report. He shall render a finding as to the adequacy of the site for the intended use.

(3) A geologic grading report prepared by the engineering geologist, including a final description of the geology of the site

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and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. He shall render a finding as to the adequacy of the site for the intended use as affected by geologic factors.

(B) Notification of Completion. The permittee or his agent shall notify the Director when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion-control measures have been completed in accordance with the final approved grading plan and the required reports have been submitted. (Ord. 0-88-40 § 1 (part), 1988).

14.21.190 CONFLICTING PROVISIONS. If there is any conflict between the provisions of this Chapter and the Uniform Building Code, the provisions of this Chapter shall control. (Ord. 0-88-40 § 1 (part), 1988).

Chapter 14.22

UNDERGROUND STORAGE TANK REMOVAL

Section:

14.22.010	Definitions.
14.22.020	Notification.
14.22.030	Abandonment or removal.
14.22.040	Licensed contractors.
14.22.050	Removal.
14.22.060	Inspection fee.
14.22.070	Penalties.

14.22.010 DEFINITIONS. 1. "Operator" means any person in control of, or having responsibility for, the operation of an underground storage tank.

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2. "Owner" means:
 - a. In the case of an underground storage tank in use on or after November 8, 1984, or brought into use after that date, any person who owns an underground storage tank used for the storage, use, or dispensing of regulated substances; or
 - b. In the case of an underground storage tank in use before November 8, 1984, but no longer in use on or after November 8, 1984, any person who owned such tank immediately before the discontinuation of its use.
3. "Person" means any individual, trust, firm, joint-stock company, corporation (including a government corporation), partnership, association, commission, municipality, state, county, city and county, political subdivision of a state, interstate body, consortium, joint venture, or commercial entity or the government of the United States.
4. "Regulated substance" means:
 - a. Any substance defined in section 101 (14) of the federal "Comprehensive Environmental Response, Compensation and Liability act of 1980," as amended, but not including any substance regulated as a hazardous waste under subtitle (C) of the federal "Resource Conservation and Recovery Act of 1976," as amended; or
 - b. Petroleum, including crude oil, and crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).
5. "Release" means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing of a regulated substance from an underground storage tank into groundwater, surface water, or subsurface soils.
6. "Reportable quantities" means those which, as a result of a release of a regulated substance, equal or exceed the reportable

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quantity under the federal "Comprehensive Environmental Response, Compensation, and Liability act of 1980," and its subsequent amendments, and petroleum products in quantities of twenty-five gallons or more.

7. "Tank" means a stationary device designed to contain an accumulation of a regulated substance, constructed of nonearthen materials including, but not limited to, concrete, steel, fiberglass or plastic which provide structural support.

8. (a) "Underground storage tank" means any one or combination of tanks, including underground pipes connected thereto, except those identified in paragraph (b) of this subsection (8), that is used to contain an accumulation of regulated substances and the volume of which, including the volume of underground pipes connected thereto, is ten percent or more beneath the surface of the ground.

(b) "Underground storage tank" does not include:

(1) Any farm or residential tank of one thousand one hundred gallons or less capacity used for storing motor fuel for noncommercial purposes;

(2) Any tank used for storing heating oil for consumptive use on the premises where stored;

(3) Any septic tank;

(4) Any pipeline facility, including its gathering lines, regulated under the federal "Natural Gas Pipeline Safety Act of 1968," as amended, or the federal "Hazardous Liquid Pipeline Safety Act of 1979," as amended, or regulated under Colorado law if such facility is an intrastate facility;

(5) Any surface impoundment, pit, pond, lagoon, or landfill;

(6) Any storm-water or waste-water collection system;

(7) Any flow-through process tank;

(8) Any liquid trap or associated gathering lines directly related to oil or gas production and gathering operations;

(9) Any storage tank situated in an underground area, such as

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a basement, cellar, mine-working, drift, shaft, or tunnel area, if the tank is situated upon or above the surface of the floor; or

(10) Any pipes connected to any tank which is described in subparagraphs (1) to (10) of this paragraph (b). (Ord. 0-91-33 § 1 (part), 1991).

14.22.020 NOTIFICATION. All Owners or Operators of underground storage tanks which contain or have contained a regulated substance must notify the Fire Chief or Police Chief or their designees if any of the following events occur:

1. The underground storage tank will be abandoned in place.
2. The underground storage tank will be removed.
3. The underground storage tank releases reportable quantities of regulated substances. (Ord. 0-91-33 § 1 (part), 1991).

14.22.030 ABANDONMENT OR REMOVAL. No underground storage tank shall be abandoned in place without the prior approval of the Fire Chief or Police Chief or their designees. An Owner or Operator must notify the Fire Chief or Police Chief or designee five days prior to removal of an underground storage tank. (Ord. 0-91-33 § 1 (part), 1991).

14.22.040 LICENSED CONTRACTORS. Underground storage tanks shall be removed only by contractors licensed by the City of Lakewood. Within one year after the date the State Inspector of Oils has established a procedure for licensing underground storage tank installers, as set forth in Section 8-20-601, et seq., C.R.S., underground storage tanks shall be removed only by state-licensed underground storage tank installers. (Ord. 0-91-33 § 1 (part), 1991).

14.22.050 REMOVAL. 1. All underground storage tanks shall be removed according to the guidelines promulgated by the American Petroleum Institute.

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Current guidelines are available at the office of the Lakewood Hazardous Materials Coordinator.

2. All underground storage tanks shall be emptied of contaminants by an acceptable and approved American Petroleum Institute method prior to transportation.

3. Contents shall not be discharged onto any surrounding property.

4. All electrical power and sources of ignition must be shut off prior to excavation.

5. The Fire Chief or Police Chief or their designees must inspect each tank and surrounding area prior to removal.

6. No underground storage tank shall be destroyed or disassembled on site.

7. A state-licensed underground storage tank installer must be present on site during the tank removal process. (Ord. 0-91-33 § 1 (part), 1991).

14.22.060 INSPECTION FEE. The owner or operator shall pay to the City of Lakewood an inspection fee in the following amount:
\$50.00 for the first tank located on site.

\$25.00 for each additional tank located on site. (Ord. 0-91-33 § 1 (part), 1991).

14.22.070 PENALTIES. A violation of this chapter shall be enforced by a charge in the Municipal Court of the City of Lakewood and, additionally, an order from the Fire Chief or Police Chief or their designees to cease the tank removal. The provisions of this ordinance may be enforced by the City of Lakewood and/or the Fire Protection District having jurisdiction over the site of the violation. No remedy provided herein shall be exclusive, and the taking of any action hereunder, including charge or conviction of violation of this chapter in the municipal court, shall not preclude the taking of other action, including civil lawsuits. (Ord. 0-91-33 § 1 (part), 1991).

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Chapter 14.23

SPECIAL IMPROVEMENT DISTRICTS

Sections:

- 14.23.010 Adoption of state statutory procedure.
- 14.23.020 Specific alterations of statutes.
- 14.23.030 Notice requirement.
- 14.23.040 Administrative regulations.

14.23.010 ADOPTION OF STATE STATUTORY PROCEDURE. Except as otherwise provided herein or in the Charter, the statutes of the state of Colorado codified as Part 5 of Article 25 of Title 31, Colorado Revised Statutes, in effect as of the date hereof, shall prescribe the method and manner of creating improvement districts by the City, and all other matters related to such improvement districts. In addition, the City shall have the right and authority to use and operate under the provisions of the statutes of the state of Colorado codified as Part 11 of Article 25 of Title 31, Colorado Revised Statutes, in connection with such improvement districts. (Ord. 0-92-27 § 1, (part), 1992).

14.23.020 SPECIFIC ALTERATIONS OF STATUTES. In accordance with the authority contained in Section 14.23.010 hereof, it is hereby provided that:

(a) The provisions of § 31-25-503(1)(a), (b), (c), and (d), C.R.S., shall not apply to improvement districts created or to be created by the City. Any improvement and any improvement district may be initiated by either: (i) submission to the City of a petition therefor subscribed by the owners of not less than twenty-five percent (25%) of the property by area within an improvement district; or (ii) adoption of an ordinance by the City Council declaring its intention to create the district and construct, install, or otherwise

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acquire such improvements, without the necessity of receiving a petition therefor. References in Title 31, Article 25, Part 5, Colorado Revised Statutes, to the resolution of intention to create a district under § 31-25-503(1)(d), C.R.S., shall be deemed to refer to the ordinance of intention provided herein. If initiated by such ordinance, the City Council shall make a preliminary order as required by §31-25-503(3) in the same manner as if the improvements had been requested by petition. Such preliminary order may be included in the ordinance of intention to construct the improvements. In accordance with Section 10.1(d) of the Charter, the City Council shall create no improvement district without the express written consent of owners of a majority of the property by area within any improvement district. As used in this section, the term "owners" means only those entities or persons in whom record fee title is vested, although such title may be subject to a lien or other encumbrance; and the term "property" means all land, whether platted or unplatted, regardless of improvements thereon and regardless of lot or land lines. Nothing herein shall be construed to require the City to create any improvement district, to construct, install, or otherwise acquire any particular improvement, use any particular materials in connection therewith, or to assess the costs thereof in any particular manner, regardless of any petition therefor.

(b) Petitions may be submitted in counterparts, shall be in such form or forms as may be prescribed by the City Manager, and shall contain: (i) a general description of the improvements petitioned for; (ii) the properties to be assessed; (iii) the requested method or methods of assessing the costs of the improvements; (iv) the names and addresses of the persons or entities signing such petition; (v) the name and address of at least one person who is empowered to represent the signatories thereto; and (vi) such other information as the City Manager may require. Unless otherwise determined by the City Manager, any petition presented to the City Council shall be accompanied by a cash deposit, bond, or other surety acceptable to

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the City Manager, sufficient to cover the costs (as estimated by the City Manager or the City Manager's designee) associated with the giving of notice, the holding of hearings, and all other matters associated with the creation of the district petitioned for therein. If at any time the amount of such surety proves insufficient to cover such costs, the City Manager may order the posting of additional surety, and the failure to post such security as determined by the City Manager will constitute grounds for terminating any proceedings in connection with the district petitioned for. In the discretion of the City Council, after the creation of a district pursuant to a petition, the costs of creating such district which were paid from such surety may be reimbursed to the appropriate persons or entities from the proceeds of any bonds or other obligations issued to construct, install, or acquire the improvements, or from any other moneys allocable to the district. Unless the City Council determines to reimburse such costs, the costs of creating such district which were paid from such surety shall be non-refundable.

(c) Upon either: (i) receipt of a petition meeting the requirements of this section; or (ii) adoption of an ordinance declaring the intention of the City Council to create a district, the notice provided in § 31-25-503(4), C.R.S., shall be given; provided that pursuant to §31-25-503(4.5), C.R.S., such notice and hearing may be waived. A certificate signed by the City Clerk or the City Manager certifying that such notice was mailed or delivered in accordance with §31-25-503(4), C.R.S., shall be conclusive of the facts so stated.

(d) The provisions of §31-25-516, C.R.S., shall not apply to improvement districts created by the City. The letting of contracts for the construction, installation, or other acquisition of improvements for improvement districts shall be in such manner as may be determined by the City Manager to be in the best interests of the city.

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(e) The provisions of §31-25-518, C.R.S., shall not apply to improvement districts created by the City. Contracts for the construction, installation, or other acquisition of improvements for improvement districts shall contain such provisions as may be determined by the City Manager to be in the best interests of the City.

(f) The provisions of §31-25-534, C.R.S., shall not apply to improvement districts created or to be created by the City. The City may issue securities for the purposes of paying any costs in connection with a district or the improvements therefor, including the costs of refunding outstanding special assessment securities, which securities shall be payable from special assessments, and which payment may be additionally secured as provided herein. The securities may be issued in such form and amount, bearing such interest rate or rates, payable in such period, bearing such signatures or other evidences of authentication, payable in such manner and in such place or places, and having such other terms, as may be determined by the City Council and set forth in the ordinance or other documents pertaining to the issuance of the securities. In accordance with Section 10.4 of the Charter, whenever there has been paid and canceled three-fourths ($\frac{3}{4}$) of the securities issued for a district and for any reason the remaining assessments are not paid in time to redeem the final securities for a district, the City may pay the securities when due and reimburse itself by collecting the unpaid assessments due the district.

(g) The provisions of § 31-25-527, C.R.S., shall not apply to improvement districts created or to be created by the City.

(h) The provisions of § 31-25-538, C.R.S., shall not apply to improvement districts created or to be created by the City. In accordance with Section 10.5 of the Charter, no action or proceeding, at law or in equity, to review any acts or proceedings, or to question the validity of, or enjoin the issuance or payment of any securities; or the levy or collection of any assessments authorized by Article X of the Charter or this Ordinance, or for any other relief against

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any acts or proceedings of the City done or had under Article X of the Charter or this Ordinance, shall be maintained against the City, unless commenced within twenty (20) days after the performance of such act or the effective date of the ordinance or resolution complained of, or else be thereafter forever barred. (Ord. 0-92-27 § 1, (part), 1992).

14.23.030 NOTICE REQUIREMENT. It shall be unlawful for any person to knowingly sell, convey, or otherwise transfer real property which is within a special improvement district created by the City, or any interests in such property, without disclosing to the purchaser or transferee, in writing, the existence of such special improvement district. (Ord. 0-92-27 § 1, (part), 1992).

14.23.040 ADMINISTRATIVE REGULATIONS. The City Manager shall have the power to adopt rules and regulations not inconsistent with the provisions hereof, concerning the creation and administration of improvement districts, and other matters concerning such districts. (Ord. 0-92-27 § 1, (part), 1992).

HOUSING CODE

Title 15

HOUSING CODE

Chapters:

- 15.01 Title and Scope
- 15.02 Enforcement
- 15.03 Permits and Inspections
- 15.04 Definitions
- 15.05 Housing Code Minimum Standards
- 15.06 Notices and Orders of Superintendent of Code
Enforcement
- 15.07 Appeal
- 15.08 Procedures for Conduct of Hearing Appeals
- 15.09 Enforcement of the Order of the Housing Advisory
and Appeals Board
- 15.10 Performance of Work of Repair or Demolition
- 15.11 Recovery of Cost of Repair or Demolition

TITLE AND SCOPE

Chapter 15.01

TITLE AND SCOPE

Sections:

- 15.01.010 Title.
- 15.01.020 Findings of fact and declaration of policy.
- 15.01.030 Scope.

15.01.010 TITLE. The provisions of this title shall constitute and shall hereafter be known as the "Lakewood Housing Code." The code may be cited as "The Housing Code" and will be referred to in this title as "this code." (Ord. 0-76-22 § 1 (part), 1976).

15.01.020 FINDINGS OF FACT AND DECLARATION OF POLICY. (a) Legislative Findings of Fact. It is found and declared that there exist in the city, structures used for human habitation which are, or may become in the future, substandard with respect to structure, equipment or maintenance, and, further, that such conditions, together with inadequate provision for light and air, insufficient protection against fire hazards, lack of proper heating, unsanitary conditions and overcrowding, constitute a menace to the health, safety, welfare and reasonable comfort of its citizens. It is further found and declared that the establishment and maintenance of minimum housing standards are essential to the prevention of blight and decay, and the safeguarding of public health, safety, and general welfare.

(b) Declaration of Policy. The purpose of this code is to establish and maintain basic minimum requirements, standards and conditions essential for the protection of the health, safety, and general welfare of the public and of the owners and occupants of dwellings in the city; to establish minimum

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standards governing the condition, use, operation, occupancy and maintenance of dwellings and other structures, and the utilities, facilities and other physical components, things and conditions to be supplied to dwellings in order to make dwellings safe, sanitary and fit for human habitation; to fix certain responsibilities and duties of owners, operators, agents and occupants of dwellings; to authorize and establish procedures for the inspection of dwellings and the correction of violations of the provisions of this code so as to eliminate and to prevent all conditions in and about dwellings which are now or which may in the future become so unsafe, dangerous, unhygienic or unsanitary as to constitute a menace to the health, safety, and welfare of the people. (Ord. 0-76-22 § 1 (part), 1976).

15.01.030 SCOPE. (a) Application. No building, structure, or premises, or any part thereof, shall be used, designed, or maintained for human habitation unless it conforms with the provisions of this code. The provisions of this code shall apply and prevail irrespective of when such building or structure has been constructed, altered or repaired and irrespective of any permits or licenses heretofore issued relating to the use, occupancy, construction, or repair of such building or structure or the installation or repair of the facilities thereof; provided, however, that if a building or structure was constructed during or after the year 1960 in compliance with the then applicable building code, and since maintained so that the same is fit for human habitation, such building or structure shall be deemed to comply with the provisions of this code.

Where any building or portion thereof is used as a combination apartment house-hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings.

Notwithstanding any other provision of this code, the

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housing code shall not apply to single-family dwellings which are occupied only by the owner or the owner's family; provided, however, that an owner-occupant of a single-family dwelling may request inspection by the city in order to determine whether the dwelling is in compliance with this code. In the event of such a request, the Superintendent of Code Enforcement shall cause such an inspection to be made, for a reasonable fee, in an amount set by the City Manager; and following such inspection the owner shall be furnished with a written report of inspection showing whether there are any violations of the housing code and, if so, the proper method or methods which may be used to bring the dwelling into conformity with this code. Such inspection shall be performed for informational purposes only, and request for and performance of such an inspection shall not cause this code to apply to a single-family dwelling occupied only by the owner or the owner's family.

(b) Alteration. Existing buildings which are altered or enlarged shall be made to conform to this code insofar as the new work is concerned and in accordance with Section 14.03.040(a), (b), (c), (d), (e), and (i) of the Lakewood Municipal Code.

(c) Relocation. Existing buildings which are moved or relocated shall comply with all the requirements of this code. (Ord. 0-76-22 § 1 (part), 1976).

ENFORCEMENT

Chapter 15.02

ENFORCEMENT

Sections:

- 15.02.010 Reference to Division of Development Services.
- 15.02.020 Powers and duties of Superintendent of Development Services.
- 15.02.030 Substandard buildings.
- 15.02.040 Housing Advisory and Appeals Board.
- 15.02.050 Liability.
- 15.02.060 Cooperation of other officials.

15.02.010 REFERENCE TO DIVISION OF DEVELOPMENT SERVICES. Whenever reference is made to the Division of Development Services, the same shall be taken to mean the Division of Development Services of the Department of Community Development of the city of Lakewood. Whenever the words "Superintendent of Development Services" are used in this title, such words shall be taken to mean the chief administrative officer of the Division of Development Services of the Department of Community Development. (Ord. 0-79-46 § 5 (part), 1979; Ord. 0-76-22 § 1 (part), 1976).

15.02.020 POWERS AND DUTIES OF SUPERINTENDENT OF DEVELOPMENT SERVICES. (a) General. The Superintendent of Development Services is authorized and directed to enforce all the provisions of this code; provided, however, that the Superintendent of Development Services shall not enforce the provisions of this code against owner-occupied single-family dwellings unless such owner requests inspection by the city; and, provided, further, that the Superintendent of

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Development Services shall enforce the provisions of this code against all other buildings, structures or portions thereof, only upon receipt by the city of a complaint concerning such building, structure, or portion thereof. For such purpose he shall not be a sworn police agent of the city.

(b) Deputies. With the approval of the Director of the Department of Community Development or of the City Manager, the Superintendent of Development Services may appoint such number of officers, inspectors and assistants, and other employees as may be authorized from time to time for the purpose of enforcing the provisions of this code. He may deputize such employees as may be necessary to carry out the functions of the Superintendent of Development Services. Employees deputized by the Superintendent of Code Enforcement shall be "peace officers" for the purpose of signing, issuing and serving summons and complaints, but shall not be sworn police agents of the city. Such employees shall be "authorized representatives" of the Superintendent of Development Services for all purposes of this code.

(c) Reports and Records. The Superintendent of Development Services shall keep files on all permits, and other records, including an accurate account of all fees and other moneys collected and received under this code, as well as a master file of the actions of his division. The Superintendent of Development Services shall make monthly reports of licenses issued, inspections made and all other activities undertaken under this code to the Director of Community Development. The Superintendent of Development Services is charged with maintaining all permanent file records as are required by law. (Ord. 0-76-22 § 1 (part), 1976).

15.02.030 SUBSTANDARD BUILDINGS. All buildings, structures, or portions thereof which are determined not to meet the minimum standards as set forth in this code are public

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nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified in Section 15.06.010 of this code. (Ord. 0-76-22 § 1 (part), 1976).

15.02.040 HOUSING ADVISORY AND APPEALS BOARD. In order to provide for final interpretation of the provisions of this code and to hear appeals provided for hereunder, there is established a Housing Advisory and Appeals Board consisting of the members of the Lakewood Housing Authority. The Housing Coordinator shall be an ex officio member of the board and shall act as secretary to the board. The board may adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the appellant with a copy to the Superintendent of Development Services and to the Housing Coordinator. Appeals to the board shall be processed in accordance with the provisions contained in Section 15.07.010 of this code. Copies of all rules and regulations adopted by the board shall be delivered to the Superintendent of Development Services and Housing Coordinator, who shall make them freely accessible to the public. (Ord. 0-76-22 § 1 (part), 1976).

15.02.050 LIABILITY. The Superintendent of Development Services, or any employee charged with the enforcement of this code, acting in good faith and without malice for the city in the discharge of his duties, shall not thereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties. Any suit brought against the Superintendent of Development Services or employee, because of such act or omission performed by him in the enforcement of any provisions of this

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code, shall be defended by the Office of the City Attorney until final termination of the proceedings. (Ord. 0-76-22 § 1 (part), 1976).

15.02.060 COOPERATION OF OTHER OFFICIALS. The Superintendent of Development Services may request, and shall

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receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of other officials of the city. (Ord. 0-76-22 § 1 (part), 1976).

Chapter 15.03

PERMITS AND INSPECTIONS

Sections:

- 15.03.010 General provisions.
- 15.03.020 Fees.
- 15.03.030 Inspection.

15.03.010 GENERAL PROVISIONS. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or cause or permit the same to be done, without first obtaining a separate building permit for each such building or structure from the Superintendent of Code Enforcement in the manner and according to the applicable conditions prescribed in Chapter 14.05 of the Lakewood Municipal Code. (Ord. 0-76-22 § 1 (part), 1976).

15.03.020 FEES. Whenever a building permit is required by Section 15.03.010, the appropriate fees shall be paid to the Superintendent of Code Enforcement as specified in Section 14.05.030 of the Lakewood Municipal Code; provided, however, that the Superintendent of Code Enforcement may waive the fee for good cause shown. (Ord. 0-76-22 § 1 (part), 1976).

15.03.030 INSPECTION. All buildings or structures within the scope of this code and all construction or work for which a

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permit is required, shall be subject to inspection by the Superintendent of Code Enforcement, and the Fire Chiefs of the Fire Protection Districts within the city, or their designees, in accordance with and in the manner provided by this code and Sections 14.05.040 and 14.05.050 of the Lakewood Municipal Code. (Ord. 0-76-22 § 1 (part), 1976).

Chapter 15.04

DEFINITIONS

Sections:

15.04.010 Definitions.

15.04.010 DEFINITIONS. For the purpose of this code, abbreviations, terms, phrases, words, and their derivatives, if defined in the Lakewood Building Code, shall be construed as specified therein, except as defined as follows:

(1) "Alter or alteration" means any change, addition to or modification in construction or occupancy.

(2) "Approved" means accepted as satisfactory by the Superintendent of Code Enforcement or his authorized representatives as being in accordance with the requirements of this code.

(3) "Basement" means that portion of a dwelling between floor and ceiling which is partly below and partly above grade and the average grade of the adjoining ground abutting the exterior wall or walls of the dwelling unit.

(4) "Cellar" means that portion of a dwelling located partly or wholly below grade and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground abutting the exterior wall or walls of the dwelling unit.

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(5) "Cleanable" means having a smooth, hard surface, free from unsealed breaks, and impervious to such amounts of water as would be used in cleaning.

(6) "Door" means an opening in solid wall for the ingress and egress of persons. It includes doorways, lintels or headers, casings, frames, sills, and doors with or without glazing.

(7) "Draft diverter" means a device attached to or made part of the vent outlet from an appliance and designed to: insure the ready escape of products of combustion, in the event of no draft, back draft, or stoppage in the vent or flue beyond the draft hood; prevent a back draft from entering the appliance; neutralize the effect of stack action of the flue upon operation of the appliance.

(8) "Dwelling" means any building which is wholly or partly used or maintained for living or sleeping by human occupants.

(9) "Dwelling, single-family" means a building designed for occupancy and occupied by not more than one family.

(10) "Dwelling unit" means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used for living and sleeping and a part of which is exclusively or occasionally appropriated to cookery or eating.

(11) "Electrical convenience outlet" means a point on the electrical wiring system equipped with one or more receptacles intended to receive attachment plugs from which current is taken to supply utilization equipment.

(12) "Elements" means wind, rain, snow, hail, or sleet, or surface run-off water.

(13) "Exit" means the way out from any point in a building along a continuous and unobstructed line of travel which ultimately leads to a street or other public thoroughfare.

(14) "Family" means any number of individuals living together as a single housekeeping unit.

(15) "Garbage" means the animal and vegetable waste

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resulting from the handling, preparation, cooking, consumption or nonconsumption of food.

(16) "Habitable room" means a room or enclosed floor space used, or designed to be used for living, sleeping, eating, or cooking, excluding bathrooms, toilet compartments, closets, halls, and storage places.

(17) "Hotel" means an establishment that provides temporary lodging in guest rooms and in which meals, entertainment, and various personal services for the public may or may not be provided.

(18) "Housing coordinator" means the chief administrative officer of the Housing Division of the Department of Community Development.

(19) "Makeshift repairs" means not in accordance with code requirements, rules and regulations, accepted practices, prevailing standards, or design of licensed constructors or manufacturers' recommendations.

(20) "Multiple dwelling" means any dwelling containing more than two dwelling units.

(21) "Occupant" means any person living, sleeping, cooking in, or having possession of, a dwelling unit or rooming unit.

(22) "Operator" means any person, including the owner as defined in this section, who manages, has charge of, or controls any dwelling, or parts thereof, in which dwelling units or rooming units are let.

(23) "Owner" means any person who, alone or jointly, or severally with others, or in a representative capacity such as an executor or trustee, has legal or equitable title to any dwelling or dwelling unit with or without accompanying actual possession thereof.

(24) "Privacy" means completely enclosed by partitions, doors, or opaque windows, from floor to ceiling and wall to wall.

(25) "Rooming unit" means a particular type of dwelling

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unit which consists of a room or group of rooms providing minimum housing accommodations for a roomer, arranged primarily for sleeping and studying, and which may include a private bath, but does not include a sink or any cooking device.

(26) "Roominghouse" means any dwelling, or that part of any dwelling, containing one or more rooming units in which space is let to persons who occupy those units more than fourteen days continuously, and may include a communal kitchen.

(27) "Rubbish" means and includes all waste and litter, whether putrescible or nonputrescible, combustible or noncombustible, and includes but is not limited to ashes, cans, paper, wrappings, cigarettes, cardboard, yard clippings, leaves, branches, wood, waste building materials, glass, grass clippings, bedding, crockery, abandoned or unsafe household furnishing, carcasses of dead animals, and other like materials.

(28) "Sound condition" and "good repair" mean freedom from defects that would endanger the health, safety, and welfare of the occupants therein.

(29) "Stairway" means all stairwells, and includes stair stringers, risers, treads, handrails, banisters, and vertical and horizontal supports.

(30) "Supplied" means paid for, furnished, provided by, or under the control of the owner or operator.

(31) "Trap" means a fitting or device in a plumbing system so designed and constructed as to provide, when properly vented, a liquid seal which will prevent the back passage of air without materially affecting the flow of sewage or waste water through it.

(32) "Vent" means a pipe designed to convey the product of combustion from an appliance to a flue or chimney.

(33) "Vent stack" means a vertical pipe connected with all vent pipes carrying off foul air or gases from a building. It extends through the roof and provides an outlet for gases and

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contaminated air and also aids in maintaining a water seal in the trap.

(34) "Ventilation" means free circulation of air in a room or building; a process of changing air in a room by either artificial or natural means; any provisions made for removing contaminated air or gases from a room and replacing the foul air by fresh air.

(35) "Window" means an opening in solid wall for the interior illumination and ventilation of a structure. It includes lintels or headers, casings, sills, frames, and glazing. (Ord. 0-76-22 § 1 (part), 1976).

Chapter 15.05

HOUSING CODE MINIMUM STANDARDS

Sections:

- 15.05.010 Minimum standards for basic equipment and facilities.
- 15.05.020 Minimum standards for light, ventilation, and heating.
- 15.05.030 General requirements relating to safe and sanitary maintenance of parts of dwellings and dwelling units.
- 15.05.040 Minimum space, use, and location requirements.
- 15.05.050 Plumbing.
- 15.05.060 Plumbing fixtures and maintenance.
- 15.05.070 Water supply and distribution.
- 15.05.080 Heating and water heating facilities.
- 15.05.090 Electrical requirements and lighting.
- 15.05.100 Food preparation and food storage areas.
- 15.05.110 Windows, doors and hatchways.
- 15.05.120 Stairways.

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15.05.130 Safe maintenance of utilities and equipment.

15.05.140 Egress.

15.05.150 Rooming houses.

15.05.010 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES. No person shall occupy, or own and allow to be occupied, or let to another for occupancy, any dwelling which does not comply with the following requirements:

(1) Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to an approved water and sewer system.

(2) Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet in good working condition and properly connected to an approved water and sewer system.

(3) Every dwelling unit shall contain within its walls a lavatory basin in good working condition and properly connected to an approved water and sewer system and located in the same room as the flush water closet or as near to that room as practicable.

(4) Every dwelling unit shall contain a room which affords privacy to a person within said room, and which is equipped with a bathtub or shower in good working condition and properly connected to an approved water and sewer system.

(5) Every dwelling unit shall have at least one flush water closet, lavatory basin, and bathtub or shower; further, a total of eight occupants, or the number in the family plus two other occupants in a dwelling unit, may share a single flush water closet, a single lavatory basin, and a single bathtub or shower if:

(A) Such water closet, lavatory basin, and bathtub or shower is in good working condition and properly connected to the water and sewer system and is reasonably accessible to the

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occupants of the dwelling unit without passing through any room of another dwelling unit; and

(B) The dwelling unit is in the same building and arranged so that the occupants of the unit are not required to go outside the building to reach the facilities.

(6) Every kitchen sink, lavatory basin, bathtub, or shower required under these provisions shall be connected to both hot and cold water lines in an approved manner.

(7) Every dwelling unit shall be supplied with rubbish and garbage containers that meet the following requirements:

(A) It is a nonabsorbent container.

(B) Such container shall have a nonabsorbent, tight-fitting lid.

(C) Incinerators or ash pits shall not be used for rubbish or garbage containers. (Ord. 0-76-22 § 1 (part), 1976).

15.05.020 MINIMUM STANDARDS FOR LIGHT, VENTILATION, AND HEATING. No person shall occupy, or own and allow to be occupied, or let to another for occupancy any dwelling, or dwelling unit, which does not comply with the following requirements:

(1) Every habitable room in a dwelling or dwelling unit shall have at least one window or a skylight facing directly to the outside. The Superintendent of Code Enforcement may approve an indirect means of supplying illumination to such rooms without direct openings to the exterior provided that ventilation as required by subsection (2) of this section is supplied.

(2) At least one window or skylight required by subsection (1) of this section shall be easily openable unless there is some other comparable method of ventilating the room.

(3) Every bathroom and water closet compartment shall have at least one window or skylight facing directly to the outside in order to provide adequate ventilation. The

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Superintendent of Code Enforcement may approve some other acceptable method of ventilation.

(4) Every dwelling, rooming unit, and dwelling unit shall have heating facilities which are installed in an approved manner and are maintained in a safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments located therein to a temperature of at least sixty-eight degrees Fahrenheit at a distance three feet above floor level, when the temperature outside is minus-five degrees Fahrenheit. Such heating equipment shall be operated to maintain a reasonable temperature in all habitable rooms.

(5) Every public hall or stairway in or leading into every multiple dwelling shall have a minimum of five footcandles of illumination measurable with a standard light meter at floor level in halls and tread levels on stairways, at all times when the structure is occupied.

(6) Every dwelling shall be supplied with electricity and shall meet the following requirements:

(A) Every habitable room shall contain one electrical convenience outlet for each twenty lineal feet, or major fraction thereof, measured horizontally around the room at the baseboard line, except that in each habitable room, one supplied electric light fixture will be accepted in lieu of one of the required electrical convenience outlets, provided that each habitable room contains at least one electrical convenience outlet.

(B) Every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one ceiling- or wall-type electric light and fixture.

(C) Every outlet and fixture shall be installed in an approved manner and maintained in good and safe working condition. (Ord. 0-76-22 § 1 (part), 1976).

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15.05.030 GENERAL REQUIREMENTS RELATING TO THE SAFE AND SANITARY MAINTENANCE OF PARTS OF DWELLINGS AND DWELLING UNITS. No person shall occupy, or own and allow to be occupied, or let to another for occupancy, any dwelling or dwelling unit which does not comply with the following requirements:

(1) Every foundation, floor, roof, ceiling, exterior and interior wall shall be reasonably weathertight, watertight, and kept in sound condition and good repair, and shall be capable of affording privacy for the occupants.

(2) Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch and every appurtenance thereto shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.

(3) Every plumbing fixture and water and waste pipe shall be installed in an approved manner, and maintained in good, sanitary working condition, free from leaks and obstructions. (Ord. 0-76-22 § 1 (part), 1976).

15.05.040 MINIMUM SPACE, USE, AND LOCATION REQUIREMENTS. No person shall occupy, or own and allow to be occupied, or let to another for occupancy any dwelling or dwelling unit which does not comply with the following requirements:

(1) Every dwelling unit shall contain at least one hundred fifty square feet of floor space for the first occupant thereof and at least one hundred additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area; provided, that nonhabitable areas shall be counted in determining the maximum permissible occupancy up to ten percent of the total habitable area; further, every room occupied for sleeping purposes by one person shall contain at least seventy square feet

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of floor space and every room occupied for sleeping purposes by more than one person shall contain at least thirty square feet of floor space for each additional occupant thereof.

(2) At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet, and the floor area of that part of any room where the ceiling is less than five feet shall not be considered as habitable area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(3) No basement or cellar space shall be let as a habitable room and no basement or cellar space shall be used as a dwelling unit or rooming unit unless:

(A) The floor and walls meet the standards as required by Section 15.05.030(1);

(B) Illumination is provided as required in Section 15.05.020(1) and (2);

(C) The facilities for ventilation in each room are equal to at least the minimum as required under Section 15.05.020. (Ord. 0-76-22 § 1 (part), 1976).

15.05.050 PLUMBING. No person shall occupy, or own and allow to be occupied, or let to another for occupancy, any dwelling or dwelling unit which does not comply with the following requirements.

(1) A kitchen sink shall be of seamless construction with rounded internal angles and corners. The internal surfaces shall be smooth, easily cleanable, and impervious to water and grease. Such sink shall be no smaller than twenty inches by sixteen inches, with a minimum uniform depth of six inches and a maximum uniform depth of twenty inches. Stone and concrete laundry tubs, lavatory basins, or bathtubs shall not be acceptable substitutes for kitchen sinks.

(2) Every flush water closet shall have an integral water-seal trap and shall be provided with an integral flushing rim

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constructed so as to flush the entire interior of the bowl.

(3) Water closets shall have smooth, impervious, easily cleanable surfaces free from cracks, breaks, leaks, and makeshift repairs. Water closets shall be equipped with seats and flush tank covers constructed of smooth materials which are free of cracks and breaks and which are impervious to water.

(4) Pan, valve, plunger, offset, washout, latrine, frost-proof hopper, and other water closets having an invisible seal or an unvented space, or having interior walls which are not thoroughly washed at each discharge are prohibited. Direct flush valves connected to water closets shall be equipped with vacuum breakers.

(5) Lavatory basin surfaces shall be smooth, unbroken, easily cleanable and impervious to water and grease. Stone and concrete laundry tubs, sinks used for kitchen purposes, and bathtubs shall not be acceptable substitutes for lavatory purposes.

(6) Every bathtub shall have a smooth, impervious, and easily cleanable inner surface free from cracks, breaks, leaks, and makeshift repairs.

(7) Every shower compartment or cabinet shall have a base with a leak-proof receptor. Said base shall pitch sufficiently to drain completely. Said base shall be made of materials such as precast stone, cement aggregates, preformed metals or materials of similar characteristics. The interior walls and ceiling surfaces of the shower cabinet or compartment shall be made of smooth, nonabsorbent materials free of sharp edges. Finishes of walls and ceilings which readily peel shall not be considered acceptable. The top of shower compartments or cabinets shall not be less than six feet above the floor. The interior of every shower cabinet or compartment shall be watertight, maintained in good repair, and easily cleanable.

(8) The walls adjacent to built-in bathtubs with overhead showers shall be covered with a material which is not adversely

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affected by moisture to a height of not less than six feet.

(9) Shared flush water closets and bathtub or shower shall be located in a room affording privacy to a person within said room, and shall be accessible to occupants of all units without passing through any room of any other unit. Shared toilet and bath facilities shall be located on the same or adjacent floor as the rooming unit served by it.

(10) The floor, walls, and ceiling of every bathroom and shower room shall have a smooth, impervious, and easily cleanable surface free from breaks, cracks, holes, peeling paint, and makeshift repairs. Notwithstanding the foregoing provisions of this section, carpeting and other approved materials shall be allowed in a bathroom located within one dwelling unit, provided that such a bathroom is not shared by any other rooming unit. The use of carpeting in communal bathrooms located within rooming houses or shared by rooming units is prohibited. (Ord. 0-76-22 § 1 (part), 1976).

15.05.060 PLUMBING FIXTURES AND MAINTENANCE. No person shall occupy, or own and allow to be occupied, or let to another for occupancy, any dwelling or dwelling unit which does not comply with the following requirements:

(1) Plumbing fixtures, except those having integral traps, shall be separately trapped by a water seal trap, placed as near the fixture outlet as possible, and shall be reasonably accessible for inspection.

(2) The vertical distance from the fixture outlet to the trap weir shall not exceed twenty-four inches, except in the case of flush water closets with integral water seal traps.

(3) One trap may be installed for a set of not more than three single compartment sinks or laundry trays, or three lavatory basins immediately adjacent to each other in the same room, if the waste outlets are not more than thirty inches apart

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and if the trap is centrally located for the set.

(4) No trap shall be larger than the fixture drain to which it is connected.

(5) Cleanouts on the seal of a trap shall be made tight with a threaded cleanout plug and approved washer.

(6) No fixture shall be double-trapped.

(7) Cleanouts shall be easily and reasonably accessible.

(8) Concealed cleanouts shall be extended to the surface or provided with access doors. If a cleanout plug is located where there is foot traffic, the head should be countersunk to prevent accidents, or a recess in the floor must be provided.

(9) All floor outlet fixtures shall be rigidly secured by screws or bolts. Wall-hung fixtures shall be rigidly supported by metal hangers or bolts.

(10) Hangers and anchors shall be made of metal of sufficient strength to maintain a proportional share of the pipe alignment.

(11) Vent pipes shall be made of cast iron, galvanized wrought iron, galvanized open-hearth iron, galvanized steel, brass, copper, or lead, plastic or other approved material.

(12) No back vent shall be installed within two pipe diameters of the trap weir.

(13) Wet-venting, stack-venting, circuit- and loop-venting, relief-venting, and the size and length of vents shall be installed and maintained according to sound engineering practices.

(14)(A) It is unlawful for any person to deposit, by any means whatsoever, into any plumbing facility, floor drain, interceptor, sump, receptacle or device, which is connected to any drainage system, public sewer, private sewer, septic tank or cesspool, any ashes, cinders, solids, rags, inflammable, poisonous, or explosive liquids or gases, oils, grease, or any other thing whatsoever which would, or could, cause damage to the drainage system or public sewer.

(B) Roofs, innercourt yards, vent shafts, light wells, or

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similar areas having rainwater drains which discharge to the outside of the building or to the gutter, shall not be connected to the drainage system unless first approved by the Superintendent of Code Enforcement. (Ord. 0-76-22 § 1 (part), 1976).

15.05.070 WATER SUPPLY AND DISTRIBUTION. No person shall occupy, or own and allow to be occupied, or let to another for occupancy, any dwelling or dwelling unit which does not comply with the following requirements:

(1) Potable water is required in all dwelling units. When the said premises are connected to a private water supply system, the private system shall be tested and approved as a sanitary source of water supply by the Superintendent of Code Enforcement or his authorized representative.

(2) Potable and nonpotable water supplies shall be distributed through systems entirely independent of each other, and actual or potential cross-connections between such supplies is prohibited. Potable water supply piping, water discharge outlets, backflow prevention devices, or similar equipment shall not be so located as to make possible their submergence in any contaminated or polluted liquid or substance.

(3) Every fixture supply pipe shall be protected from backflow, preferably by having the outlet from which the water flows spaced a distance either above the flood-level rim or above an overflow of the receptacle into which the water flows, sufficient to provide a "minimum required air gap."

(4) The minimum required air gap shall be measured vertically from the end of the faucet spout, or supply pipe to the flood-level rim of the fixture or vessel. The air gap shall be twice the diameter of the water inlet opening, but in no case less than one inch. Where not possible to provide a minimum air gap or backflow preventer, other approved protection shall be provided.

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(5) Flushometers shall be equipped with an approved vacuum breaker. The vacuum breaker shall be installed on the discharge side of the flushing valve with the critical level at least four inches above the overflow rim of the bowl.

(6) Flushing tanks shall be equipped with an approved ball cock. The vacuum breaker shall be installed with the critical level at least one inch above the full opening of the overflow pipe.

(7) Trough urinals shall be equipped with a vacuum breaker installed on the discharge side of the last valve and not less than thirty inches above the spray pipe.

(8) Lawn sprinkling systems shall be equipped with a backflow preventer on the discharge side of each of the last valves. The backflow preventer shall be at least six inches above the highest head, and at no time less than six inches above surrounding ground.

(9) Materials for water distributing pipes and tubing shall be brass, copper, lead, cast iron, wrought iron, open-hearth iron, or steel or other approved material with appropriate approved fittings.

(10) Used Piping. No piping material that has been used for other than potable water supply system shall be reused in the potable water supply system.

(11) Drainage System (Aboveground Piping within Buildings). Soil and waste piping for a drainage system within a building shall be of cast iron, galvanized wrought iron, galvanized open-hearth iron, galvanized steel, lead, brass, copper pipe, copper tube or other approved material.

(12) Underground. All drains within buildings, when underground, shall be of approved cast iron, soil pipe, or as specifically approved by the Building Official or his authorized representative.

(13) Minimum Size of Soil and Waste Stacks. No soil or waste stack shall be smaller than the largest horizontal branch

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(5) Flushometers shall be equipped with an approved vacuum breaker. The vacuum breaker shall be installed on the discharge side of the flushing valve with the critical level at least four inches above the overflow rim of the bowl.

(6) Flushing tanks shall be equipped with an approved ball cock. The vacuum breaker shall be installed with the critical level at least one inch above the full opening of the overflow pipe.

(7) Trough urinals shall be equipped with a vacuum breaker installed on the discharge side of the last valve and not less than thirty inches above the spray pipe.

(8) Lawn sprinkling systems shall be equipped with a backflow preventer on the discharge side of each of the last valves. The backflow preventer shall be at least six inches above the highest head, and at no time less than six inches above surrounding ground.

(9) Materials for water distributing pipes and tubing shall be brass, copper, lead, cast iron, wrought iron, open-hearth iron, or steel or other approved material with appropriate approved fittings.

(10) Used Piping. No piping material that has been used for other than potable water supply system shall be reused in the potable water supply system.

(11) Drainage System (Aboveground Piping within Buildings). Soil and waste piping for a drainage system within a building shall be of cast iron, galvanized wrought iron, galvanized open-hearth iron, galvanized steel, lead, brass, copper pipe, copper tube or other approved material.

(12) Underground. All drains within buildings, when underground, shall be of approved cast iron, soil pipe, or as specifically approved by the Building Official or his authorized representative.

(13) Minimum Size of Soil and Waste Stacks. No soil or waste stack shall be smaller than the largest horizontal branch

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connected thereto.

(14) Minimum Size of Stack Vent or Vent Stack. Any structure on which a building drain is installed shall have at least one stack vent or vent stack carried full size through the roof not less than three inches in diameter or the size of the building drain, whichever is the lesser.

(15) All exterior openings provided for the passage of piping shall be properly sealed with snug-fitting collars of metal or other approved rat-proof material securely fastened into place. Interior openings through walls, floors, and ceilings shall be vermin-proof as found necessary by the Superintendent of Code Enforcement or his authorized representative.

(16) Water or waste piping and plumbing fixtures shall not be repaired in a makeshift or unapproved manner. Tape or rag bindings or decomposable plugs, e.g. wooden plugs, to prevent leaking of water or waste pipes, shall not be considered acceptable repair.

(17) Water distribution systems within the property boundaries shall be adequate to permit a reasonable and proper flow of water into all plumbing fixtures. (Ord. 0-76-22 § 1 (part), 1976).

15.05.080 HEATING AND WATER HEATING FACILITIES. No person shall occupy, or own and allow to be occupied, or let to another for occupancy, any dwelling or dwelling unit which does not comply with the following requirements:

(1) Gas-fired and water heating facilities shall comply with the Lakewood Mechanical Code.

(2) Storage-type water heaters shall be installed as to maintain sufficient clearance from unprotected or protected combustible materials. Sufficient clearance shall mean that clearance specified by the manufacturer's UL approved installation instructions. Uninsulated tank water heaters shall

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not be installed in any room where the heat liberated will constitute a fire hazard.

(3) Sufficient clearance shall be maintained to permit cleaning of heating surfaces; the replacement of filters, blowers, motors, burners, controls, and vent connections; the lubrication of moving parts where required and the adjustment and cleaning of burners and pilots.

(4) Combustion-type heaters shall be provided with down-draft diverters in the vent pipes of such appliances. Vents and vent-fittings shall be constructed of any of the following materials: galvanized or lead-coated iron or steel, stainless steel, monel, aluminum 2-S 1/2H, none of which shall be less than No. 26 U.S. Standard gauge; copper not less than sixteen ounces per square foot or any other approved material.

(5) Existing radiant gas heaters with tightly-closed, intact pyrex fronts will be accepted, so long as there is no trace of carbon on any of the radiants, and so long as there are no broken radiants.

(6) Furnaces shall be erected in accordance with the manufacturer's instructions on a firm, level, fireproof foundation, provided that furnaces that have been approved by a recognized approved laboratory for installation on combustible material shall not require a fireproof foundation. Furnace sections shall be properly sealed to prevent flue-gas leakage, and the furnace space shall be air-tight or grouted to prevent air leakage. All furnaces shall be so installed as to prevent any possible overheating.

(7) Boilers or furnaces shall be equipped with approved safety devices arranged to limit high steam pressures, or water temperatures, or air temperatures in warm air furnaces. Each gas-fired boiler shall be equipped with a low water cut-off.

(8) Fuel-combustion heating appliances shall be vented to the atmosphere. Down-draft diverters shall be provided in the vents from gas and oil appliances. Vents and vent-fittings shall

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be constructed of approved, noncorrodible material such as galvanized steel, or aluminum 2-S 1/2H, and of at least No. 26 U.S. Standard gauge, or approved double-wall Type B flue.

(9) A vent pipe shall be so installed as to avoid sharp turns or other constructional features which would create excessive resistance to the flow of the products of combustion. Horizontal runs of gas vents depending on natural draft shall not exceed fifteen feet, provided that in no case may such horizontal runs exceed seventy-five percent of the vertical height of the flue, and on such approved horizontal runs, vents shall be securely supported by approved metal straps.

(10) All vent pipe connections to a masonry chimney or flue shall be made with a slip joint, the thimble to be cemented into the chimney but not to extend into the chimney beyond the chimney lining.

(11) A reasonably accessible and approved clean-out opening with a tight-fitting cover shall be provided at least twelve inches below the lowest vent inlet into any unlined masonry chimney or flue; Exception: chimneys which are a part of and supported by walls and terminating above any floor, commonly called shelf or bracket chimneys, shall not be used to vent any gas appliance. Class A flues requiring the occupant to crawl to reach the clean-out shall not be regarded as chimneys possessing a reasonably accessible clean-out opening.

(12) The cross-sectional area of any flue shall not be less than the cross-sectional area of the flue connection outlet of the appliance it serves. When additional vents from other appliances are connected, the vent area shall be equal to the vent area of the appliance having the largest vent and shall be increased at least fifty percent of the areas of all additional smaller appliance vents. When all vent areas of such multiple connected appliances are substantially equal, the total vent area shall be not less than seventy-five percent of the combined areas of all connected appliance vents, whichever is the greater area.

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(13) Single-walled metal vents or flues shall be not less than six inches from combustible material and shall not pass through combustible walls, floors, ceilings, or partitions unless they are guarded at point of passage by approved double metal ventilated or insulated thimbles. There shall be one inch of clearance for Type B or double-walled pipe.

(14) A gas appliance vent pipe may be connected to the vent pipe of another gas appliance through a suitable "Y" junction fitting, provided proper increase in vent size is made to accommodate the increased volume of flue gases.

(15) All water heaters must be provided with an approved water pressure and/or temperature relief valve to minimize the possibility of explosions.

(16) Gas-fired water heaters shall not be installed in pits or other places subject to flooding.

(17) Adequacy of water-heating facilities shall not be deemed satisfactory for single dwellings unless draw tests on such facilities indicate amounts of available water at a temperature of one hundred twenty degrees Fahrenheit as would be available with automatic gas-fired water heaters of twenty-gallon storage capacity and twenty thousand B.T.U./hr. sea level rating input having one hundred degrees Fahrenheit rise recovery capacity of twenty gallons per hour as corrected for altitude in Lakewood.

(18) Adequacy of water heating facilities shall not be deemed satisfactory for multiple dwelling buildings, including rooming houses and hotels, unless draw tests on such facilities indicate amount of available water at a temperature of at least one hundred twenty degrees Fahrenheit as would be available with tankless gas-fired water heaters having one hundred degrees Fahrenheit rise recovery capacity of twenty gallons per hour per dwelling unit as corrected for altitude in Lakewood.

(19) All gas space and central heating equipment shall have approved safety pilot assemblies. (Ord. 0-76-22 § 1 (part), 1976).

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15.05.090 ELECTRICAL REQUIREMENTS AND LIGHTING. No person shall occupy, or own and allow to be occupied, or let to another for occupancy, any dwelling or dwelling unit which does not comply with the following requirements:

(1) An electrical convenience outlet shall not be construed to mean other than a receptacle box, which may contain one or more receptacles for the insertion of plugs of electrical appliances. Each provided receptacle box shall be an approved stationary fixture and integral part of the wiring of the total building circuitry.

(2) All nonstationary outlets, and makeshift outlets that have at any time been added to the building without regard to the total circuitry, shall be categorically considered hazardous and unapproved. Tacked extension cording and makeshift wiring shall be considered unsafe and unlawful.

(A) No extension cord from an electrical convenience outlet shall extend or pass from one room into another.

(B) No extension cord shall be located where foot traffic passes directly over the said extension cord.

(C) No electrical extension cord shall be laid across any doorway nor shall any extension cord pass through any wall or partition of any dwelling unit or room therein.

(3) Each outlet and electrical fixture shall be deemed to be installed in an approved manner only if provision is made for a service entrance capacity sufficient for typical loads to such outlets and fixtures, and if provision is made for sufficient number of branch circuits to carry full power to appliances served by such fixtures and outlets.

(4) Frayed and exposed wiring, wiring unprotected by proper covering, fixtures in disrepair, and wiring of fixture repair in makeshift fashion shall all be deemed unsafe and not in good working condition.

(5) Electrically conductive pullchain switches shall not be

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deemed approved if installed in any bathroom, shower room, or water closet compartment. (Ord. 0-76-22 § 1 (part), 1976).

15.05.100 FOOD PREPARATION AND FOOD STORAGE AREAS. No person shall occupy, or own and allow to be occupied, or let to another for occupancy, any dwelling or dwelling unit which does not comply with the following requirements:

(1) Kitchen sink countertops, food preparation surfaces, cooking utensil and food storage areas shall be easily cleanable and shall be free from holes, breaks, and cracks which would permit the harborage of insects.

(2) Carpeting shall be allowed in kitchens contained within a dwelling unit. The use of carpeting in communal or shared kitchens located within rooming houses shall not be allowed. (Ord. 0-76-22 § 1 (part), 1976).

15.05.110 WINDOWS, DOORS, AND HATCHWAYS. No person shall occupy, or own and allow to be occupied, or let to another for occupancy, any dwelling or dwelling unit which does not comply with the following requirements:

(1) Windows shall be soundly and adequately glazed, free from loose and broken glass and cracks that would cause physical injury to persons or allow the elements to enter the structure or allow excessive heat loss from within.

(2) Exterior doors shall fit doorway openings in a manner which prevents excessive heat loss and which prevents the entrance of the elements and vermin. They shall be maintained free from cracks or breaks. All doors leading directly into a dwelling unit or rooming unit shall be provided with workable locks. Such a requirements shall not be construed to mean that entrances into common hallways or any other entrance which does not lead directly into a dwelling unit or rooming unit shall have to be locked.

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(3) All basement hatchways shall be so constructed as to prevent the entrance of the elements and vermin and shall be maintained in a state to minimize the danger of physical injury to occupants of the premises. (Ord. 0-76-22 § 1 (part), 1976).

15.05.120 STAIRWAYS. No person shall occupy, or own and allow to be occupied, or let to another for occupancy, any dwelling or dwelling unit which does not comply with the following requirements:

(1) Stairway stringers shall have solid bearing at top and bottom. Stairways used for egress routes for habitable rooms shall have at least six feet four inches headroom as measured vertically from the tread level.

(2) Risers and treads shall be of uniform height and width throughout any one flight. The rise of the steps in a stairway shall not exceed eight inches and the tread shall not be less than nine inches in width, which may include a one-inch nosing except those stairways leading to unused cellar or attic space.

(3) Every inside stairway and every outside stairway attached to a dwelling shall be provided with handrails securely fastened to the wall or to a sturdy balustrade. Stairways exceeding forty-eight inches in width shall have handrails on both sides, provided that every stairway exceeding eighty-eight inches in width may have intermediate handrails supported by a sturdy balustrade. Handrails shall be placed not less than thirty inches nor more than thirty-four inches above the nosing of treads. Handrails need not be installed on stairways providing access to unused cellar or attic space. (Ord. 0-76-22 § 1 (part), 1976).

15.05.130 SAFE MAINTENANCE OF UTILITIES AND EQUIPMENT. No person shall occupy, or own and allow to be occupied, or let to another for occupancy, any dwelling or dwelling unit which does not comply with the following

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requirements:

(1) All supplied facilities, pieces of equipment, or utilities in or about the premises of any dwelling unit shall be capable of performing their intended function and shall not be constructed, installed or maintained in such a manner as to make possible injury or harm to persons.

(2) Gas cooking ranges and plates shall not be installed in rooms used for sleeping purposes and in no case shall such appliances be used for purposes of heating any portion of a dwelling. All ranges and plates shall be rigidly connected to the house gas piping outlet with not less than three-quarter-inch pipe, except that a maximum of six feet of approved semirigid tubing not less than one-half-inch outside diameter may be used immediately adjacent to such appliances. Such semirigid tubing may not pass through any wall, partition, floor, or ceiling. Gas cooking ranges, plates and refrigerators shall be installed free from leaks, or other defects that would render them a hazard to occupants, and all orifices, burners, and controls shall be kept in sound condition and good repair, and in no case constructed, installed, or maintained in a manner that would permit carbon monoxide production during operation. (Ord. 0-76-22 § 1 (part), 1976).

15.05.140 EGRESS. No person shall occupy, or own and allow to be occupied, or let to another for occupancy, any dwelling or dwelling unit which does not comply with the following requirements:

(1) Doors, windows, corridors, stairways, fire escapes and passageways serving as ordinary or emergency exit routes shall be free of stored or discarded material and in no case shall such routes be obstructed or locked to persons within the building.

(2) In structures containing two or more dwelling or rooming units, the second floor or above shall be provided with two separate routes of egress from each occupied floor to open

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space at ground level.

(3) Dwelling or rooming units located in basements or cellars shall be provided with two separate routes of egress.

(A) Windows used or intended to be used for egress shall have a minimum unobstructed linear dimension of twenty-two inches. These window areas shall lead to an open unobstructed space at grade level.

(B) When the window is more than forty-eight inches above the floor, measured from the lower sill, then a permanent structure for access to the window shall be supplied. (Ord. 0-76-22 § 1 (part), 1976).

15.05.150 ROOMINGHOUSES. No person shall own and allow to be occupied or operate a roominghouse, or shall occupy or let to another for occupancy any rooming unit, except in compliance with all the applicable provisions of this code and the following provisions:

(1) There shall be supplied at least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system in an approved manner and maintained in good working condition for each eight occupants, or fraction thereof, including the operator's family, wherever they share the use of the said facilities. However, in a roominghouse where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of flush water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be capable of being supplied with hot water at all times.

(2) Every room occupied for sleeping purposes by one person shall contain at least seventy square feet of floor space and every room occupied for sleeping purposes by more than one person shall contain at least thirty square feet of floor space

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for each additional occupant thereof.

(3) Every rooming unit shall have approved, safe, unobstructed means of egress leading to safe and open space at ground level.

(4) The owner or operator of every roominghouse shall be responsible, jointly and severally, for maintaining in a sanitary condition the roominghouse and premises thereof, including the walls, floors, ceilings, and any communal cooking or dining facilities.

(5) No owner or operator of any rooming unit shall permit the use of any electric hotplate or other cooking facilities. (Ord. 0-76-22 § 1 (part), 1976).

Chapter 15.06

NOTICES AND ORDERS OF SUPERINTENDENT OF CODE ENFORCEMENT

Sections:

- 15.06.010 General provisions.
- 15.06.020 Recordation of notice and order.
- 15.06.030 Repair, vacation, and demolition.
- 15.06.040 Notice to vacate.

15.06.010 GENERAL PROVISIONS. (a) Commencement of Proceedings. Whenever the Superintendent of Code Enforcement has inspected or caused to be inspected any building or structure and has found and determined such building does not meet the minimum standards set forth in this code, he shall commence proceedings to cause the repair, rehabilitation, vacation, or demolition of the building.

(b) Notice and Order. The Superintendent of Code Enforcement shall issue a notice and order directed to the

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record owner of the building. The notice and order shall contain:

(1) The street address or a description sufficient for identification of the premises upon which the building is located;

(2) A statement that the Superintendent of Code Enforcement has found that the building or structure does not meet the minimum standards set forth in this code, with a brief and concise description of the conditions found to cause the building to not meet the minimum standards set forth in this code;

(3) A statement of the action required to be taken as determined by the Superintendent of Code Enforcement:

(A) If the Superintendent of Code Enforcement has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed sixty days from the date of the order) and completed within such time as the Superintendent of Code Enforcement shall determine is reasonable under all the circumstances,

(B) If the Superintendent of Code Enforcement has determined that the building or structure must be vacated, in accordance with the Uniform Building Code for the Abatement of Dangerous Buildings, 1973 Edition, or successor publications adopted by the city, the order shall require that the building or structure be vacated within a certain time from the date of the order as determined by the Superintendent of Code Enforcement to be reasonable,

(C) If the Superintendent of Code Enforcement has determined that the building or structure must be demolished, in accordance with the Uniform Building Code for the Abatement of Dangerous Buildings, 1973 Edition, or successor publications adopted by the city, the order shall require that the building be vacated within such time as the Superintendent

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of Code Enforcement shall determine reasonable (not to exceed sixty days from the date of the order); that all required permits be secured therefor within sixty days from the date of the order, and that the demolition be completed within such time as the Superintendent of Code Enforcement shall determine is reasonable;

(4) Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the Superintendent of Code Enforcement (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner;

(5) Statements advising (i) that any person having any record title or other estate or interest of record in the building or structure may appeal from the notice and order or any action of the Superintendent of Code Enforcement to the Housing Advisory and Appeals Board, provided the appeal is made in writing as provided in this code, and filed with the Housing Coordinator within thirty days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

(c) Service of Notice and Order. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner, and posted on the property; and one copy thereof shall be served on each of the following if known to the Superintendent of Code Enforcement or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or interest of record in or to the building or the land on which it is located. The failure of the Superintendent of Code Enforcement to serve any person required to be served shall not

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invalidate any proceedings under this chapter as to any other person duly served or relieve any such person from any duty or obligation imposed on him by the provisions of this code.

(d) Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at his address as it appears on the last assessment roll of Jefferson County, or as known to the Superintendent of Code Enforcement. If no address of any such person so appears or is known to the Superintendent of Code Enforcement, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner provided by this section shall be effective on the date of mailing.

(e) Proof of Service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the Superintendent of Code Enforcement. (Ord. 0-76-22 § 1 (part), 1976).

15.06.020 RECORDATION OF NOTICE AND ORDER. If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the Superintendent of Code Enforcement shall file in the office of the Clerk and Recorder of Jefferson County a certificate describing the property and certifying (i) that the building or

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structure does not meet the minimum standards set forth in this code and (ii) that the owner has been so notified. Whenever the corrections ordered shall have been completed or the building demolished so that it no longer exists in violation of the minimum standards of this code on the property described in the certificate, the Superintendent of Code Enforcement shall file a new certificate with the Clerk and Recorder of Jefferson County certifying that the building or structure has been demolished or all the required corrections have been made so that the building or structure now meets the minimum standards set forth in this code, whichever is appropriate. (Ord. 0-76-22 § 1 (part), 1976).

15.06.030 REPAIR, VACATION, AND DEMOLITION. Standards to be Followed. The following standards shall be followed by the Superintendent of Code Enforcement (and by the Housing Advisory and Appeals Board if an appeal is taken) in ordering the repair, vacation or demolition of any building or structure which does not meet the minimum standards set forth in this code:

(1) Any building or structure declared not to meet the minimum standards set forth in this code shall either be repaired in accordance with this code and the Lakewood Building Code or shall be demolished at the option of the building owner.

(2) If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or of the occupants, it shall be ordered to be vacated, in accordance with the provisions of the Uniform Building Code for Abatement of Dangerous Buildings, 1973 Edition, or successor publications adopted by the city. (Ord. 0-76-22 § 1 (part), 1976).

15.06.040 NOTICE TO VACATE. (a) Posting. Every notice

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to vacate shall, in addition to being served as provided in Section 15.06.010(c), be posted at or upon each exit of the building, and shall be in substantially the following form:

“DO NOT ENTER
UNSAFE TO OCCUPY

It is unlawful to occupy this building
or to remove or deface this notice.

Superintendent of Code Enforcement
City of Lakewood, Colorado”

(b) Compliance. Whenever such notice is posted, the Superintendent of Code Enforcement shall include a notification thereof in the notice and order issued by him under subsection (b) of Section 15.06.010, reciting and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition, or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the Lakewood Building Code. (Ord. 0-76-22 § 1 (part), 1976).

Chapter 15.07

APPEAL

Sections:

- 15.07.010 General provisions.
- 15.07.020 Effect of failure to appeal.
- 15.07.030 Scope of hearing on appeal.
- 15.07.040 Powers of the Housing Advisory and Appeals Board.
- 15.07.050 Staying of order under appeal.

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15.07.010 GENERAL PROVISIONS. (a) Form of Appeal. Any person entitled to service under Section 15.06.010(c) may appeal from any notice and order or any action of the Superintendent of Code Enforcement under this code by filing at the office of the Housing Coordinator, within thirty days from the date of the service of such order, a written appeal containing:

(1) A heading in the words: "Before the Housing Advisory and Appeals Board of the City of Lakewood";

(2) A caption reading: "Appeal of," giving the names of all appellants participating in the appeal;

(3) A brief statement setting forth the interest of each of the appellants in the building or the land involved in the notice and order;

(4) A brief statement in ordinary and concise language of that specific order or action protested, together with reference to any material facts claimed to support the contentions of the appellant;

(5) A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside;

(6) The signature of all parties named as appellants, and their mailing addresses;

(7) The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal. Such verification may be based upon the information and belief of the individual making the verification.

(b) Processing of Appeal. Upon receipt of any appeal filed pursuant to this section, the Housing Coordinator shall present it at the next regular or special meeting of the Housing Authority.

(c) Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal, the Housing

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Authority shall fix a date, time, and place for the hearing of the appeal by the members of the Housing Authority acting as the Housing Advisory and Appeals Board. Such date shall be not less than ten days nor more than sixty days from the date the appeal was filed with the Housing Coordinator. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each appellant by the secretary to the board either by causing a copy of such notice to be delivered to the appellant personally, or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal. (Ord. 0-76-22 § 1 (part), 1976).

15.07.020 EFFECT OF FAILURE TO APPEAL. Failure of any person to file an appeal in accordance with the provisions of Sections 15.06.010 and 15.07.010 constitutes a waiver of his right to an administrative hearing and adjudication of the notice and order, or to any portion thereof. (Ord. 0-76-22 § 1 (part), 1976).

15.07.030 SCOPE OF HEARING ON APPEAL. Only those matters or issues specifically raised by the appellant shall be considered at the hearing of the appeal. (Ord. 0-76-22 § 1 (part), 1976).

15.07.040 POWERS OF THE HOUSING ADVISORY AND APPEALS BOARD. In any appeal, the Housing Advisory and Appeals Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Superintendent of Code Enforcement from whom the appeal is taken; provided, however, that the concurring vote of four members of the board shall be necessary to reverse any order,

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requirement, decision or determination of the Superintendent of Code Enforcement. (Ord. 0-76-22 § 1 (part), 1976).

15.07.050 STAYING OF ORDER UNDER APPEAL. An appeal stays all proceedings in furtherance of the action appealed from, unless the Superintendent of Code Enforcement certifies to the Housing Advisory and Appeals Board after the notice of appeal has been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order or injunction granted by a court of competent jurisdiction. (Ord. 0-76-22 § 1 (part), 1976).

Chapter 15.08

PROCEDURES FOR CONDUCT OF HEARING APPEALS

Sections:

- 15.08.010 General provisions.
- 15.08.020 Form of notice of hearing.
- 15.08.030 Conduct of hearing.
- 15.08.040 Method and form of decision.
- 15.08.050 Judicial review.

15.08.010 GENERAL PROVISIONS. (a) Record. A record of the entire proceedings shall be made by tape recording, or by any other means of permanent recording determined to be appropriate by the Housing Advisory and Appeals Board.

(b) Reporting. The proceedings at the hearing shall also be reported by a stenographic reporter, if requested and paid for by any party thereto. A transcript of the proceedings shall be

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made available to all parties upon request and upon payment of the fee prescribed therefor. Such fee may be established by the board, but shall in no event be greater than the cost involved.

(c) Continuances. The Housing Advisory and Appeals Board may grant continuances for good cause shown.

(d) Oaths – Certification. In any proceedings under this chapter, any member of the Housing Advisory and Appeals Board has the power to administer oaths and affirmations and to certify to official acts.

(e) Reasonable Dispatch. The board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

(f) Election of Chairman. The Housing Advisory and Appeals Board shall annually elect a chairman from the regular members who shall preside over all hearings and proceedings of the board. The chairman may designate a member of the board to assume his duties in his absence. (Ord. 0-76-22 § 1 (part), 1976).

15.08.020 FORM OF NOTICE OF HEARING. The notice to appellant shall be substantially in the following form, but may include other information:

“You are hereby notified that a hearing will be held before the Housing Advisory and Appeals Board of the City of Lakewood at on the day of, 19. . ., at the hour of You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you.” (Ord. 0-76-22 § 1 (part), 1976).

15.08.030 CONDUCT OF HEARING. (a) Rules of Evidence. The Housing Advisory and Appeals Board shall not be required to observe any formal rules of evidence, but may

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consider any matter which a majority thereof concludes is reasonably reliable and calculated to aid the board in reaching an accurate determination of the issues involved. If the board, or any member thereof, has knowledge of any facts which bear upon the matter and which have not been submitted in evidence, it shall be the duty of the member or board to submit such facts in evidence. Any decision made by the board must be supported by reliable, probative and substantial evidence and shall be based only upon reliable, probative and substantial evidence which has been presented to it and admitted in evidence.

(b) Rights of Parties. All hearings shall be conducted under procedures designed to insure all interested parties due process of law and shall, in all cases, provide for the following:

(1) The administration of oaths to all parties or witnesses for the purpose of testifying upon factual matters;

(2) The right to be represented by counsel;

(3) The right to present and rebut testimony and evidence;

(4) The right of a party in interest to cross-examine other persons giving testimony, provided that:

(A) Such right is asserted at the hearing in which the person is giving testimony,

(B) Such right is asserted at the first available opportunity;

(5) The right of access to a record of the proceedings, at reasonable times, places and circumstances;

(6) The right, insofar as possible, to have the Housing Advisory and Appeals Board free from personal interest or prehearing contact on any matter heard by them. Any member of the board shall reveal any substantial interest or prehearing contacts with regard to the proceeding at the commencement of such proceeding. If such interest or contact impairs the member's ability to vote on the matter, the member shall so state and shall abstain therefrom to the end that the proceeding is fair and has the appearance of fairness;

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(7) The right to a written decision setting forth the findings of fact and conclusions, with the reasons or basis of said decision, on the material and relevant issues presented on the record.

(c) Official Notice.

(1) What may be Noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of any official records of the board or official records and ordinances of the city or rules and regulations of the board.

(2) Parties to be Notified. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.

(3) Opportunity to Refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority; the manner of such refutation is to be determined by the board.

(4) Inspection of the Premises. The board may inspect any building or premises involved in the appeal during the course of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, and (iii) the board shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the board. (Ord. 0-76-22 § 1 (part), 1976).

15.08.040 METHOD AND FORM OF DECISION. (a) Who Can Make Decisions. No member of the board who did not hear the evidence, or has not listened to the entire record of the

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proceedings, shall vote on and take part in the decision.

(b) Deliberation and Findings. After the presentation of the case by the appellant, and presentation of all evidence and testimony by all interested parties, the Housing Advisory and Appeals Board shall, after discussion, vote on the matter. Any motion placed on the table must briefly state and contain findings of fact, conclusions and the requirements with which the applicant must comply, with reference to the relevant and material evidence and testimony supporting such findings of fact.

(c) Notwithstanding subsection (b) of this section, and as alternatives to said subsection, the Housing Advisory and Appeals Board may act in accordance with the following upon vote of the majority of the members present:

(1) Make a decision and vote on the date of hearing, but request the Housing Coordinator to prepare, in form approved by the office of the City Attorney, findings of fact, conclusions and requirements for adoption at the next regular meeting;

(2) Defer a decision until a date certain at which time the record and all evidence can be reviewed. At that time the Housing Advisory and Appeals Board can either adopt findings of fact, conclusions and recommendations or direct the Housing Coordinator to prepare findings of fact, conclusions and recommendations, in form approved by the office of the City Attorney, for adoption at the next regular meeting after the meeting to which the matter has been deferred.

(d) Effective date of Decision. The effective date of the decision shall be the date of adoption of findings of fact and conclusions. (Ord. 0-76-22 § 1 (part), 1976).

15.08.050 JUDICIAL REVIEW. Any party aggrieved by any decision rendered by the Housing Advisory and Appeals Board may appeal from the final decision of the Housing Advisory and Appeals Board. Such appeal must be perfected

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within thirty days from the effective date of the decision, pursuant to Rule 106 of the Colorado Rules of Civil Procedure. For the purposes of judicial or other review, the city shall be considered to be a party before the Housing Advisory and Appeals Board. (Ord. 0-76-22 § 1 (part), 1976).

Chapter 15.09

ENFORCEMENT OF THE ORDER OF THE HOUSING ADVISORY AND APPEALS BOARD

Sections:

- 15.09.010 Compliance.
- 15.09.020 Extension of time to perform work.
- 15.09.030 Interference with repair or demolition work prohibited.

15.09.010 COMPLIANCE. (a) Failure to Obey Order. If, after any order of the Housing Advisory and Appeals Board made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Superintendent of Code Enforcement may (i) cause such person to be prosecuted or (ii) institute any appropriate action to abate such building as a public nuisance.

(b) Act not Exclusive. Any action of the Superintendent of Code Enforcement taken pursuant to subparagraph (a) is not exclusive and shall not be considered an election of remedies.

(c) Failure to Commence Work. Whenever the required repair or demolition is not commenced within thirty days after any final notice and order issued under this code becomes effective:

(1) The Superintendent of Code Enforcement may cause the building described in such notice and order to be vacated by

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posting at each entrance thereto a notice reading:

“DO NOT ENTER
UNSAFE TO OCCUPY
It is unlawful to occupy this building
or to remove or deface this notice.

Superintendent of Code Enforcement
City of Lakewood, Colorado”

(2) No person shall occupy any building which has been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the repairs, demolition, or removal ordered by the Housing Advisory and Appeals Board have been completed and a certificate of occupancy issued pursuant to the provisions of the Lakewood Building Code.

(3) The Superintendent of Code Enforcement may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building substandard as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished; or, to be demolished, and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid to the person or persons lawfully entitled thereto. (Ord. 0-76-22 § 1 (part), 1976).

15.09.020 EXTENSION OF TIME TO PERFORM WORK.
Upon receipt of an application from the person required to conform to the order, and an agreement by such person that he will comply with the order if allowed additional time, the Superintendent of Code Enforcement may, at his discretion,

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grant an extension of time, not to exceed an additional one hundred twenty days, within which to complete said repair, rehabilitation, or demolition, if the Superintendent of Code Enforcement determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The authority of the Superintendent of Code Enforcement to extend time is limited to the physical repair, rehabilitation, or demolition of the premises and will not in any way affect or extend the time to appeal his notice and order. (Ord. 0-76-22 § 1 (part), 1976).

15.09.030 INTERFERENCE WITH REPAIR OR DEMOLITION WORK PROHIBITED. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the city, or with any person who owns or holds any estate or interest of record in any building which has been ordered repaired, vacated or demolished under the provisions of this code, or with any person to whom such building has been lawfully sold pursuant to the provisions of this code, whenever such officer, employee, contractor or authorized representative of the city, person having an interest or estate of record in such building or structure, or purchaser, is engaged in the work of repairing, vacating and repairing, or demolishing any such building pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code. (Ord. 0-76-22 § 1 (part), 1976).

PERFORMANCE OF WORK OF REPAIR OR DEMOLITION

Chapter 15.10

PERFORMANCE OF WORK OF REPAIR OR DEMOLITION

Sections:

- 15.10.010 General provisions.
- 15.10.020 Repair and demolition fund.

15.10.010 GENERAL PROVISIONS. (a) Procedure. When any work of repair or demolition is to be done pursuant to Section 15.09.010(c)(3) of this code, the Superintendent of Code Enforcement shall issue his order therefor to the City Manager and the work shall be accomplished by city personnel or by private contract under the direction of said City Manager. Plans and specifications therefor may be prepared by said City Manager, or his designee, or he may employ such architectural or engineering assistance on a contract basis as he may deem reasonably necessary. If any part of the work is to be accomplished by private contract, customary city contractual procedures shall be followed.

(b) Costs. The cost of such work shall be paid from the repair and demolition fund and may be made a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the City Council shall determine is appropriate. (Ord. 0-76-22 § 1 (part), 1976).

15.10.020 REPAIR AND DEMOLITION FUND. (a) General. The City Council shall establish a special revolving fund to be designated as the repair and demolition fund. Payments shall be made out of said fund upon the demand of the City Manager to defray the costs and expenses which may be incurred by the city in doing or causing to be done the

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necessary work of repair or demolition of dangerous buildings.

(b) Maintenance of Fund. The Council may at any time transfer to the repair and demolition fund, out of any money in the general fund of the city, such sums as it may deem necessary in order to expedite the performance of the work of repair or demolition, and any sum so transferred shall be deemed a loan to the repair and demolition fund and shall be repaid out of the proceeds of the collections hereinafter provided for. All funds collected under the proceedings hereinafter provided for, shall be paid to the City Treasurer who shall credit the same to the repair and demolition fund. (Ord. 0-76-22 § 1 (part), 1976).

Chapter 15.11

RECOVERY OF COST OF REPAIR OR DEMOLITION

Sections:

- 15.11.010 Account of expense, filing of report—
Contents.
- 15.11.020 Report transmitted to Council—Set for
hearing.
- 15.11.030 Protests and objections—How made.
- 15.11.040 Hearing of protests.
- 15.11.050 Personal obligation or special assessment.
- 15.11.060 Contest.
- 15.11.070 Authority for installment payment of
assessments with interest.
- 15.11.080 Lien of assessment.
- 15.11.090 Filing copy of report with county.
- 15.11.100 Collections of assessment—Penalties for
foreclosure.
- 15.11.110 Repayment of repair and demolition fund.

RECOVERY OF COST OF REPAIR OR DEMOLITION

15.11.010 ACCOUNT OF EXPENSE, FILING OF REPORT – CONTENTS. The City Manager shall keep an itemized account of the expense incurred by the city in the repair or demolition of any building done pursuant to the provisions of Section 15.09.010(c)3 of this code. Upon the completion of the work of repair or demolition, the City Manager shall prepare and file with the City Clerk a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to subsection (c) of Section 15.06.010. (Ord. 0-76-22 § 1 (part), 1976).

15.11.020 REPORT TRANSMITTED TO COUNCIL – SET FOR HEARING. Upon receipt of said report, the City Clerk shall present it to the City Council for consideration. The City Council shall fix a time, date and place for hearing said report, and any protests or objections thereto. The City Clerk shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in the city, and served by certified mail, postage prepaid, addressed to the owner of the property as his name and address appear on the last assessment roll of Jefferson County, if such so appear, or as known to the Clerk. Such notice shall be given at least ten days prior to the date set for hearing and shall specify the day, hour, and place when the Council will hear and pass upon the City Manager's report, together with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge. (Ord. 0-76-22 § 1 (part), 1976).

15.11.030 PROTESTS AND OBJECTIONS – HOW MADE. Any person interested in or affected by the proposed

RECOVERY OF COST OF REPAIR OR DEMOLITION

charge may file written protests or objections with the City Clerk at any time prior to the time set for the hearing on the report of the City Manager. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The City Clerk shall endorse on every such protest or objection the date it was received and shall present such protests or objections to the City Council at the time set for the hearing, and no other protests or objections shall be considered. (Ord. 0-76-22 § 1 (part), 1976).

15.11.040 HEARING OF PROTESTS. Upon the day and hour fixed for the hearing, the City Council shall hear and pass upon the report of the City Manager together with any such objections or protests. The Council may make such revision, correction or modification in the report or the charge as it may deem just; and when the Council is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified) together with the charge, shall be confirmed or rejected. The decision of the City Council on the report and the charge, and on all protests or objections, shall be final and conclusive. (Ord. 0-76-22 § 1 (part), 1976).

15.11.050 PERSONAL OBLIGATION OR SPECIAL ASSESSMENT. (a) General. The City Council may thereupon order that said charge shall be made a personal obligation of the property owner or assess said charge against the property involved.

(b) Personal Obligation. If the City Council orders that the charge shall be a personal obligation of the property owner, it shall direct the City Attorney to collect the same on behalf of the city by use of all appropriate legal remedies, or to refer the same for collection.

(c) Special Assessment. If the City Council orders that the

RECOVERY OF COST OF REPAIR OR DEMOLITION

charge shall be assessed against the property, it shall confirm the assessment, cause the same to be recorded, and follow the necessary procedures to assess the charge against the property. After assessment, the said assessment shall constitute a special assessment against and a lien upon the property. (Ord. 0-76-22 § 1 (part), 1976).

15.11.060 CONTEST. The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within thirty days after the assessment is made by the Council. Any appeal from the final decision in such action or proceeding must be perfected within thirty days after the assessment is made by the Council, pursuant to Rule 106 of the Colorado Rules of Civil Procedure. (Ord. 0-76-22 § 1 (part), 1976).

15.11.070 AUTHORITY FOR INSTALLMENT PAYMENT OF ASSESSMENTS WITH INTEREST. The City Council, in its discretion, may determine that assessments in amounts of five hundred dollars or more shall be payable in annual installments, not to exceed five equal annual installments. The Council's determination to allow payment of such assessments in installments, the number of installments, whether they shall bear interest, and the rate thereof, shall be by a resolution adopted prior to the confirmation of the assessment. (Ord. 0-76-22 § 1 (part), 1976).

15.11.080 LIEN OF ASSESSMENT. (a) Priority. Immediately upon its being placed upon the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property, and shall be

RECOVERY OF COST OF REPAIR OR DEMOLITION

paramount to all other liens except for state, county and municipal taxes with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.

(b) Interest. All such assessments remaining unpaid after thirty days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate prescribed by law, from and after said date. (Ord. 0-76-22 § 1 (part), 1976).

15.11.090 FILING COPY OF REPORT WITH COUNTY. A certified copy of the assessment shall be filed with the appropriate official of the county. (Ord. 0-76-22 § 1 (part), 1976).

15.11.100 COLLECTIONS OF ASSESSMENT – PENALTIES FOR FORECLOSURE. The amount of the assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected; and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such assessment.

If the City Council has determined that the assessment shall be paid in installments, each installment and any interest thereon shall be collected in the same manner as ordinary municipal taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedure for sale as provided for ordinary municipal taxes. (Ord. 0-76-22 § 1 (part), 1976).

15.11.110 REPAYMENT OF REPAIR AND DEMOLITION FUND. All money recovered by payment of the charge or assessment or from the sale of the property at

RECOVERY OF COST OF REPAIR OR DEMOLITION

foreclosure sale shall be paid to the City Treasurer who shall credit the same to the repair and demolition fund. (Ord. 0-76-22 § 1 (part), 1976).

SUBDIVISIONS

Title 16

SUBDIVISIONS*

(RESERVED)

* For the statutory provisions regarding the jurisdiction of the municipal planning commission over subdivisions, see C.R.S. 31-23-212; for provisions regarding adoption of subdivision regulations, see C.R.S. 31-23-214; for provisions regarding approval of plats, see C.R.S. 31-23-215.

Editor's Note: Subdivision regulations (Ordinance 0-70-104 and its amendments), are not codified at the city's request but are available through the department of community development of the city.

ZONING

Title 17

ZONING*

(RESERVED)

*Editor's Note: Zoning regulations (Ordinance 0-80-51 and its amendments), are not codified at the city's request, but are available through the department of community development of the city. For regulations governing the planning commission and the board of adjustment, see Chapter 2.16.

For provisions adopting a comprehensive plan and future land use maps, see Chapter 12.08 of this code.

MINERALS

Title 18

MINERALS

Chapters:

18.01 Mineral Deposits

MINERAL DEPOSITS

Chapter 18.01

MINERAL DEPOSITS

Sections:

18.01.010 Protection of commercial mineral deposits.

18.01.010 PROTECTION OF COMMERCIAL MINERAL DEPOSITS. Any property within the city, or proposed for annexation to the city, located within an area designated in the Colorado Geological Survey Atlas of Sand, Gravel, and Quarry Aggregate Resources Colorado Front Range Counties, Revised 1975, as containing mineral deposits for which an application is made for zoning, rezoning, platting, variance, or other official city action, which, if granted, would permit the use of the property in a manner that would interfere with the present or future extraction by an extractor of a commercial mineral deposit, as such term is defined in Colorado Revised Statutes 1973, Section 34-1-302(1), shall be subject to the following requirements:

A. The applicant for such action shall file with the Director of the Department of Planning, Permits and Public Works as part of its application, a written statement from the Colorado Geological Survey that the property, or that portion which is to be developed in a manner that would preclude extraction, does not contain commercial mineral deposits.

B. No official action or inaction shall be taken by the city on any application which, if granted, would preclude the extraction of commercial mineral deposits in violation of state law. (Ord. 0-91-59 § 22, 1991; Ord. 0-82-163 § 1, 1982).

ORDINANCE LIST

ORDINANCE LIST AND DISPOSITION TABLE FOR THE CITY OF LAKEWOOD, COLORADO

Ordinance

Number Subject

Series of 1969

1	Employment of office secretary (Not codified)
2	Clerk and treasurer salaries (Not codified)
3	Appropriation (Special)
4	Cigarette tax (Repealed by 0-73-69)
5	Utilities, business and occupation tax (5.32)
6	Gas and electricity transmission franchise (Not codified)
7	Appropriation (Special)
8	Appropriation (Special)
9	Office secretary (Not codified)
10	Appropriation (Special)
11	Salaries of city officers (Repealed by 0-83-99)
12	Street vacation (Special)
13	Street vacation (Special)
14	Tree removal (Not codified)
15	Planning commission, board of adjustment and zoning resolution (2.16)
16	Construction codes (Not codified)
17	Electricity transmission permit (Special)
18	Rezone (Special)
19	Rezone (Special)
20	Rezone (Special)
21	Rezone (Special)
22	Rezone (Special)
23	(Ordinance denied)
24	Rezone (Special)
25	Rezone (Special)
26	Rezone (Special)

ORDINANCE LIST

Ordinance

Number	Subject
27	Title to land (Special)
28	Office secretary (Not codified)
29	Annual appropriation (Special)
30	Rezone (Special)
31	Rezone (Special)
32	Rezone (Special)
33	Appropriation (Special)
34	Secretary to board to adjustment (Not codified)
35	Appropriation (Special)
36	Street fund (Repealed by 0-72-21)
37	Appropriation (Special)
38	Rezone (Special)
39	Rezone (Special)
40	1969 municipal property taxes (Special)
41	Rezone (Special)
Series of 1970	
0-70-1	Street vacation (Special)
0-70-2	Title to land (Special)
0-70-3	Rezone (Special)
0-70-4	Rezone (Special)
0-70-5	Rezone (Special)
0-70-6	Rezone (Special)
0-70-7	Amends Ord. 15 of 1969 series §§ 1 and 2, planning commission and board of adjustment (Repealed by 0-80-52)
0-70-8	Rezone (Special)
0-70-9	City offices and salaries (Repealed by 0-72-18)
0-70-10	(Defeated)
0-70-11	Rezone (Special)
0-70-12	(Denied)
0-70-13	Rezone (Special)
0-70-14	(Denied)
0-70-15	(Denied)

ORDINANCE LIST

Ordinance

Number	Subject
0-70-16	Rezone (Special)
0-70-17	Title to land (Special)
0-70-18	Street vacation (Special)
0-70-19	Street vacation (Special)
0-70-20	Annexation (Special)
0-70-21	Secretarial positions and salaries (Repealed by 0-72-30)
0-70-22	Land dedication (Special)
0-70-23	(Withdrawn)
0-70-24	City streets ceded to Wheatridge (Special)
0-70-25	City administrator, building inspector, typist for city clerk, draftsman for planning commission and salaries (Repealed by 0-72-30)
0-70-26	Land dedication (Special)
0-70-27	Rezone (Special)
0-70-28	Rezone (Special)
0-70-29	Public safety department (Repealed by 0-72-18)
0-70-30	Planning director (Repealed by 0-82-111)
0-70-31	(Denied)
0-70-32	Street vacation (Special)
0-70-33	(Denied)
0-70-34	Rezone (Repealed by 0-77-129)
0-70-35	City attorney salary (Repealed by 0-72-30)
0-70-36	Municipal judges, salaries (Repealed by 0-72-30)
0-70-37	(Denied)
0-70-38	(Denied)
0-70-39	(Denied)
0-70-40	Rezone (Special)
0-70-41	City administrator, repeals Ord. 0-70-25 § 1 (2.08)
0-70-42	(Denied)
0-70-43	Public safety department, repeals parts of Ords. 0-70-9 and 0-70-29 (2.12)

ORDINANCE LIST

Ordinance

Number	Subject
0-70-44	(Denied)
0-70-45	Planning department personnel, salaries (Repealed by 0-72-18)
0-70-46	Traffic regulations (Not codified)
0-70-47	Penal code (1.04)
0-70-48	Municipal court (2.20)
0-70-49	Director of administrative services, clerk of municipal court, salaries (Repealed by 0-72-30)
0-70-50	City personnel positions, salaries (Repealed by 0-77-148)
0-70-51	Rezone (Special)
0-70-52	Rezone (Special)
0-70-53	Rezone (Special)
0-70-54	Fireworks (Repealed by 0-74-38)
0-70-55	City seal and insignia (1.08)
0-70-56	(Denied)
0-70-57	(Denied)
0-70-58	Rezone (Special)
0-70-59	Water transmission easement (Special)
0-70-60	(Withdrawn)
0-70-61	Annexation (Special)
0-70-62	Policemen pension fund (Repealed by 0-72-74)
0-70-63	Municipal court procedures (2.20)
0-70-64	Dog licensing, animal control (Repealed by 0-77-137)
0-70-65	Municipal judge salary (Repealed by 0-72-30)
0-70-66	Building construction, permits, fire districts (Repealed by 0-72-10)
0-70-67	Rezone (Special)
0-70-68	(Withdrawn)
0-70-69	Street vacation (Special)
0-70-70	Domesticated animals (Repealed by 0-77-137)
0-70-71	Retail sales and service licenses (Repealed by 0-85-62)

ORDINANCE LIST

Ordinance

Number	Subject
0-70-72	Rezone (Special)
0-70-73	(Withdrawn)
0-70-74	Amends Ord. 0-70-50 § 1(a), personnel positions (Repealed by 0-77-148)
0-70-75	Park and recreation regulations (Repealed by 0-74-1)
0-70-76	City department administrative organization (2.04)
0-70-77	(Defeated)
0-70-78	(Withdrawn)
0-70-79	Rezone (Special)
0-70-80	Salary for director of community services (Repealed by 0-72-30)
0-70-81	Annexation (Special)
0-70-82	(Denied)
0-70-83	Rezone (Special)
0-70-84	Amends Ord. 0-70-47 § 3-16, penal code (Repealed by 0-74-1)
0-70-85	Annexation (Special)
0-70-86	(Denied)
0-70-87	Rezone (Special)
0-70-88	Noise (Repealed by 0-74-1)
0-70-89	Peddlers' occupational tax (Repealed by 0-82-133)
0-70-90	Rezone (Special)
0-70-91	(Denied)
0-70-92	Rezone (Special)
0-70-93	Budget amendment (Special)
0-70-94	Rezone (Special)
0-70-95	Rezone (Special)
0-70-96	Rezone (Special)
0-70-97	Annexation (Special)
0-70-98	Platting requirements (Special)
0-70-99	(Denied)
0-70-100	1970 municipal property tax levy (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-70-101	Annual appropriation (Special)
0-70-102	Rezone (Special)
0-70-103	(Not codified)
0-70-104	Zoning and subdivision regulations (Not codified)
0-70-105	Rezone (Special)
0-70-106	Rezone (Special)
0-70-107	Street vacation (Special)
0-70-108	Platting requirements (Special)
0-70-109	Street vacation (Special)
0-70-110	Rezone (Special)
0-70-111	(Denied)
0-70-112	(Defeated)
0-70-113	(Defeated)
0-70-114	Rezone (Special)
0-70-115	Street vacation (Special)
0-70-116	Administrators' salaries (2.24)
0-70-117	Christmas tree sales (5.08)
0-70-118	Rezone (Special)
0-70-119	(Denied)
0-70-120	Amends Ord. 0-70-50 §§ 1 and 5, personnel positions (Repealed by 0-77-148)
0-70-121	Pawnbrokers (Repealed by 0-89-61)
0-70-122	Annexation (Special)
0-70-123	Office space leasing (Special)
0-70-124	Rezone (Special)
0-70-125	(Withdrawn)
0-70-126	Rezone (Special)
0-70-127	Rezone (Special)
0-70-128	Adds subparagraphs (d) and (e) to § 4.4 of Art. IV of Ord. 0-70-47, penal code (Repealed by 0-74-1)
0-70-129	Rezone (Special)
0-70-130	Rezone (Special)
0-70-131	Street vacation (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-70-132	Street vacation (Special)
0-70-133	Rezone (Special)
Series of 1971	
0-71-1	(Withdrawn)
0-71-2	(Withdrawn)
0-71-3	Rezone (Special)
0-71-4	Street vacation (Special)
0-71-5	Easement vacation (Special)
0-71-6	Annexation (Special)
0-71-7	Rezone (Special)
0-71-8	(Withdrawn)
0-71-9	(Denied)
0-71-10	Rezone (Special)
0-71-11	Rezone (Special)
0-71-12	(Denied)
0-71-13	Rezone (Special)
0-71-14	(Withdrawn)
0-71-15	(Withdrawn)
0-71-16	(Defeated)
0-71-17	Rezone (Special)
0-71-18	Street vacation (Special)
0-71-19	Rezone (Special)
0-71-20	(Denied)
0-71-21	(Not presented)
0-71-22	Annexation (Special)
0-71-23	Annexation (Special)
0-71-24	Work within public ways (12.04)
0-71-25	Adds subsection 23 to § 2 of Ord. 0-70-46, traffic regulations (Not codified)
0-71-26	Rezone (Special)
0-71-27	Rezone (Special)
0-71-28	Rezone (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-71-29	Road vacation (Special)
0-71-30	(Denied)
0-71-31	Amends Ord. 0-70-47 § 3.10, lost, stolen, or abandoned property (Repealed by 0-74-1)
0-71-32	Weed abatement (8.04)
0-71-33	Rezone (Special)
0-71-34	Rezone (Special)
0-71-35	Rezone (Special)
0-71-36	Rezone (Special)
0-71-37	Rezone (Special)
0-71-38	Rezone (Special)
0-71-39	Rezone (Special)
0-71-40	Street vacation (Special)
0-71-41	Rezone (Special)
0-71-42	(Denied)
0-71-43	Street vacation (Special)
0-71-44	Street vacation (Special)
0-71-45	Street vacation (Special)
0-71-46	Municipal judge's salary (Not codified)
0-71-47	Rezone (Special)
0-71-48	Rezone (Special)
0-71-49	Rezone (Special)
0-71-50	(Defeated)
0-71-51	Rezone (Special)
0-71-52	(Tabled)
0-71-53	Rezone (Special)
0-71-54	Rezone (Special)
0-71-55	Rezone (Special)
0-71-56	Amends Ord. 0-71-24 § 22, work within public ways (12.04)
0-71-57	Amends Ord. 0-70-104, zoning, signs (Not codified)
0-71-58	(Not submitted)

ORDINANCE LIST

Ordinance

Number	Subject
0-71-59	Amends Ord. 0-70-89 § 11, peddlers' occupational tax (Repealed by 0-72-25)
0-71-60	Rezone (Special)
0-71-61	Municipal court procedures (2.20)
0-71-62	(Denied)
0-71-63	Adds § 3-14-a to Ord. 0-70-47, penal code (Repealed by 0-74-1)
0-71-64	Rezone (Special)
0-71-65	(Not passed)
0-71-66	Annexation (Special)
0-71-67	Amends Ord. 0-70-64, animal control (Repealed by 0-77-137)
0-71-68	Annexation (Special)
0-71-69	Explosives (5.16)
0-71-70	Budget amendment (Special)
0-71-71	Street vacations (Special)
0-71-72	Rezone (Special)
0-71-73	Rezone (Special)
0-71-74	(Not passed)
0-71-75	Rezone (Special)
0-71-76	(Not passed)
0-71-77	Rezone (Special)
0-71-78	Rezone (Special)
0-71-79	Street vacation (Special)
0-71-80	Annexation (Special)
0-71-81	Salary of additional municipal judge (Not codified)
0-71-82	(Not passed)
0-71-83	Annexation (Special)
0-71-84	Rezone (Special)
0-71-85	Rezone (Special)
0-71-86	Rezone (Special)
0-71-87	(Not passed)

ORDINANCE LIST

Ordinance

Number	Subject
0-71-88	Rezone (Special)
0-71-89	(Not passed)
0-71-90	(Not passed)
0-71-91	(Not passed)
0-71-92	(Number not used)
0-71-93	Rezone (Special)
0-71-94	Annexation (Special)
0-71-95	Street vacation (Special)
0-71-96	Rezone (Special)
0-71-97	Easement vacation (Special)
0-71-98	Rezone (Special)
0-71-99	(Not passed)
0-71-100	Rezone (Special)
0-71-101	(Number not used)
0-71-102	Health service establishment regulations (Repealed by 0-93-14)
0-71-103	(Number not used)
0-71-104	Rezone (Special)
0-71-105	Tax levy (Special)
0-71-106	Amends Ord. 0-70-50, personnel positions and salaries (Repealed by 0-77-148)
0-71-107	Sales tax (Repealed by 0-85-62)
0-71-108	Amends Ord. 0-70-104, temporary home occupation (Not codified)
0-71-109	Rezone (Special)
0-71-110	Rezone (Special)
0-71-111	Rezone (Special)
0-71-112	Rezone (Special)
0-71-113	(Not passed)
0-71-114	(Number not used)
0-71-115	Amends Ord. 0-70-66, building code (Repealed by 0-72-10)
0-71-116	Amends Ord. 0-70-64, animal control (Repealed by 0-77-137)

ORDINANCE LIST

Ordinance

Number	Subject
0-71-117	Rezone (Special)
0-71-118	(Not passed)
0-71-119	(Not passed)
0-71-120	(Not passed)
0-71-121	Rezone (Special)
0-71-122	(Not passed)
0-71-123	Rezone (Special)
0-71-124	Rezone (Special)
0-71-125	(Number not used)
0-71-126	(Number not used)
0-71-127	Easement vacation (Special)
0-71-128	Appropriation (Special)
0-71-129	Amends Ord. 0-70-96, rezone (Special)
0-71-130	Rezone (Special)
0-71-131	Rezone (Special)
0-71-132	Rezone (Special)
0-71-133	Rezone (Special)
0-71-134	Building Code (Not passed)
0-71-135	Amends Ord. 0-70-66, building code (Repealed by 0-72-10)
0-71-136	Annexation (Special)
0-71-137	Amends Ord. 0-70-50, personnel positions and salaries (Repealed by 0-77-148)
0-71-138	Amends Ord. 0-70-116, salaries (Not codified)
0-71-139	Rezone (Special)
0-71-140	Amends Ord. 0-70-66, building code (Repealed by 0-72-10)
0-71-141	Annexation (Special)
0-71-142	Personnel rules and regulations (2.28)
0-71-143	Salary of judge (Not codified)
0-71-144	(Tabled)

ORDINANCE LIST

Ordinance

Number Subject

Series of 1972:

- | | |
|--------|---|
| 0-72-1 | Initiates election question of home rule charter (Not codified) |
| 0-72-2 | Rezone (Special) |
| 0-72-3 | Rezone (Special) |
| 0-72-4 | Rezone (Special) |
| 0-72-5 | (Withdrawn) |
| 0-72-6 | Rezone (Special) |
| 0-72-7 | Rezone (Special) |
| 0-72-8 | Creates Local Improvement District 1 (Not codified) |

ORDINANCE LIST

Ordinance

Number	Subject
0-72-9	Rezone (Special)
0-72-10	Building codes, repeals Ord. 0-70-66 and Ord. 16 of 1969 § 2(b) (Provisionally repealed by Ord. 0-75-2)
0-72-11	(Withdrawn)
0-72-12	Rezone (Special)
0-72-13	Rezone (Special)
0-72-14	Rezone (Special)
0-72-15	(Denied)
0-72-16	Land vacation (Special)
0-72-17	Appointment and salary of presiding municipal judge (Not codified)
0-72-18	Amends Ord. 0-70-43 §§ 8 and 9, personnel, repeals Ords. 0-70-9, 0-70-29 and 0-70-45 (2.12)
0-72-19	General provisions and definitions (1.04)
0-72-20	Amends Ord. 0-71-81, municipal judge salary (Not codified)
0-72-21	Repeals Ord. 0-69-36, city street fund (Repealer)
0-72-22	Amends Ord. 0-79-89, peddlers' occupational tax (Repealed by 0-82-133)
0-72-23	Amends Ord. 0-70-48 § 9, appeals from municipal court (2.20)
0-72-24	Right of entry (1.12)
0-72-25	General penalty, repeals Ords. 4, 1969 Series, Section 13; Ord. 5, 1969 Series, Section 5; 0-70-46, Section 2(10), (b); 0-70-47, Section 6-1(a), (b); 0-70-54, Section 25; 0-70-63, Section 3; 0-70-64, Section 27; 0-70-71, Section 12; 0-70-75, Section 9; 0-70-88, Section 6; 0-70-89, Section 11 (as amended by 0-71-59); 0-70-112, Section 9;

ORDINANCE LIST

Ordinance

Number	Subject
	0-70-113, Section 13; 0-70-117, Section 19; 0-70-121, Section 44; 0-71-24, Section 33; 0-71-61, Section 2; 0-71-63, Section 2; 0-71-67, Section 27 (amending 0-70-64, Section 15); 0-71-69, Section 25; 0-71-102, Section 5 (1.16)
0-72-26	Rezone (Special)
0-72-27	(Withdrawn)
0-72-28	(Withdrawn)
0-72-29	(Defeated)
0-72-30	Amends Ord. 11 of 1969 and Ords. 0-70-47, 0-70-48, 0-70-54, 0-70-121 and 0-71-32, salaries of Clerk and Treasurer, disorderly meetings, municipal court, fireworks, pawnbrokers and weeds, repeals Ords. 0-70-21, 0-70-25, 0-70-30 § 2, 0-70-35, 0-70-36, 0-70-48 § 2(2), 0-70-49, 0-70-65, 0-70-80 and 0-70-116 §§ 1 and 2 (2.20, 8.04)
0-72-31	Rezone (Special)
0-72-32	Rezone (Special)
0-72-33	Rezone (Special)
0-72-34	Rezone (Special)
0-72-35	Rezone (Special)
0-72-36	Amends Res. 70-25 § 7, retirement plan, repeals Ord. 0-70-62 § 5 (Repealed by 0-72-74)
0-72-37	Creates Spe. Imp. Dist. No. 2 (Special)
0-72-38	Rezone (Not passed)
0-72-39	Annexation (Special)
0-72-40	Rezone (Special)
0-72-41	Traffic code (Repealed by 0-72-56)
0-72-42	Funeral processions and licenses (Repealed by 0-93-64)
0-72-43	Amends Ord. 0-72-2, rezone (Special)
0-72-44	Assessment (Special)
0-72-45	Conveyance of property (Special)

ORDINANCE LIST

Ordinance Number	Subject
	71-20 and 71-100 (Repealed by 0-78-24)
0-72-75	(Denied)
0-72-76	(Denied)
0-72-77	Rezone (Special)
0-72-78	Rezone (Special)
0-72-79	Rezone (Special)
0-72-80	Easement vacation (Special)
0-72-81	Street vacation (Special)
0-72-82	Snow or ice deposits on public ways and areas (Not codified)
0-72-83	Initiative and referendum procedures (Repealed by 0-94- 3)
0-72-84	Amends Ord. 0-72-2, rezone (Special)
0-72-85	(Void)
0-72-86	Amends paragraph A of § 1 of Ord. 0-70-50, personnel (Repealed by 0-77-148)
0-72-87	(Tabled)
0-72-88	(Withdrawn)
0-72-89	Alley vacation (Special)
0-72-90	Street vacation (Special)
0-72-91	(Denied)
0-72-92	Rezone (Special)
0-72-93	Rezone (Special)
0-72-94	(Denied)
0-72-95	Amends paragraph A of § 1 of Ord. 0-70-50, personnel (2.32)
0-72-96	(Denied)
0-72-97	CATV franchise (5.44)
0-72-98	(Not presented to council)
0-72-99	Rezone (Special)
0-72-100	Rezone (Special)
0-72-101	Rezone (Special)
0-72-102	Rezone (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-72-132	Street vacation (Special)
0-72-133	Street vacation (Special)
0-72-134	Street vacation (Special)
0-72-135	(Denied)
0-72-136	Rezone (Special)
0-72-137	Rezone (Special)
0-72-138	(Void)
0-72-139	Rezone (Special)
0-72-140	Rezone (Special)
0-72-141	Street vacation (Special)
0-72-142	Annexation (Special)
0-72-143	(Void)
0-72-144	Salaries for City Clerk, Treasurer, Attorney and Administrator (Not codified)
0-72-145	Amends §§ 2.24.020 and 2.24.030 and adds § 2.24.021, salaries (2.24)
0-72-146	Amends §§ 2.32.010, 2.32.020, 2.32.050 and 2.32.060, personnel positions and compensation; repeals § 2.32.030 (Repealed by 0-77-148)
0-72-147	Amends portions of Ch. 2.28, personnel system (2.28)
0-72-148	(Tabled)
0-72-149	(Not presented to council)
0-72-150	(Void)
0-72-151	Rezone (Special)
0-72-152	(Denied)
0-72-153	Cress-Moor special improvement district (Special)
0-72-154	Rezone (Special)
0-72-155	Easement conveyance (Special)
0-72-156	Annexation (Special)
0-72-157	Amends third paragraph of subsection III of § 14.08.040, board of review (Repealed by 0-81-106)

ORDINANCE LIST

Ordinance

Number	Subject
0-73-18	Adds Ch. 3.02, financial relief and security for elderly citizens (Repealed by 0-78-123)
0-73-19	Rezone (Special)
0-73-20	Repeals Ord. 0-72-168 (Repealer)
0-73-21	Repeals and reenacts § 9.50.020, public intoxication (Repealed by 0-74-1)
0-73-22	Amends § 2 of Ord. 0-73-2, rezone (Repealed by 0-77-114)
0-73-23	Adds § 4 to Ord. 0-72-58, rezone (Special)
0-73-24	(Withdrawn)
0-73-25	Rezone (Special)
0-73-26	Amends Ord. 0-72-102, rezone (Special)
0-73-27	(Denied)
0-73-28	Street vacation (Special)
0-73-29	Street vacation (Special)
0-73-30	(Not presented to council)
0-73-31	(Not presented to council)
0-73-32	Rezone (Special)
0-73-33	Adds Ch. 5.36, wrecker and towing services (Repealed by 0-93-64)
0-73-34	Adds Ch. 8.06, fees and vegetation (8.06)
0-73-35	Salary of judge (Special)
0-73-36	Park bonds (Special)
0-73-37	Special improvement district No. 4 (Special)
0-73-38	Adds § 10.60.160, driving on parklands (Repealed by 0-74-44)
0-73-39	Street vacation (Special)
0-73-40	Street name change (Special)
0-73-41	Adds Ch. 2.01, terms of elected officials (2.01)
0-73-42	Amends Ord. 0-72-159, rezone (Special)
0-73-43	Easement vacation (Special)
0-73-44	Easement vacation (Special)
0-73-45	(Denied)
0-73-46	Rezone (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-73-102	Rezone (Special)
0-73-103	Salary for City Treasurer (Not codified)
0-73-104	Lease agreement with Mutual Water Company (Special)
0-73-105	City office space lease (Special)
0-73-106	Street vacation (Special)
0-73-107	Easement vacation (Special)
0-73-108	Street vacation (Special)
0-73-109	(Denied)
0-73-110	Park land purchase (Special)
0-73-111	Street vacation (Special)
0-73-112	Street vacation (Special)
0-73-113	Street vacation (Special)
0-73-114	Adds Ch. 5.38, Lakewood liquor licensing authority; repeals Ord. 0-72-112 (5.38)
0-73-115	Adds Ch. 5.40, fermented malt beverage authority; repeals Ord. 0-72-113 (5.40)
0-73-116	Adds Ch. 13.04, water and sewage systems (Repealed by 0-86-20)
0-73-117	Adds § 3 to Ord. 0-72-99, rezone (Special)
0-73-118	Amends § 14.04.080, building code and adds § 3-7 to Ord. 0-70-104, zoning (Repealed by 0-81-106)
0-73-119	Park land conveyance (Special)
0-73-120	Amends §§ 2.32.010, 2.32.050, 2.32.060 and 2.32.100, personnel positions and compensation (Repealed by 0-77-148)
0-73-121	Easement vacation (Special)
0-73-122	(Void)
0-73-123	Sewer line easement quitclaim ratification (Special)
0-73-124	Adds Ch. 3.20, municipal use tax (Repealed by 0-85-62)

ORDINANCE LIST

Ordinance

Number Subject

0-73-125 Amends § 2.24.020, salaries (2.24)

0-73-126 Improvements assessment for Louisiana-Reed special improvement district No. 2 (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-73-127	Salary for City Clerk (Not codified)
0-73-128	Salary for City Administrator (Not codified)
0-73-129	Salary for City Attorney (Not codified)
0-73-130	Adds subsection 1.1 to § 1.04.010 and amends § 2.04.040, City Clerk duties (1.04, 2.04)
Series of 1974:	
0-74-1	Adds §§ 1.16.035 and 1.16.036, liability for violations and repeals and replaces Title 9, public peace and safety (1.16, Chs. 9.06, 9.08, 9.10, 9.12, 9.14, 9.20, 9.26, 9.28, 9.30, 9.33, 9.34, 9.36, 9.40, 9.50, 9.52, 9.60, 9.62, 9.64, 9.66, 9.70, 9.80, 9.90, 9.92 and 9.94)
0-74-2	Cul-de-sac vacation (Special)
0-74-3	Salary for associate municipal judge (Not codified)
0-74-4	Easement conveyance (Special)
0-74-5	Adds §§ 13 — 19 to Ord. 0-72-74, police retirement (Repealed by 0-78-24)
0-74-6	Real property acquisition (Special)
0-74-7	Amends legal description of Louisiana-Reed special improvement district No. 2 in Ord. 0-72-37 and Res. Nos. 72-30 and 73-220 (Special)
0-74-8	Cul-de-sac vacation (Special)
0-74-9	Easement vacation (Special)
0-74-10	Street and easement vacations (Special)
0-74-11	Easement vacation (Special)
0-74-12	(Defeated)
0-74-13	Repeals and reenacts §§ 5.40.100 and 5.40.110, fermented malt beverage licenses (5.40)
0-74-14	Repeals and reenacts §§ 5.24.060, 5.24.090, 5.24.110, 5.24.140, 5.24.220, 5.24.280, 5.24.310 and 5.24.340, and amends § 5.24.100, pawnbrokers;

ORDINANCE LIST

Ordinance

Number Subject

- repeals §§ 5.24.300 and 5.24.420 (Repealed by
0-89-61)
- 0-74-15 Amends Ord. 0-73-7, annexation (Special)
- 0-74-16 Amends Ord. 0-73-8, annexation (Special)
- 0-74-17 Amends §§ 10.15.010, 10.15.020 and 10.15.030.

ORDINANCE LIST

Ordinance

Number	Subject
	penalties for violations; repeals (6) of § 1.16.040 and § 1.16.050 (1.16)
0-74-73	Approves third phase of Union Square Planned Development (Special)
0-74-74	Rezone (Special)
0-74-75	1974 tax levy (Special)
0-74-76	Compensation for acting City Administrator (Not codified)
0-74-77	Rezone (Special)
0-74-78	Parklands conveyance acceptance (Special)
0-74-79	Parklands conveyance acceptance (Special)
0-74-80	Amends § 14.08.150, special licenses under building code (Repealed by 0-81-106)
0-74-81	(Tabled)
0-74-82	Rezone (Special)
0-74-83	Easement conveyance (Special)
0-74-84	Amends development plan of Villa Norte Development (Special)
0-74-85	Appropriations (Special)
0-74-86	Rezone (Special)
0-74-87	Rezone (Special)
0-74-88	Easement conveyance (Special)
0-74-89	Adds Title 11, parking, towing (Tabled)
0-74-90	Repeals Chs. 10.33, 10.36, 10.39, 10.42 and §§ 10.66.120 and 10.66.130, traffic (Tabled)
0-74-91	Creates special improvement district No. 7 (Special)
0-74-92	Ratifies land acquisition (Special)
0-74-93	Ratifies land acquisition (Special)
0-74-94	Repeals and reenacts §§ 2.28.040, 2.28.080, 2.28.100, 2.28.110, 2.28.150, 2.28.160, 2.28.170, 2.28.390, 2.28.410 and 2.28.420 and adds § 2.28.415, personnel (2.28)

ORDINANCE LIST

Ordinance

- | Number | Subject |
|-----------------|--|
| 0-74-95 | Amends §§ 2.32.010, 2.32.050 and 2.32.100 and repeals and replaces § 2.32.060, compensation and fringe benefits (Repealed by 0-77-148) |
| 0-74-96 | Rezone (Special) |
| 0-74-97 | Amends §§ 2.24.020 and 2.24.030, compensation, and adds Ch. 2.26, executive compensation plan (2.24, 2.26) |
| 0-74-98 | Amends sales tax, § 3.20.040, building and construction use tax, and § 3.20.050, vehicle use tax, and adds § 3.20.080 (Denied) |
| 0-74-99 | Rezone (Special) |
| 0-74-100 | Amends § 10.15.010, traffic (10.15) |
| 0-74-101 | Telephone line easement (Special) |
| 0-74-102 | Rezone (Special) |
| 0-74-103 | Rezone (Special) |
| 0-74-104 | Rezone (Special) |
| 0-74-105 | Rezone (Special) |
| 0-74-106 | Union Square Planned Development Phase II plan approval (Special) |
| Series of 1975: | |
| 0-75-1 | Rezone (Letter of withdrawal 3/24/75, no action taken) |
| 0-75-2 | Enacts new Chapters 14.01 – 14.14, buildings and construction (Repealed by 78-28 and 0-81-106) |
| 0-75-3 | Acquisition of land and drainage easements (Special) |
| 0-75-4 | Special Improvement District No. 14 (Special) |
| 0-75-5 | Street vacation (Special) |
| 0-75-6 | Emergency vehicle access easement vacation (Special) |
| 0-75-7 | Conveyance of certain public lands (Special) |
| 0-75-8 | Readopts Lakewood municipal code (Not codified) |

ORDINANCE LIST

Ordinance

Number	Subject
0-75-39	Rezone (Special)
0-75-40	Rezone (Special)
0-75-41	Special Improvement District No. 13 (Special)
0-75-42	Rezone (Special)
0-75-43	Rezone (Special)
0-75-44	Amends § 2-20 of Ord. 0-70-104, PD planned development district (Not codified)
0-75-45	Land vacation (Special)
0-75-46	Park lands conveyance (Special)
0-75-47	Real property acquisition (Special)
0-75-48	Real property acquisition (Denied)
0-75-49	Reappointment of associate municipal judge (Special)
0-75-50	Rezone (Special)
0-75-51	Speed limits for certain streets (Not codified)
0-75-52	Amends § 14.05.030, building permit fees (Repealed by 0-81-106)
0-75-53	Amends § 6.04.020, animals (Repealed by 0-77-137)
0-75-54	Readopts, ratifies and confirms § 2.12.040, public safety director (2.12)
0-75-55	Real property acquisition (Special)
0-75-56	Proposal submission to electorate (Special)
0-75-57	(Denied)
0-75-58	Rezone (Special)
0-75-59	Annexation (Special)
0-75-60	Rezone (Special)
0-75-61	(No action taken)
0-75-62	Adds subsection (j) to § 14.03.040, treatment of historic buildings (Repealed by 0-81-106)
0-75-63	Amends § 2 of Ord. 0-72-58, rezone (Special)
0-75-64	Real property acquisition (Special)
0-75-65	Rezone (Denied)
0-75-66	Rezone (Special)
0-75-67	Annexation (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-75-68	Street vacation (Special)
0-75-69	Assessments for Special Improvement District No. 5 (Special)
0-75-70	Amends §§ 13.04.020 and 13.04.130(b) and (c), water and sewer system (Repealed by 0-86-20)
0-75-71	Repeals and reenacts §§ 12.04.010, 12.04.080, 12.04.090, 12.04.100, 12.04.110 and 12.04.130, working in public ways (12.04)
0-75-72	Rezone (Denied)
0-75-73	Easement conveyance (Special)
0-75-74	Rezone (Special)
0-75-75	Adds Ch. 2.03, financial disclosure for elected officials (Denied)
0-75-76	Rezone (Special)
0-75-77	Rezone (Special)
0-75-78	1975 tax levy (Special)
0-75-79	Amends § 2 of and adds § 3 to Ord. 0-74-45, rezone (Special)
0-75-80	Alley vacation (Special)
0-75-81	Appropriations (Special)
0-75-82	Special Improvement District No. 10 (Special)
0-75-83	(Not presented to council)
0-75-84	Land acquisition deed acceptance (Special)
0-75-85	Rezone (Special)
0-75-86	Rezone (Special)
0-75-87	Real property acquisition (Special)
0-75-88	Amends § 2.08.040, city administrator, and § 2.28.020, personnel (2.08)
0-75-89	Rezone (Special)
0-75-90	Rezone (Special)
0-75-91	Easement conveyance (Special)
0-75-92	Amends § 14.06.060, building code (14.06)

ORDINANCE LIST

Ordinance

- | Number | Subject |
|----------|--|
| | 10.60.010, 10.60.020, 10.60.030, 10.60.040,
10.60.050, 10.60.060, 10.60.070, 10.60.080,
10.60.090, 10.60.100, 10.60.110, 10.60.120,
10.60.130, 10.60.140, 10.60.150, 10.60.160,
10.60.170, 10.60.180, 10.60.190, 10.60.200,
10.63.030, 10.63.040, 10.63.050, 10.63.080 and
10.63.090, traffic (1.16, 10.06, 10.09, 10.12, 10.15,
10.18, 10.21, 10.24, 10.27, 10.30, 10.33, 10.36,
10.39, 10.42, 10.45, 10.48, 10.51, 10.54, 10.57,
10.60, 10.63) |
| 0-75-97 | Amends § 3-3(I)(3) and (4) of Ord. 0-70-104, zoning
(Not codified) |
| 0-75-98 | Adds Ch. 5.46, amusement devices (Repealed by
0-81-104) |
| 0-75-99 | Planned development approval (Special) |
| 0-75-100 | Repeals and reenacts §§ 2.28.020, 2.28.040(b),
2.28.050, 2.28.090, 2.28.120, 2.28.140, 2.28.170,
2.28.230, 2.28.250, 2.28.260, 2.28.290, 2.28.310,
2.28.320, 2.28.321(a), 2.28.360, 2.28.370, 2.28.380,
2.28.390, 2.28.391, 2.28.420, 2.28.630, 2.28.690,
2.28.700(d), 2.28.710, 2.28.730, and subchapters IX
and X of Ch. 2.28; adds new subchapter XI to Ch.
2.28, and renumbers existing subchapters XI, XII,
XIII, XIV, XV, XVI, XVII and XVIII; and adds §
2.28.045, personnel; repeals §§ 2.28.330, 2.28.340,
2.28.350 and 2.28.430 (2.28) |
| 0-75-101 | Amends §§ 2.32.010, 2.32.050, 2.32.070(2), and
2.32.100(3) and (4), and adds § 2.32.110,
compensation; repeals § 2.32.060 (Repealed by
0-77-148) |
| 0-75-102 | Amends § 2.24.020 and adds § 2.26.140,
compensation (2.24, 2.26) |
| 0-75-103 | Adds Ch. 2.27, management compensation plan
(2.27) |

ORDINANCE LIST

Ordinance

Number	Subject
	of contracts, 8.04.040, weed removal, 14.04.010 and (3) of 14.04.050, building department administration (1.04, 2.16, 3.04, 8.04)
0-76-18	Certain exemptions from Public Employees' Retirement Association (Special)
0-76-19	Alley vacation (Special)
0-76-20	(Not presented)
0-76-21	Rezone (Special)
0-76-22	Adopts Title 15, housing code (15.01–15.11)
0-76-23	Adds §§ 14.04.070 and 14.04.080, and amends (g) of § 14.04.060, registration of electrical contractors (Repealed by 0-81-106)
0-76-24	Property assessment for weed removal (Special)
0-76-25	Easement vacation (Special)
0-76-26	Zones certain property (Special)
0-76-27	Zones certain property (Special)
0-76-28	Zones certain property (Special)
0-76-29	Zones certain property (Special)
0-76-30	Rezone (Special)
0-76-31	Annexation, rezone (Special)
0-76-32	Amends § 14.06.020, Uniform Building Code (Repealed by 0-81-106)
0-76-33	Amends § 3-3 of Ord. 0-70-104, sign code (Not codified)
0-76-34	Lease of municipal office space (Special)
0-76-35	(Missing)
0-76-36	Rezone (Special)
0-76-37	Adds Ch. 2.03, financial disclosure by city officials (2.03)
0-76-38	Acquisition of certain land on West Yale Avenue (Special)
0-76-39	Annexation (Special)
0-76-40	Rezone (Special)
0-76-41	(Missing)

ORDINANCE LIST

Ordinance

Number	Subject
0-76-42	Rezone (Special)
0-76-43	Rezone (Special)
0-76-44	Amends third paragraph of (a) of § 14.05.030, building permits (Repealed by 0-81-106)
0-76-45	Acquisition of certain property at 1435 Simms Street (Special)
0-76-46	Levy of assessments for improvements in Special Improvement District No. 13 (Special)
0-76-47	Readopts Lakewood Municipal Code (Not codified)
0-76-48	Rezone (Special)
0-76-49	Street and alley vacation (Special)
0-76-50	Street and alley vacation (Special)
0-76-51	Amends Ch. 5.32, business tax (5.32)
0-76-52	Rezone (Special)
0-76-53	Rezone (Special)
0-76-54	Street and alley vacation (Special)
0-76-55	Rezone (Special)
0-76-56	Amends §§ 5.44.020, 5.44.130, 5.44.160, 5.44.170, 5.44.230, 5.44.270, 5.44.300, 5.44.310, 5.44.320, 5.44.370, 5.44.400, 5.44.410, 5.44.420, 5.44.430, rennumbers § 5.44.580 to § 5.44.550 and § 5.44.590 to § 5.44.560, repeals and reenacts § 5.44.560 as § 5.44.540 and repeals §§ 5.44.540, 5.44.570, CATV franchise (5.44)
0-76-57	(Denied)
0-76-58	Street and road vacation (Special)
0-76-59	Utility easement conveyance (Special)
0-76-60	Adds § 14.02.030, amends § 14.06.040, fire zones (Repealed by 0-81-106)
0-76-61	(Withdrawn)
0-76-62	Amends Ord. 0-76-51 § 2, business tax (5.32)
0-76-63	Establishes water aquisition fund (3.24)

ORDINANCE LIST

Ordinance

Number	Subject
0-76-64	(Tabled)
0-76-65	1977 tax levy (Special)
0-76-66	Appropriation (Special)
0-76-67	Assessment (Special)
0-76-68	Authorizes purchase of certain real property (Special)
0-76-69	Repeals and reenacts subchapters IX, X of Ch. 2.28, personnel system (2.28)
0-76-70	Rezone (Special)
0-76-71	Authorizes purchase of certain real property (Special)
0-76-72	Authorizes purchase of certain real property (Special)
0-76-73	Speed limits (Special)
0-76-74	Authorizes purchase of certain real property (Special)
0-76-75	Amends Ord. 0-75-95 § 2, rezone (Special)
0-76-76	Rezone (Special)
0-76-77	Amends §§ 2.24.020, 2.26.130, 2.26.140 personnel compensation and removal (2.24, 2.26)
0-76-78	Adds § 2.27.160, amends §§ 2.27.020, 2.27.030, 2.27.040 and repeals and replaces §§ 2.27.100, 2.27.160, management personnel (2.27)
0-76-79	Adds Ch. 2.25, middle management compensation (Repealed by 0-77-147)
0-76-80	(Denied)
0-76-81	Amends §§ 2.32.010, 2.32.050, 2.32.100 and repeals § 2.32.110, compensation (Repealed by 0-77-148)
0-76-82	Authorizes purchase of certain real property (Special)
0-76-83	Authorizes purchase of certain real property (Special)
0-76-84	Authorizes purchase of certain real property (Special)
0-76-85	Adds Ch. 3.10 and repeals and replaces Ch. 9.02, abandoned or confiscated property (3.10)
0-76-86	Changes title of Ch. 2.28 and amends §§ 2.28.010, 2.28.020, 2.28.030, 2.28.050, 2.28.060, 2.28.070, 2.28.080, 2.28.090, 2.28.100, 2.28.120, 2.28.130,

ORDINANCE LIST

Ordinance Number	Subject
0-77-5	Annexation (Special)
0-77-6	Annexation (Special)
0-77-7	Annexation (Special)
0-77-8	Annexation (Special)
0-77-9	Rezone (Special)
0-77-10	Property acquisition authorized (Special)
0-77-11	Amends zoning map (Special)
0-77-12	Planned development approval (Special)
0-77-13	City administrator salary (Not codified)
0-77-14	Purchase contract authorized (Special)
0-77-15	Amends §§ 5.46.010, 5.46.040, 5.46.080, 5.46.090; adds subsection (7) to § 5.46.030, adds §§ 5.46.120, 5.46.130 and 5.46.140, amusement devices licensing (Repealed by 0-81-104)
0-77-16	Amends §§ 9.10.030, 9.50.010, 9.50.040, 9.64.010, 9.64.020, 9.70.030, 9.94.010, offenses (9.10, 9.50, 9.64, 9.70, 9.94)
0-77-17	Annexation (Special)
0-77-18	Annexation (Special)
0-77-19	Rezoned (Denied)
0-77-20	Amends §§ 1-11(c) and (e) of Ord. 0-70-104, zoning (Not codified)
0-77-21	Amends §§ 1-12 and 2-20 of Ord. 0-70-104, zoning (Not codified)
0-77-22	Annexation (Special)
0-77-23	Rezone (Not adopted)
0-77-24	Easement vacation (Special)
0-77-25	Property acquisition (Special)
0-77-26	Property acquisition (Special)
0-77-27	Property acquisition (Special)
0-77-28	Adds § 2.02.030; amends §§ 2.06.040, 2.12.020(a), 2.12.030 and 2.24.020, city attorney (2.06, 2.24)

ORDINANCE LIST

Ordinance

Number	Subject
0-77-29	Property acquisition (Special)
0-77-30	Amends §§ 14.01.010, 14.01.020, 14.02.010, 14.03.020, 14.04.010, 14.04.020(b), 14.04.050, 14.04.060, 14.05.010, 14.05.030, 14.05.040, 14.05.060(a), 14.06.020 – 14.06.040, 14.06.080 – 14.06.110, 14.06.140, 14.06.180, 14.06.210, 14.07.010, 14.09.010, 14.09.050, 14.09.060, 14.09.090, 14.10.010, 14.10.020(5), 14.11.020, 14.11.030(2)(d), 14.13.010; adds §§ 14.02.030, 14.02.040, 14.06.015, 14.10.045, 14.10.060, repeals Ch. 14.08, § 14.04.020(h), reletters § 14.04.020(i) to be (h), building regulations (Repealed by 78-28 and 0-81-106)
0-77-31	Street vacation (Special)
0-77-32	Rezone (Special)
0-77-33	Property purchase authorized (Special)
0-77-34	Property purchase authorized (Special)
0-77-35	Property acquisition (Special)
0-77-36	Amends § 1-12A of Ord. 0-70-104, applications for zoning change (Not codified)
0-77-37	Planned development approval (Not codified)
0-77-38	Amends zoning map (Special)
0-77-39	Rezone (Special)
0-77-40	Rezone (Special)
0-77-41	Property purchase authorized (Special)
0-77-42	Amends § 3.20.040, construction tax (Repealed by 0-79-119)
0-77-43	Amends § 5.32.010, utility tax (5.32)
0-77-44	Property acquisition (Special)
0-77-45	Property acquisition (Special)
0-77-46	Speed limits (Not codified)
0-77-47	Property acquisition (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-77-48	Property acquisition (Special)
0-77-49	Property acquisition (Special)
0-77-50	Annexation (Special)
0-77-51	Annexation (Not adopted)
0-77-52	Rezone (Special)
0-77-53	Rezone (Special)
0-77-54	Conveyance of easement authorized (Special)
0-77-55	Property acquisition (Special)
0-77-56	Property acquisition (Special)
0-77-57	Property acquisition (Special)
0-77-58	Property acquisition (Special)
0-77-59	Amends § 5.46.120, amusement devices (Repealed by 0-81-104)
0-77-60	Adds § 10.33.070, parking (10.33)
0-77-61	Amends §§ 5.28.010, 5.28.020, 5.28.030, 5.28.050, 5.28.060, 5.28.100, repeals § 5.28.070, solicitors (Repealed by 0-82-133)
0-77-62	Amends §§ 14.04.060, 14.10.020, building regulations (Repealed by 0-81-106)
0-77-63	Amends § 5.38.030, liquor licensing (5.30)
0-77-64	Amends § 5.40.030(b), malt beverages (5.40)
0-77-65	Annexation (Special)
0-77-66	Rezone (Special)
0-77-67	Rezone (Special)
0-77-68	Rezone (Special)
0-77-69	Rezone (Special)
0-77-70	Cul-de-sac vacation (Special)
0-77-71	Property acquisition (Special)
0-77-72	Purchase contract authorized (Special)
0-77-73	Amends § 3-3 of Ord. 0-70-104, zoning (Not codified)
0-77-74	Property acquisition (Special)
0-77-75	Rezone (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-77-76	Rezone (Not adopted)
0-77-77	Rezone (Special)
0-77-78	Zones annexed property (Special)
0-77-79	Subdivision approval (Special)
0-77-80	Annexation (Special)
0-77-81	Reappointment of municipal judge (Not codified)
0-77-82	Appointment for associate municipal judge (Not codified)
0-77-83	Rezone (Not adopted)
0-77-84	Rezone (Special)
0-77-85	Rezone (Special)
0-77-86	Adds § 10.12.080; amends §§ 10.03.040, 10.06.010(b),(c), 10.06.020, 10.09.020, 10.12.020(b),(c), 10.12.030, 10.12.050, 10.12.060(b), 10.12.070, 10.15.010, 10.15.020, 10.15.030, 10.15.040, 10.21.030(a)(2), (a)(3), 10.21.060(a)(1), 10.24.010(a)(4), (c), 10.24.050, 10.30.010(b), 10.33.010, 10.39.060, 10.39.120, 10.45.080, 10.45.130, 10.48.020(c), 10.48.070(b),(c), 10.54.020(a), 10.54.110, 10.57.020(a),(b), 10.60.070, 10.60.190(2), 10.66.130(a), 10.66.190(a), 10.66.200, 10.66.210, 10.69.090, 10.72.020(3), 10.75.020(m), (v), 10.75.030(b), (d), (h), (i), (o), (p), (s) and 10.75.040(i); traffic (10.06, 10.09, 10.12, 10.15, 10.21, 10.24, 10.30, 10.33, 10.39, 10.45, 10.48, 10.54, 10.57, 10.60, 10.66, 10.69, 10.72, 10.75)
0-77-87	Acquisition of property (Special)
0-77-88	Zoning of annexed land (Special)
0-77-89	Rezone (Special)
0-77-90	Rezone (Not adopted)
0-77-91	Rezone (Not adopted)

ORDINANCE LIST

- 0-77-92 Amends § 13.04.020, board of water and sewer commissioners (Repealed by 0-86-20)
- 0-77-93 Amends § 3.04.120, execution of contracts (Repealed by 0-88-6)
- 0-77-94 Acquisition of property (Special)
- 0-77-95 Rezone (Special)
- 0-77-96 Rezone (Special)
- 0-77-97 Rezone (Special)
- 0-77-98 Approval of subdivision (Special)
- 0-77-99 Cul-de-sac vacation (Special)
- 0-77-100 Rezone (Special)
- 0-77-101 Rezone (Special)
- 0-77-102 Zoning of annexed land (Special)
- 0-77-103 Zoning of annexed land (Special)
- 0-77-104 Zoning of annexed land (Special)
- 0-77-105 Service road vacation (Special)
- 0-77-106 Acquisition of property (Special)
- 0-77-107 Repeals and reenacts Ch. 1.01, adoption of codes; amends § 1.16.035, corporate liability (1.01, 1.16)
- 0-77-108 Rezone (Special)
- 0-77-109 Amends Ord. 0-70-104, zoning (Not codified)
- 0-77-110 1978 tax levy (Special)
- 0-77-111 Appropriation (Special)
- 0-77-112 Amends § 2 of Ord. 0-72-35, rezone (Special)
- 0-77-113 Amends § 2 of Ord. 0-72-130, rezone (Special)
- 0-77-114 Repeals Ord. 0-73-22 (Repealer)
- 0-77-115 Repeals Ord. 0-74-25 (Repealer)
- 0-77-116 Real property vacation (Special)
- 0-77-117 Rezone (Special)
- 0-77-118 Planned development approval (Special)
- 0-77-119 Planned development approval (Special)
- 0-77-120 Amends Ord. 0-74-51, rezone (Special)
- 0-77-121 Street vacation (Special)
- 0-77-122 Property conveyance (Special)
- 0-77-123 Easement conveyance (Special)

ORDINANCE LIST

- 0-77-124 Amends § 2 of Ord. 0-70-40, rezone (Special)
- 0-77-125 Amends § 2 of Ord. 0-70-51, rezone (Special)
- 0-77-126 Rezone (Special)
- 0-77-127 Rezone (Special)
- 0-77-128 Real property conveyance (Special)
- 0-77-129 Repeals Ord. 0-70-34 (Repealer)
- 0-77-130 Rezone (Special)
- 0-77-131 Rezone (Special)
- 0-77-132 Rezone (Special)
- 0-77-133 Real property acquisition (Special)
- 0-77-134 Real property acquisition (Special)
- 0-77-135 Amends §§ 14.04.050, 14.13.010; repeals §§ 14.04.060, 14.10.020 – 14.10.030, building code (Denied)
- 0-77-136 Amends §§ 12.04.210, 12.04.240 repeals § 12.04.080, public ways (Denied)
- 0-77-137 Repeals and reenacts Title 6, animals (Repealed by 0-87-28)
- 0-77-138 Real property acceptance (Special)
- 0-77-139 Planned development approval (Special)
- 0-77-140 Real property acquisition (Special)
- 0-77-141 Planned development approval (Special)
- 0-77-142 Rezone (Special)
- 0-77-143 Rezone (Special)
- 0-77-144 Rezone (Special)
- 0-77-145 Amends § 2.24.020, sets forth city clerk's and municipal judge's salaries (2.24)
- 0-77-146 Amends §§ 2.27.020, 2.27.030, personnel compensation (2.27)
- 0-77-147 Repeals and reenacts Ch. 2.25, personnel compensation plan (2.25)
- 0-77-148 Repeals and reenacts Ch. 2.32, personnel compensation plan (2.32)
- 0-77-149 Amends §§ 2.28.020, 2.28.040, 2.28.080, 2.28.090,

ORDINANCE LIST

Ordinance Number	Subject
	2.28.100, 2.28.110, 2.28.150, 2.28.160, 2.28.170, 2.28.270, 2.28.370, 2.28.391, 2.28.400, 2.28.410, 2.28.415, 2.28.420, 2.28.440, 2.28.465, 2.28.590, 2.28.690, personnel policies (2.28)
0-77-150	Amends Ord. 0-77-111, appropriation (Special)
Series of 1978:	
0-78-1	Amends § 6.16.030, impoundment of animals (Repealed by 0-87-28)
0-78-2	Repeals and reenacts § 3-7 of Ord. 0-70-104, flood hazard area regulations (Not codified)
0-78-3	Rezone (Special)
0-78-4	Zones certain property (Special)
0-78-5	Rezone (Special)
0-78-6	Street vacation (Special)
0-78-7	Planned development approval (Not codified)
0-78-8	Land acquisition (Special)
0-78-9	Amends §§ 5.32.010 and 5.32.020 (5.32)
0-78-10	Rezone (Special)
0-78-11	Rezone (Special)
0-78-12	Zones certain property (Special)
0-78-13	(Not adopted)
0-78-14	Zones certain property (Special)
0-78-15	Approves development plan (Special)
0-78-16	Zones certain property (Special)
0-78-17	Zones certain property (Special)
0-78-18	Zones certain property (Special)
0-78-19	Zones certain property (Special)
0-78-20	Zones certain property (Special)
0-78-21	Zones certain property (Special)
0-78-22	Zones certain property (Special)
0-78-23	Zones certain property (Special)
0-78-24	Repeals and reenacts Ch. 2.36, police pension benefits (Repealed by 0-93-9)
0-78-25	Rezone (Special)
0-78-26	Rezone (Special)

ORDINANCE LIST

- 0-78-27 Rezone (Special)
- 0-78-28 Repeals and reenacts Ch. 14.13, public improvements (14.13)
- 0-78-29 Amends lease between National Western Associates and the city (Not codified)
- 0-78-30 Removed from agenda
- 0-78-31 Removed from agenda
- 0-78-32 Amends § 2.24.020, monthly salaries of officers (2.24)
- 0-78-33 Amends §§ 2.27.020 and 2.27.030, management compensation plan (2.27)
- 0-78-34 Amends §§ 2.25.020 and 2.25.030, middle management/professional compensation plan (2.25)
- 0-78-35 Amends Ord. 0-76-18, exemptions from participation in public employee retirement association (Special)
- 0-78-36 Rezone (Special)
- 0-78-37 Purchase of property (Special)
- 0-78-38 Annexation (Special)
- 0-78-39 Rezone (Special)
- 0-78-40 Amends § 1(a) of Ord. 0-77-145, compensation for city clerk and acting city administrator (Special)
- 0-78-41 Amends § 2.32.080(3), compensation (2.32)
- 0-78-42 Rezone (Special)
- 0-78-43 Approves development plan (Special)
- 0-78-44 Rezone (Special)
- 0-78-45 Not adopted
- 0-78-46 Not adopted
- 0-78-47 Rezone (Special)
- 0-78-48 Annexation (Special)
- 0-78-49 Zoning provision (Special)
- 0-78-50 Annexation (Special)
- 0-78-51 Zoning provision (Special)
- 0-78-52 Rezone (Special)
- 0-78-53 Land acquisition (Special)

ORDINANCE LIST

- 0-78-54 Land acquisition (Special)
- 0-78-55 Rezone (Special)
- 0-78-56 Missing
- 0-78-57 Rezone (Special)
- 0-78-58 Rezone (Special)
- 0-78-59 Approves phase III development plan for the financial plaza at Union Square (Special)
- 0-78-60 Authorizes property acquisition (Special)
- 0-78-61 Amends §§ 5.44.020, 5.44.100, 5.44.330, 5.44.370, cable communications system (5.44)
- 0-78-62 Adds Ch. 14.50, energy efficiency construction and renovation standards for nonresidential buildings (Repealed by 0-81-106)
- 0-78-63 Amends (a) of § 14.05.030, building permit fee waiver (Repealed by 0-81-106)
- 0-78-64 Rezone (Special)
- 0-78-65 Zoning provision (Special)
- 0-78-66 Defeated
- 0-78-67 Compensation for presiding municipal judge (Not codified)
- 0-78-68 Not adopted
- 0-78-69 Not adopted
- 0-78-70 Not adopted
- 0-78-71 Defeated
- 0-78-72 Land acquisition (Special)
- 0-78-73 Land acquisition (Special)
- 0-78-74 Authorizes improvements and donation of land for right-of-way purposes (Special)
- 0-78-75 Rezone (Special)
- 0-78-76 Rezone (Special)
- 0-78-77 Appoints Charles S. Anderson as city administrator, provides compensation for his services (Special)
- 0-78-78 Adds Ch. 9.65, petty theft (9.65)

ORDINANCE LIST

Ordinance

Number	Subject
0-78-79	Adds subsection (mm) to § 10.75.020 and amends subsection (4) of § 10.45.080, subsections (b) and (c) of § 10.48.070, subsection (a) of § 10.51.030, subsections (a) and (b) of § 10.63.080, subsection (a) of § 10.66.190, subsection (3) of § 10.72.020 and subsections (d), (m), (n) and (o) of § 10.75.020 and §§ 10.15.040, 10.33.010, 10.45.110, 10.51.020, 10.51.040, 10.51.050, 10.51.110, 10.51.120, 10.57.040, and 10.69.090, repeals § 10.57.020, vehicles and traffic (10.15, 10.33, 10.45, 10.48, 10.51, 10.57, 10.63, 10.66, 10.69, 10.72, 10.75)
0-78-80	Bond issuance (Special)
0-78-81	Rezone (Special)
0-78-82	Street vacation (Special)
0-78-83	Annexation (Special)
0-78-84	Zones certain property (Special)
0-78-85	Amends § 3.01.050, sales tax (Repealed by 0-85-62)
0-78-86	(Number not used)
0-78-87	Acquires certain property (Special)
0-78-88	Amends Ord. 0-75-77, rezone (Special)
0-78-89	Rezone (Special)
0-78-90	Approves second phase of Pine Tree II development (Special)
0-78-91	Authorizes acquisition of certain property (Special)
0-78-92	Creates special improvement district No. 11 (Special)
0-78-93	(Defeated)
0-78-94	Annexation (Special)
0-78-95	Zones certain property (Special)
0-78-97	Amends §§ 2.24.020, officers' salaries, 2.25.020 and 2.27.020, personnel (2.24)
0-78-98	Tax levy (Special)

ORDINANCE LIST

Ordinance

Number Subject

- 0-78-99 Appropriation (Special)
- 0-78-100 Rezone (Special)
- 0-78-101 Street vacation (Special)
- 0-78-102 Vacates eyebrows of certain cul-de-sacs (Special)
- 0-78-103 Authorizes acquisition of certain property (Special)
- 0-78-104 Adds §§ 6.16.080 and 6.16.090; amends § 6.16.030, animals (Repealed by 0-87-28)
- 0-78-105 Rezone (Special)
- 0-78-106 Street vacation (Special)
- 0-78-107 Street vacation (Special)
- 0-78-108 Street vacation (Special)
- 0-78-109 Amends Ch. 2.32, compensation levels (2.32)
- 0-78-110 Rezone (Special)
- 0-78-111 Rezone (Special)
- 0-78-112 Rezone (Special)
- 0-78-113 Planned development (Special)
- 0-78-114 (Defeated)
- 0-78-115 Rezone (Special)
- 0-78-116 (Defeated)
- 0-78-117 Authorizes acquisition of certain property (Special)
- 0-78-118 Amends §§ 8 and 9 of Ord. 0-78-99, annual appropriation (Special)
- 0-78-119 Adds §§ 5.40.190 and 5.40.200; changes number of § 5.40.190 to 5.40.210, fermented malt beverage outlets (5.40)
- 0-78-120 Adds §§ 5.38.200 and 5.38.210; amends § 5.38.190, liquor outlets (5.38)
- 0-78-121 Amends §§ 5.32.010 and 5.32.020, utility companies (5.32)
- 0-78-122 Amends §§ 2.24.020, 2.25.020, 2.25.030, 2.27.020 and 2.27.030, personnel (2.24, 2.25, 2.27)
- 0-78-123 Repeals Ch. 3.02 (Repealer)

ORDINANCE LIST

Ordinance

Number Subject

- 0-78-124 Trust fund for medical and weekly disability benefit program (3.28)
- 0-78-125 Adds § 3-3A to Ord. 0-70-104, zoning (Not codified)
- 0-78-126 Zoning (Not codified)
- 0-78-127 Rezone (Special)
- 0-78-128 Not adopted
- 0-78-129 Rezone (Special)
- 0-78-130 Authorized acquisition of certain property (Special)
- 0-78-131 Not adopted
- 0-78-132 Annexation (Special)
- 0-79-1 Rezone (Special)
- 0-79-2 Vacation (Special)
- 0-79-3 Amends § 1-11(c) of Ord. 0-70-104, zoning (Not codified)
- 0-79-4 Number not used
- 0-79-5 Amends subsection (b) of § 14.04.020 and §§ 14.04.010, 14.04.050 and 14.04.060, buildings and construction (Repealed by 0-81-106)
- 0-79-6 Acquisition of property (Special)
- 0-79-7 Amends Ord. 9-73-59, rezone (Special)
- 0-79-8 Rezone (Special)
- 0-79-9 Amends subsection 1(a) of Ord. 0-78-40 and 2(a) of Ord. 0-78-77, compensation for city clerk and city administrator (Repealed by 0-79-117)
- 0-79-10 Denied
- 0-79-11 Not passed
- 0-79-12 Rezone (Special)
- 0-79-13 Rezone (Special)
- 0-79-14 Rezone (Special)
- 0-79-15 Rezone (Special)
- 0-79-16 Rezone (Special)
- 0-79-17 Vacation (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-79-18	Vacation (Special)
0-79-19	Adds G to Ord. 0-79-104; amends § 2-20B(1) of Ord. 0-70-104, zoning (Not codified)
0-79-20	Contract with Motorola Communications and Electronics, Inc. (Special)
0-79-21	Contract with IBM (Special)
0-79-22	Utility easement conveyance (Special)
0-79-23	Amends subsection (1) of § 5.40.200, occupation tax payment (5.40)
0-79-24	Amends subsection (1) of § 5.38.200, occupation tax payment (5.38)
0-79-25	Rezone (Special)
0-79-26	Rezone (Special)
0-79-27	Municipal judge compensation (Repealed by 0-79-117)
0-79-28	Defeated
0-79-29	Rezone (Special)
0-79-30	Rezone (Special)
0-79-31	Vacation (Special)
0-79-32	Site plan approval (Special)
0-79-33	No action taken
0-79-34	Acquisition (Special)
0-79-35	Withdrawn
0-79-36	Rezone (Special)
0-79-37	Vacation (Special)
0-79-38	Vacation (Special)
0-79-39	Municipal judges appointed and terms (Not codified)
0-79-40	Water line easement (Special)
0-79-41	Rezone (Special)
0-79-42	Rezone (Special)
0-79-43	Rezone (Special)
0-79-44	Substantial change to plan development
0-79-45	Amends subsection (d)(3) of § 14.05.040, building permits and inspections (Repealed by 0-81-106)

ORDINANCE LIST

Ordinance

Number	Subject
0-79-46	Changes titles of several offices and departments, specifically amends §§ 2.06.080, 2.06.110, 208.070, 14.04.010 and 15.02.010 (2.06, 2.08, 15.02)
0-79-47	Amends §§ 2.25.020 and 2.27.020, management personnel (Repealed by 0-92-15)
0-79-48	Authorizes contract (Special)
0-79-49	Bid acceptance (Special)
0-79-50	Rezone (Special)
0-79-51	Rezone (Special)
0-79-52	Postponed
0-79-53	Amends §§ 3.04.030, 3.04.060, 3.04.070, 3.04.120, purchasing (Repealed by 0-88-6)
0-79-54	Vacation (Special)
0-79-55	Property acquisition (Special)
0-79-56	(Postponed)
0-79-57	Amends Ord. 0-73-76, ward boundaries (Not codified)
0-79-58	Adds subsection 7 to § 2-20A, subsection 5 to § 20-20B, subsection (f) to § 2-20B4, subsection 4 to § 2-20E; repeals and replaces subsection 2 of § 2-20B, subsection 4(c) of § 2-20B, all in Ord. 0-70-104, zoning (Not codified)
0-79-59	Renumbered to 0-79-84
0-79-60	Vacation (Special)
0-79-61	Planned development modification (Special)
0-79-62	44 Union leases (Special)
0-79-63	Rezone (Special)
0-79-64	Vacation (Special)
0-79-65	Rezone (Special)
0-79-66	Appropriation (Special)
0-79-67	Special improvement district (Special)
0-79-68	Annexation (Special)
0-79-69	Rezone (Special)
0-79-70	Rezone (Special)
0-79-71	Vacation (Special)
0-79-72	Vacation (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-79-73	Defeated
0-79-74	Annexation (Special)
0-79-75	Rezone (Special)
0-79-76	Planned development modification (Special)
0-79-77	Rezone (Special)
0-79-78	Vacation (Special)
0-79-79	Vacation (Special)
0-79-80	Vacation (Special)
0-79-81	Vacation (Special)
0-79-82	Property acquisition (Special)
0-79-83	Union Square planned development (Special)
0-79-84	Rezone (Special)
0-79-85	Rezone (Special)
0-79-86	Tax levy (Special)
0-79-87	Defeated
0-79-88	Lease authorization (Special)
0-79-89	Rezone (Special)
0-79-90	Rezone (Special)
0-79-91	Rezone (Special)
0-79-92	Rezone (Special)
0-79-93	Rezone (Special)
0-79-94	Defeated
0-79-95	Vacation (Special)
0-79-96	Vacation (Special)
0-79-97	Approves phase III site plan review (Special)
0-79-98	Amends §§ 5.40.190 and 5.40.200, liquor fee on fermented malt beverages (5.40)
0-79-99	Amends §§ 5.38.190 and 5.38.200 liquor fee on liquor outlets (5.38)
0-79-100	Amends §§ 3.04.040, 3.04.050, purchasing (Repealed by 0-88-6)
0-79-101	Special improvement district No. 11 (Special)
0-79-102	Special improvement district No. 15 (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-79-118	Amends § 14.05.030(a); repeals § 14.05.030(b) and (c) building permit fees (Repealed by 0-81-106)
0-79-119	Amends § 3.20.030; repeals §§ 3.20.010(1), 3.20.040 and renumbers accordingly, use taxes (Repealed by 0-85-62)
0-79-120	Note issuance (Special)
0-79-121	Repeals § 2.08.080 (Repealer)
0-79-122	Rezone (Special)
0-79-123	Rezone (Special)
0-79-124	Amends §§ 5.32.010 and 5.32.020, fee for occupation and business of designated utility companies (5.32)
0-80-1	Rezone (Special)
0-80-2	Site plan approval (Special)
0-80-3	Site plan approval (Special)
0-80-4	Rezone (Special)
0-80-5	Creates special fund for recreational facilities (Repealed by 0-80-63)
0-80-6	Amends subsection (8) of § 2.36.020, subsections (a) and (g)(1), (2), (3), (4) of § 2.36.040, subsection (b)(3), (5) of § 2.36.070, police pension (Repealed by 0-93-9)
0-80-7	Authorizes contract for lease-purchase (Special)
0-80-8	Rezone (Special)
0-80-9	Amends subparagraph (9) of § 6.04.020 and §§ 6.20.020, 6.20.030 and 6.24.020, animals (Repealed by 0-87-28)
0-80-10	Adds § 9.16.010, police dogs (9.16)
0-80-11	Site plan approval (Special)
0-80-12	Authorizes contract for lease-purchase (Special)
0-80-13	Municipal judge appointments (Special)
0-80-14	Special assessment (Special)
0-80-15	Special improvement district (Special)
0-80-16	Site plan approval (Special)
0-80-17	Land vacation (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-80-18	Rezone (Special)
0-80-19	Adds Ch. 10.58, gas powered engines (10.58)
0-80-20	Rezone (Special)
0-80-21	Rezone (Special)
0-80-22	
0-80-23	Land vacation (Special)
0-80-24	Repeals and reenacts § 9.50.040, harassment (9.50)
0-80-25	Street vacation (Special)
0-80-26	Street vacation (Special)
0-80-27	Rezone (Special)
0-80-28	Rezone (Special)
0-80-29	Rezone (Special)
0-80-30	Creates special improvement district no. 30 (Repealed by 0-80-43)
0-80-31	Adds Ch. 2.29, employee relocation benefits (2.29)
0-80-32	Rezone (Special)
0-80-33	Rezone (Special)
0-80-34	Street vacation (Special)
0-80-35	Conveyance of utility easement (Special)
0-80-36	City Administrator salary (Special)
0-80-37	Site plan approved (Special)
0-80-38	Rezone (Special)
0-80-39	Rezone (Special)
0-80-40	Street vacation (Special)
0-80-41	Adds Ch. 1.25, office of emergency preparedness (1.25)
0-80-42	Authorizes site lease; and repeals Ord. 0-79-111 (Repealed by 0-80-115)
0-80-43	Repeals Ord. 0-80-30 (Repealer)
0-80-44	Annexation (Special)
0-80-45	Rezone (Special)
0-80-46	Rezone (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-80-47	Rezone (Special)
0-80-48	Land vacation (Special)
0-80-49	Permits development plan change (Special)
0-80-50	Amends § 3 of Ord. 0-79-119, use taxes (Not codified)
0-80-51	Zoning (Title 17)
0-80-52	Repeals and reenacts §§ 2.16.010, 2.16.030 (2.16)
0-80-53	Rezone (Special)
0-80-54	Street vacation (Special)
0-80-55	Amends Ord. 0-78-125, zoning (Not codified)
0-80-56	Rezone (Special)
0-80-57	Rezone (Special)
0-80-58	Rezone (Special)
0-80-59	Site plan approval (Special)
0-80-60	Street vacation (Special)
0-80-61	
0-80-62	Creates special improvement district (Special)
0-80-63	Special fund for recreational fund; repeals Ord. 0-80-5 (Special)
0-80-64	Site plan approval (Special)
0-80-65	Site plan approval (Special)
0-80-66	Land vacation (Special)
0-80-67	Adds § 10.57.020, motor vehicle equipment (10.57)
0-80-68	
0-80-69	Initiates adoption of home rule charter (Repealed by 0-81-7)
0-80-70	Rezone (Special)
0-80-71	Approves site plan (Special)
0-80-72	
0-80-73	
0-80-74	Appoints and provides salary for City Administrator (Special)
0-80-75	Special improvement district (Special)

ORDINANCE LIST

Ordinance Number	Subject
0-80-76	Amends §§ 10.06.010, 10.15.040, 10.45.050, 10.48.020, 10.54.030, 10.54.070, 10.54.080, 10.75.020; repeals §§ 10.06.030, 10.33.020, 10.36.050, 10.60.190, vehicles and traffic (10.06, 10.15, 10.45, 10.48, 10.54, 10.75)
0-80-77	Street vacation (Special)
0-80-78	Land vacation (Special)
0-80-79	Land vacation (Special)
0-80-80	Land vacation (Special)
0-80-81	Amends Ord. 0-80-56, rezone (Special)
0-80-82	Amends §§ 10.42.010, 10.42.020; repeals § 9.62.020, parking on private property (10.42)
0-80-83	Tax levy for 1980 (Special)
0-80-84	Appropriations (Special)
0-80-85	Rezone (Special)
0-80-86	Rezone (Special)
0-80-87	
0-80-88	Rezone (Special)
0-80-89	Amends §§ 5.46.020 and 5.46.080(a)(6) and (7), amusement devices (Repealed by 0-81-104)
0-80-90	Rezone (Special)
0-80-91	Rezone (Special)
0-80-92	Vacation (Special)
0-80-93	Annexation (Special)
0-80-94	Rezone (Special)
0-80-95	Rezone (Special)
0-80-96	Rezone (Special)
0-80-97	
0-80-98	Amends Title 14, buildings and construction (14.13)
0-80-99	Amends Ch. 8.04, weeds and rubbish accumulations (Repealed by 0-93-1)
0-80-100	

ORDINANCE LIST

Ordinance

Number Subject

- 0-80-101 Amends § 1 of Ord. 0-80-69, special election (Repealed by 0-81-7)
- 0-80-102 (Number not used)
- 0-80-103 Adds § 2.32.085; amends § 2.32.010; employee compensation (2.32)
- 0-80-104 Adds §§ 2.24.075 and 2.27.075; amends §§ 2.24.020, 2.25.020, 2.25.030, 2.27.020, and 2.27.030; personnel compensation (2.24, 2.25, 2.27)
- 0-80-105 Annexation (Special)
- 0-80-106 Rezone (Special)
- 0-80-107 Special improvement district No. 11 (Special)
- 0-80-108 Special improvement district No. 15 (Special)
- 0-80-109 Rezone (Special)
- 0-80-110 Vacation (Special)
- 0-80-111 Amends §§ 5.32.010 and 5.32.020, utility license fee (5.32)
- 0-80-112 Amends Ord. 0-79-117, city clerk salary (Repealed by 0-81-173)
- 0-80-113 Higher education facilities revenue note (Special)
- 0-80-114 Vacation (Special)
- 0-80-115 Lease authorization; repeals Ords. 0-79-111 and 0-80-42 (Special)
- 0-80-116 Special fund for lease payment security; repeals Ords. 0-80-5 and 0-80-63 (Special)
- 0-80-117 (Number not used)
- 0-80-118 Rezone (Special)
- 0-80-119 Pioneer Park planned development modification (Special)
- 0-80-120 Employee retirement benefits (Repealed by 0-83-88)
- 0-80-121 Special election (Repealed by 0-81-7)
- 0-80-122 Rezone (Special)
- 0-80-123 Easement vacation (Special)

ORDINANCE LIST

Ordinance

Number Subject

- 0-80-124 Repeals § 1.01.140 (Repealer)
Series of 1981:
- 0-81-1 Land vacation (Special)
 - 0-81-2 Land vacation (Special)
 - 0-81-3 Land vacation (Special)
 - 0-81-4 Rezone (Special)
 - 0-81-5 Approves modification to Lakewood Village Center
Planned Development (Special)
 - 0-81-6 Easement conveyance (Special)
 - 0-81-7 Repeals Ords 0-80-69, 0-80-101, 0-80-121 and Res.
80-258 (Repealer)
 - 0-81-8 Special election (Special)
 - 0-81-9 Rezone (Special)
 - 0-81-10 Rezone (Special)
 - 0-81-11 Rezone (Special)
 - 0-81-12 Land vacation (Special)
 - 0-81-13 Land vacation (Special)
 - 0-81-14 Amends § 10.54.020, vehicles (10.54)
 - 0-81-15 Rezone (Special)
 - 0-81-16 Rezone (Special)
 - 0-81-17 Rezone (Special)
 - 0-81-18 (Denied)
 - 0-81-19 Amends §§ 5.04.090, 5.08.020, 5.08.050, 5.16.100,
5.28.030 and 5.46.070, license fees (5.04, 5.08, 5.16)
 - 0-81-20 Adds Ch.2.14, city documents (2.14)
 - 0-81-21 Amends § 5.38.030(d), liquor licensing (5.38)
 - 0-81-22 Approves modification to Luby Chevrolet Planned
Development (Special)
 - 0-81-23 Rezone (Special)
 - 0-81-24 Rezone (Special)
 - 0-81-25 Right-of-way vacation (Special)
 - 0-81-26 Land vacation (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-81-27	Land vacation (Special)
0-81-28	Repeals and reenacts §§ 14.13.011, 14.13.012, 14.13.013, 14.13.015 and 14.13.016, public improvements (14.13)
0-81-29	Adds § 1.25.040, emergency (1.25)
0-81-30	Amends Ord. 0-81-13, land vacation (Special)
0-81-31	(Tabled indefinitely)
0-81-32	Approves modification to Forum West Planned Development (Special)
0-81-33	Easement conveyance (Special)
0-81-34	Rezone (Special)
0-81-35	Rezone (Special)
0-81-36	Utility easement vacation (Special)
0-81-37	Easement conveyance (Special)
0-81-38	Pioneer Park Planned Development modification (Special)
0-81-39	Rezone (Special)
0-81-40	Rezone (Special)
0-81-41	Union Square Planned Development modification (Special)
0-81-42	Amends Ord. 0-79-117, municipal judge salary (Not codified)
0-81-43	Rezone (Special)
0-81-44	Rezone (Special)
0-81-45	Rezone (Special)
0-81-46	Union Square Planned Development modification (Special)
0-81-47	Pending
0-81-48	Adds §§ 9.82.020(c), (d) and (e) and 9.82.080, nuisances (9.82)
0-81-49	Rezone (Special)
0-81-50	Rezone (Special)
0-81-51	Easement vacation (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-81-52	Easement conveyance (Special)
0-81-53	Employee retirement benefits (Repealed by 0-83-88)
0-81-54	Reappoints and provides compensation for Associate Municipal Judges (Special)
0-81-55	Villa Italia building envelope No. 9 modification (Special)
0-81-56	Creates improvement district No. 16 (Special)
0-81-57	Rezone (Special)
0-81-58	Withdrawn
0-81-59	Easement vacation (Special)
0-81-60	Easement vacation (Special)
0-81-61	Right-of-way vacation (Special)
0-81-62	Right-of-way vacation (Special)
0-81-63	Adopts engineering regulations, construction specifications and design standards; repeals Res. 71-3 (Repealed by 0-81-106)
0-81-64	Rezone (Special)
0-81-65	Amends § 2.32.010, employee compensation (2.32)
0-81-66	Linpro Office Park Planned Development modification (Special)
0-81-67	Right-of-way vacation (Special)
0-81-68	Amends § 3.01.050, sales tax (Repealed by 0-85-62)
0-81-69	Annexation (Special)
0-81-70	Pending
0-81-71	Easement vacation (Special)
0-81-72	Union Square Planned Development modification (Special)
0-81-73	Academy Park Planned Development approval (Special)
0-81-74	Pioneer Park Planned Development modification (Special)
0-81-75	Approves Forum West Planned Development modification (Special)

ORDINANCE LIST

Ordinance

Number Subject

- 0-81-76 Rezone (Special)
- 0-81-77 Repeals and replaces Ch. 12.12, street improvements
(Repealed by 0-85-63)
- 0-81-78 Adds Ch. 14.15; amends § 5.20.010, fireworks
(5.20)
- 0-81-79 Rezone (Special)
- 0-81-80 Rezone (Special)
- 0-81-81 Rezone (Special)
- 0-81-82 Rezone (Repealed by 0-81-161)
- 0-81-83 Easement vacation (Special)
- 0-81-84 Easement vacation (Special)
- 0-81-85 Rezone (Special)
- 0-81-86 Amends §§ 10.03.040, 10.36.020 and 10.36.030,
traffic; repeals § 10.63.050(d) (10.03, 10.36)
- 0-81-87 Rezone (Special)
- 0-82-88 Rezone (Special)
- 0-81-89 Right-of-way vacation (Special)
- 0-81-90 Easement vacation (Special)
- 0-81-91 Bonds issuance (Special)
- 0-81-92 Bonds issuance (Special)
- 0-81-93 Pending
- 0-81-94 Pending
- 0-81-95 Annexation (Special)
- 0-81-96 Zones certain property (Special)
- 0-81-97 Right-of-way vacation (Special)
- 0-81-98 Right-of-way vacation (Special)
- 0-81-99 Right-of-way vacation (Special)
- 0-81-100 Rezone (Special)
- 0-81-101 Easement conveyance (Repealed by 0-87-4)
- 0-81-102 Pioneer Park planned development modification
(Special)
- 0-81-103 Bonds issuance (Special)

ORDINANCE LIST

Ordinance Number	Subject
0-81-104	Repeals and replaces Ch. 5.46, amusement devices (5.46)
0-81-105	Rezone (Special)
0-81-106	Repeals and replaces Title 14, except Ch. 14.13, building code; repeals § 1.01.140 (Repealed by 0-86-7)
0-81-107	Right-of-way vacation (Special)
0-81-108	Amends zoning ordinance (Not codified)
0-81-109	Union Square planned development modification (Special)
0-81-110	Amends §§ 17-15-14(1) and 17-15-14(a) of zoning ordinance (Not codified)
0-81-111	Rezone (Special)
0-81-112	Rezone (Special)
0-81-113	Rezone (Special)
0-81-114	Easement vacation (Special)
0-81-115	Union Square planned development modification (Special)
0-81-116	Amends § 5.46.190 of Ord. 0-81-104, amusement devices (Repealed by 0-93-64)
0-81-117	Rezone (Special)
0-81-118	Right-of-way vacation (Special)
0-81-119	Repeals § 1.20.060 (Repealer)
0-81-120	Rezone (Special)
0-81-121	Rezone (Special)
0-81-122	Rezone (Special)
0-81-123	Rezone (Special)
0-81-124	Union Square planned development approval (Special)
0-81-125	Union Square planned development approval (Special)
0-81-126	Extends employment contract of City Administrator (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-81-127	Rezone (Special)
0-81-128	Rezone (Special)
0-81-129	Union Square planned development modification (Special)
0-81-130	Tax levy for 1981 (Special)
0-81-131	Appropriations (Special)
0-81-132	Bonds issuance (Special)
0-81-133	Annexation (Special)
0-81-134	Zones annexed land (Special)
0-81-135	Rezone (Special)
0-81-136	Rezone (Special)
0-81-137	Rezone (Special)
0-81-138	Easement vacation (Special)
0-81-139	Rezone (Special)
0-81-140	Annexation (Special)
0-81-141	Adds § 2.24.015; amends §§ 2.24.20, 2.25.020, 2.25.030, 2.27.020 and 2.27.030, compensation (2.24, 2.25, 2.27)
0-81-142	Amends § 2.32.010, compensation of classified employees (2.32)
0-81-143	Amends §§ 5.32.010 and 5.32.020, telephone utility tax (5.32)
0-81-144	Special improvement district No. 30 (Special)
0-81-145	Amends § 8.04.040, weed and rubbish accumulation (Repealed by 0-91-26)
0-81-146	Rezone (Special)
0-81-147	Rezone (Special)
0-81-148	Right-of-way vacation (Special)
0-81-149	Bonds issuance (Special)
0-81-150	McCoy-Jensen tract, mixed use development modification (Special)
0-81-151	Rezone (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-81-152	Rezone (Special)
0-81-153	Rezone; effective date of zoning ordinance (Special)
0-81-154	Rezone (Special)
0-81-155	Rezone (Special)
0-81-156	Adds subsection (c) to § 5.38.130; amends §§ 5.38.050 (c) (3), 5.38.100 (d), 5.38.120 (3) (b) and 5.38.160 (b) (1) and (b) (2), liquor licensing authority (5.38)
0-81-157	Adds subsection (c) to § 5.40.130; amends §§ 5.40-.050 (c) (3), 5.40.100 (d) and 5.40.120 (3) (b), fermented malt beverage authority (5.40)
0-81-158	Repeals and replaces Art. 14 of Title 17; repeals §§ 17-2-1 (38), (46), (47), (48), (49), (50), (51), (59), (87), (102), (104), (105) and (115) of zoning ordinance (Not codified)
0-81-159	Approves third phase of Union Square planned development (Special)
0-81-160	Special improvement district No. 31 (Special)
0-81-161	Rezone; repeals Ord. 0-81-82 (Special)
0-81-162	Street vacation (Special)
0-81-163	Special improvement district No. 16 assessments (Special)
0-81-164	Amends §§ 2.28.425 (a), 2.28.435, 2.28.460 and 2.28.475, grievance procedures (2.28)
0-81-165	Stormwater management (14.16)
0-81-166	Fire lane vacation (Special)
0-81-167	
0-81-168	
0-81-169	Utility easement vacation (Special)
0-81-170	Land vacation (Special)
0-81-171	Right-of-way vacation (Special)
0-81-172	

ORDINANCE LIST

Ordinance

Number Subject

- 0-81-173 Salaries of municipal judges; repeals Ord. 0-79-117
(Not codified)
- 0-81-174 Salary of city clerk (Not codified)
- 0-81-175 Amends Ord. 0-81-144, special improvement district
No. 30 (Special)
- 0-81-176 Easement vacation (Special)
- 0-81-177 Rezone (Special)
- 0-81-178 Easement vacation (Special)
- 0-81-179 Annexation (Special)
- 0-81-180 Zones annexed land (Special)
- 0-81-181 Approves third phase of Pioneer Park planned de-
velopment (Special)
- 0-81-182 Rezone (Special)
- Series of 1982:
- 0-82-1 Rezone (Special)
- 0-82-2 Rezone (Special)
- 0-82-3 Union Square planned development modification
(Special)
- 0-82-4 Industrial development revenue bonds (Special)
- 0-82-5 Zones annexed land (Special)
- 0-82-6 Adds new subsection (19) to, and renumbers sub-
sequent subsection of, § 17-2-2, and subsection (j)
to § 17-5-4(2), of zoning ordinance (Not codified)
- 0-82-7 Academy Park development plan modification
(Special)
- 0-82-8 Amends § 2.16.010, planning commission (Re-
pealed by 0-88-18)
- 0-82-9 Amends § 14.12.020(4), building code board of ap-
peals (Repealed by 0-86-7)
- 0-82-10 Adds Ch. 14.14, building numbering and street
naming (14.14)
- 0-82-11 Rezone (Special)
- 0-82-12 Approves second phase of Academy Park planned
development (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-82-13	Industrial development revenue bonds (Special)
0-82-14	
0-82-15	Repeals and replaces §§ 14.13.011 and 14.13.012(c), public improvements (14.13)
0-82-16	Rezone (Special)
0-82-17	Rezone (Special)
0-82-18	(Number not used)
0-82-19	Adds §§ 17-5-1(4) and 17-5-19(1)(m) to zoning ordinance, and adds §§ 17-7-10, a new § 17-11-2(2)(d) and § 17-17-2(1)(b); amends §§ 17-2-2(25), 17-6-4(8), 17-7-3(2), 17-7-4(3), 17-7-5(3), 17-7-6(1), (2), (3), 17-7-7(2), 17-9-1(2) and 17-17-4(6); redesignates 17-11-2(2)(d) as (e) and 17-17-2(1) as (1)(a); repeals and replaces Fig. 1 of Art. 15, zoning (Not codified)
0-82-20	Industrial revenue bond issue, Golden Hill Partnership (Special)
0-82-21	Industrial revenue bond issue, Golden Hill Energy Centre (Special)
0-82-22	(Number not used)
0-82-23	(Number not used)
0-82-24	Rezone (Special)
0-82-25	SID No. 31 special assessment bond issue (Special)
0-82-26	Rezone (Special)
0-82-27	Planned development approval (Special)
0-82-28	Amends §§ 2.52.010, 2.52.020, 2.52.050 — 2.52.080, 2.52.100, 2.52.140, 2.52.150 and 2.52.160, initiative and referendum (Repealed by 0-94-3)
0-82-29	(Number not used)
0-82-30	Industrial revenue bond issue, West Alameda Land Co. project (Special)
0-82-31	Drainage easement vacation (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-82-32	(Number not used)
0-82-33	Referendum election call (Special)
0-82-34	Referendum election call (Special)
0-82-35	(Number not used)
0-82-36	Changes interest rate set out in Ord. 0-82-20, industrial revenue bonds (Special)
0-82-37	Amends § 17-5-4(2)(j) of zoning ordinance (Not codified)
0-82-38	Rezone (Special)
0-82-39	Rezone (Special)
0-82-40	Rezone (Special)
0-82-41	Planned development site-plan approval (Special)
0-82-42	Planned development change (Special)
0-82-43	Planned development modification (Special)
0-82-44	Water facilities easement (Special)
0-82-45	Repeals and reenacts § 9.60.010, criminal mischief (9.60)
0-82-46	Repeals and reenacts Ch. 8.06, trees and vegetation (8.06)
0-82-47	(Number not used)
0-82-48	(Number not used)
0-82-49	Rezone (Special)
0-82-50	Rezone (Special)
0-82-51	Rezone (Special)
0-82-52	Planned development modification (Special)
0-82-53	Adds legal description to Ord. 0-82-31 as Exhibit "A" (Special)
0-82-54	Adds §§ 1.16.040(6) and 1.16.050; repeals and reenacts §§ 1.16.020, and 1.16.030, general penalty (1.16, 3.50)
0-82-55	(Pending)
0-82-56	Repeals and reenacts § 9.64.010, shoplifting (9.64)

ORDINANCE LIST

Ordinance

Number Subject

- 0-82-57 Lowers interest rate of bonds authorized in Ord. 0-82-21, industrial revenue bonds (Special)
- 0-82-58 Utility easement vacations (Special)
- 0-82-59 Repeals and reenacts Ch. 12.04, work on public ways (12.04)
- 0-82-60 (Pending)
- 0-82-61 Bear Creek District sewer right-of-way (Special)
- 0-82-62 Amends § 10.69.090, traffic jurisdiction (10.69)
- 0-82-63 Amends annexation agreement to Ord. 0-81-140, annexation (Special)
- 0-82-64 Rezone (Special)
- 0-82-65 Adds new §§ 6.04.020(6) and 6.28.050; amends §§ 6.04.020(3), 6.08.010, 6.08.020, 6.16.030, 6.20.010, 6.20.020, 6.20.030 and 6.30.020(b) and (c); rennumbers existing 6.04.020(6)–(9) to (7)–(10); repeals and reenacts § 6.16.080, animals; repeals § 6.16.090 (Repealed by 0-87-28)
- 0-82-66 Public Building Authority bond issue (Special)
- 0-82-67 Leases to and from Public Building Authority (Special)
- 0-82-68 (Pending)
- 0-82-69 Repeals and replaces legal description in § 1 of Ord. 0-72-89, alley vacation (Special)
- 0-82-70 Amends § 1 and Exhibit “A” of Ord. 0-79-2, street vacation (Special)
- 0-82-71 Adds new §§ 17-4-7(3) and 17-9-2(3) to zoning ordinance; amends § 17-9-2(3)(a); rennumbers existing § 17-4-7(3) to (4) (Not codified)
- 0-82-72 Site plan and development plan changes (Special)
- 0-82-73 Drainage easement vacation (Special)
- 0-82-74 (Pending)
- 0-82-75 Rezone (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-82-76	Rezone (Special)
0-82-77	Rezone and development plan approval (Special)
0-82-78	Industrial revenue bond issue, YMCA (Special)
0-82-79	Wards 2-3 boundary change (Not codified)
0-82-80	Planned development modification (Special)
0-82-81	Mixed-use development modification (Special)
0-82-82	Street vacation (Special)
0-82-83	Temporary construction easement (Special)
0-82-84	Amends § 3.24.060, water acquisition fund (3.24)
0-82-85	Rezone (Special)
0-82-86	Rezone (Special)
0-82-87	Rezone (Special)
0-82-88	Rezone (Special)
0-82-89	Rezone (Special)
0-82-90	Easement vacation (Special)
0-82-91	Authorizes easement conveyance (Special)
0-82-92	(Number not used)
0-82-93	Rezone (Special)
0-82-94	Planned development modification (Special)
0-82-95	(Tabled)
0-82-96	Right-of-way vacation (Special)
0-82-97	Planned development phase approval (Special)
0-82-98	Amends certain ward boundary (Not codified)
0-82-99	(Number not used)
0-82-100	Repeals and replaces § 5.44.180(b), cable communications (5.44)
0-82-101	Disconnects certain parcel of land from city (Special)
0-82-102	Adopts Storm Water Drainage Criteria Manual (Repealed 0-86-107)
0-82-103	Right-of-way vacation (Special)
0-82-104	(Tabled)

ORDINANCE LIST

Ordinance

Number Subject

- 0-82-105 Rezone (Special)
- 0-82-106 Rezone (Special)
- 0-82-107 Repeals and reenacts Ch. 1.20, zoning and rezoning ordinance procedures (1.20)
- 0-82-108 Amends zoning ordinance (Not codified)
- 0-82-109 (Tabled)
- 0-82-110 Modifies certain site plan (Special)
- 0-82-111 Amends § 2.08.130 and 2.08.150, operating departments; repeals §§ 2.08.140 and 2.16.020 (2.08)
- 0-82-112 Rezone (Special)
- 0-82-113 Lease of office space authorized (Special)
- 0-82-114 (Number not used)
- 0-82-115 Street vacation (Special)
- 0-82-116 Street vacation (Special)
- 0-82-117 (Denied)
- 0-82-118 Rezone (Special)
- 0-82-119 Rezone (Special)
- 0-82-120 (Number not used)
- 0-82-121 Street vacation (Special)
- 0-82-122 Repeals and replaces § 12.12.030(4)(b), public improvements (Repealed by 0-85-63)
- 0-82-123 Amends § 14.01.030, building codes administration (Repealed by 0-86-7)
- 0-82-124 Approves certain site plan (Special)
- 0-82-125 Conveyance of easements to Bancroft-Clover water and sanitation district (Special)
- 0-82-126 Tax levy for 1982-1983 (Special)
- 0-82-127 Appropriations for 1982-1983 (Special)
- 0-82-128 (Denied)
- 0-82-129 Rezone (Special)
- 0-82-130 Rezone (Special)
- 0-82-131 (Number not used)

ORDINANCE LIST

Ordinance

Number Subject

- 0-82-132 Right-of-way agreement (Special)
- 0-82-133 (Number not used)
- 0-82-134 (Number not used)
- 0-82-135 Bond issue (Special)
- 0-82-136 (Number not used)
- 0-82-137 Amends portion of Ord. 0-81-133, annexation (Special)
- 0-82-138 Planned development modification (Special)
- 0-82-139 (Number not used)
- 0-82-140 Amends § 17-1-7(5) of zoning ordinance (Not codified)
- 0-82-141 Approves costs for special improvement district No. 31 (Special)
- 0-82-142 Rezone (Special)
- 0-82-143 Rezone (Special)
- 0-82-144 Vacates certain easements (Special)
- 0-82-145 Planned development phase approval (Special)
- 0-82-146 (Number not used)
- 0-82-147 Utility easement authorized (Special)
- 0-82-148 (Number not used)
- 0-82-149 Rezone (Special)
- 0-82-150 (Number not used)
- 0-82-151 Planned development modification (Special)
- 0-82-152 Industrial development revenue bonds (Special)
- 0-82-153 Amends §§ 2.24.015, 2.24.020, 2.25.020, 2.25.030, 2.27.020 and 2.27.030, compensation for city officers and personnel (2.24, 2.25, 2.27)
- 0-82-154 Amends § 2.32.010, compensation levels (2.32)
- 0-82-155 Repeals Ch. 8.12, protection of flood plains (Repealer)
- 0-82-156 Amends §§ 17-5-4(2)(b) and (c) and 17-11-2(2) of the zoning ordinance (Not codified)

ORDINANCE LIST

Ordinance

Number Subject

- 0-82-157 Adds § 5.46.200 and amends § 5.46.100(b), amusement devices (5.46)
- 0-82-158 Amends §§ 5.32.010 and 5.32.020, utility business tax (5.32)
- 0-82-159 Rezone (Special)
- 0-82-160 Rezone (Special)
- 0-82-161 Vacates utility easement (Special)
- 0-82-162 Vacates utility easement (Special)
- 0-82-163 Adds Title 18, minerals, and Ch. 18.01 (18.01)
- 0-82-164 Annexation (Special)
- 0-82-165 Annexation (Special)
- 0-82-166 Annexation (Special)
- 0-82-167 City clerk's salary (Not codified)
- 0-82-168 Municipal judge and associate municipal judge salaries (Not codified)
- 0-82-169 (Number not used)
- 0-82-170 (Number not used)
- 0-82-171 Rezone (Special)
- 0-82-172 Rezone (Special)
- 0-82-173 Street and easement vacation (Special)
- 0-82-174 Land vacation (Special)

Series of 1983:

- 0-83-1 Special improvement district No. 32-1 (Special)
- 0-83-2 Repeals and reenacts Ch. 9.32, parks and recreation; repeals § 9.33.010 (9.32)
- 0-83-3 Rezone (Special)
- 0-83-4 Rezone (Special)
- 0-83-5 Rezone (Special)
- 0-83-6 Rezone (Special)
- 0-83-7 (Number not used)

ORDINANCE LIST

Ordinance

Number	Subject
0-83-8	Adds subsection (c) to § 2.28.040 and § 2.28.705; amends §§ 2.28.030, 2.28.060, 2.28.080, 2.28.150, 2.28.180, 2.28.220(4), 2.28.310(1), 2.28.320(b), 2.28.390(d), 2.28.425(c), 2.28.450(a), 2.28.460(b)(3)(D) and (E) and (b)(5), 2.28.490, 2.28.540, 2.28.660, 2.28.690 and 2.28.710; personnel (2.28)
0-83-9	Right-of-way vacation (Special)
0-83-10	Easement conveyance (Special)
0-83-11	Rezone (Special)
0-83-12	Rezone (Special)
0-83-13	Rezone (Special)
0-83-14	Rezone (Special)
0-83-15	Rezone (Special)
0-83-16	Rezone (Special)
0-83-17	Repeals § 17-17-9(3) of zoning ordinance (Repealer)
0-83-18	(Number not used)
0-83-19	(Number not used)
0-83-20	(Number not used)
0-83-21	Rezone (Special)
0-83-22	Rezone (Special)
0-83-23	Rezone (Special)
0-83-24	Rezone (Special)
0-83-25	Amends § 2.36.090(a), police pension plan (Repealed by 0-93-9)
0-83-26	(Number not used)
0-83-27	Easement conveyance (Special)
0-83-28	Easement conveyance (Special)
0-83-29	Special improvement district No. 32-2 (Special)
0-83-30	Rezone (Special)
0-83-31	Rezone (Special)
0-83-32	Rezone (Special)
0-83-33	Rezone (Special)
0-83-34	Easement vacation (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-83-35	Approves Pioneer Park Planned Development modification (Special)
0-83-36	Mowing and cleaning assessments (Special)
0-83-37	Easement conveyance (Special)
0-83-38	Rezone (Special)
0-83-39	Rezone (Special)
0-83-40	(Number not used)
0-83-41	Rezone (Special)
0-83-42	Rezone (Special)
0-83-43	Planned development modification (Special)
0-83-44	Authorizes issuance and sale of bonds (Special)
0-83-45	Adopts Transportation Planning Design and Policy Standards for Development Review (Repealed by 0-86-107)
0-83-46	Amends § 14.02.040(2)(D), building permit fees (Repealed by 0-86-107)
0-83-47	Amends § 2.32.010, classified employee compensation (2.32)
0-83-48	Rezone (Special)
0-83-49	Land vacation (Special)
0-83-50	(Number not used)
0-83-51	Approves third phase of planned development (Special)
0-83-52	Easement vacation (Special)
0-83-53	Land vacation (Special)
0-83-54	Land vacation (Special)
0-83-55	Amends § 17-11-2(i) and (j), zoning (Not codified)
0-83-56	Adds § 2.28.145, pay plan (2.28)
0-83-57	Amends § 2.32.080(3), fringe benefits (2.32)
0-83-58	Rezone (Special)
0-83-59	(Number not used)
0-83-60	Rezone (Special)
0-83-61	Rezone (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-83-62	Rezone (Special)
0-83-63	Rezone (Special)
0-83-64	(Number not used)
0-83-65	Easement vacation (Special)
0-83-66	Easement vacation (Special)
0-83-67	Amends §§ II (1), (2)(1)(c), (11), file of Fig. 3, § XII (2), § XXII, XXVI, titles of XXVII (4), (6), XXIX (2), Transportation Planning Design and Policy Standards for Development Review (Repealed by 0-86-107)
0-83-68	Special improvement district No. 18 (Special)
0-83-69	Amends Ord. 0-83-1, special improvement district No. 32-1 (Special)
0-83-70	Rezone (Special)
0-83-71	(Number not used)
0-83-72	Easement vacation (Special)
0-83-73	Bond issuance for special improvement district No. 32-1 (Special)
0-83-74	Adds §§ 9.41.010 – 9.41.060, alcoholic beverages (Repealed by 0-83-157)
0-83-75	Adds § 9.50.070, urination and defecation in public (9.50)
0-83-76	Easement conveyance (Special)
0-83-77	Easement conveyance (Special)
0-83-78	(Number not used)
0-83-79	Rezone (Special)
0-83-80	Land vacation (Special)
0-83-81	Easement conveyance (Special)
0-83-82	Repeals and replaces Chs. 14.01 – 14.05, and 14.07; amends §§ 14.10.060 and 14.10.070, buildings and construction; repeals Ch. 14.09 (Repealed by 0-86-7)

ORDINANCE LIST

Ordinance

Number	Subject
0-83-83	Adds § 10.66.230, jury trials; amends §§ 1.01.120 and 1.16.020, penalty provisions (1.01, 1.16, 10.66)
0-83-84	Amends § 2.20.050(b), terms of municipal judges (2.20)
0-83-85	Rezone (Special)
0-83-86	Easement vacation (Special)
0-83-87	Repeals and reenacts § 9.20.010, assault (9.20)
0-83-88	Adds § 2.24.040, officers' retirement benefits; repeals Ords. 0-80-120 and 0-81-53 (Repealed by 0-93-25)
0-83-89	Easement conveyance (Special)
0-83-90	Easement vacation (Special)
0-83-91	Vacation of drainage detention areas (Special)
0-83-92	Authorizes contract for lease-purchase of equipment (Special)
0-83-93	Industrial development revenue bonds (Special)
0-83-94	Amends §§ 5.44.030, 5.44.150, 5.44.200, 5.44.320, 5.44.350, 5.44.410, 5.44.420, 5.44.430, 5.44.490, 5.44.510 and 5.44.540; repeals and reenacts §§ 5.44.120, 5.44.130, 5.44.140, 5.44.290 and 5.44.330; amends subsections (2), (12) and (14), and repeals subsection (3) of § 5.44.020, cable communications systems (5.44)
0-83-95	Rezone (Special)
0-83-96	Rezone (Special)
0-83-97	Right-of-way vacation (Special)
0-83-98	Street vacation (Special)
0-83-99	Adds § 2.24.050, salaries of city officials; repeals Ord. 11 (2.24)
0-83-100	Adds § 3.08.055; amends § 3.08.070, sale of personal property by city (3.08)
0-83-101	Amends § 5.46.020(f), amusement devices (5.46)
0-83-102	Amends municipal ward boundaries (Special)

ORDINANCE LIST

Ordinance

Number Subject

- 0-83-103 (Number not used)
- 0-83-104 (Number not used)
- 0-83-105 (Number not used)
- 0-83-106 Rezone (Special)
- 0-83-107 Adds Ch. 14.09, flood damage and drainage, and subsection (d) to § 14.10.070, licensing provisions (Repealed by 0-86-7)
- 0-83-108 Adds subsection (f) to § 14.13.013, public improvements (14.13)
- 0-83-109 Easement conveyance (Special)
- 0-83-110 General obligation street refunding bonds (Special)
- 0-83-111 Amends Ord. 0-83-68, special improvement district No. 1 (Special)
- 0-83-112 Special assessment bonds for special improvement district No. 18 (Special)
- 0-83-113 Rezone (Special)
- 0-83-114 Planned development modification (Special)
- 0-83-115 Rezone (Special)
- 0-83-116 Right-of-way vacation (Special)
- 0-83-117 Rezone (Special)
- 0-83-118 Rezone (Special)
- 0-83-119 Rezone (Special)
- 0-83-120 Rezone (Special)
- 0-83-121 Approves second phase of development plan (Special)
- 0-83-122 Right-of-way vacation (Special)
- 0-83-123 Right-of-way vacation (Special)
- 0-83-124 Amends Ord. 0-83-29, special improvement district No. 32-2 (Special)
- 0-83-125 Special assessment bonds for special improvement district No. 32-2 (Special)
- 0-83-126 Rezone (Special)
- 0-83-127 Rezone (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-83-128	Rezone (Special)
0-83-129	(Number not used)
0-83-130	Rezone (Special)
0-83-131	(Number not used)
0-83-132	Approves second phase of development plan (Special)
0-83-133	Right-of-way vacation (Special)
0-83-134	(Number not used)
0-83-135	Easement vacation (Special)
0-83-136	Regulates write-in candidate votes for municipal elections (Repealed by 0-91-44)
0-83-137	Adds Ch. 14.16, park and open space dedication (14.16)
0-83-138	Industrial development revenue bond (Special)
0-83-139	Rezone (Special)
0-83-140	Rezone (Special)
0-83-141	Rezone (Special)
0-83-142	(Number not used)
0-83-143	Right-of-way vacation (Special)
0-83-144	Right-of-way vacation (Special)
0-83-145	Easement vacation (Special)
0-83-146	Adds subsection (e) to § 2.52.150, initiative and referendum procedures (Repealed by 0-94-3)
0-83-147	Rezone (Special)
0-83-148	Tax levy for 1984 (Special)
0-83-149	Appropriations for 1984 (Special)
0-83-150	Amends § 2.32.010, establishment of compensation levels (2.32)
0-83-151	Compensation for presiding municipal judge and associate municipal judge (Special)
0-83-152	Amends §§ 2.24.015, 2.24.020, 2.25.020, 2.25.030, 2.27.020 and 2.27.030, administration and personnel (2.24, 2.25, 2.27)

ORDINANCE LIST

Ordinance

Number	Subject
0-83-153	Rezone (Repealed by 0-86-55)
0-83-154	Rezone (Special)
0-83-155	Easement vacation (Special)
0-83-156	(Number not used)
0-83-157	Repeals and reenacts Ch. 9.41, public consumption of alcoholic beverages; repeals § 9.94.020, definitions (Repealed by 0-87-73)
0-83-158	Amends §§ 17-5-21(6), 17-5-21(7)(b), 17-5-21(7)(e) and 17-5-21(9), zoning (Not codified)
0-83-159	Amends §§ 17-2-2, 17-5-8, 17-5-9, 17-5-10, 17-5-11, 17-5-14, 17-5-18, 17-5-21, 17-7-8, 17-9-2, 17-11-2 and 17-17-9, zoning (Not codified)
0-83-160	Rezone (Special)
0-83-161	Right-of-way vacation (Special)
0-83-162	Right-of-way vacation (Special)
0-83-163	Authorizes contract for purchase (Special)
0-83-164	Rezone (Special)
0-83-165	(Number not used)
0-83-166	Rezone (Special)
0-83-167	Approves third phase of development plan (Special)
0-83-168	Approves modification of development plan (Special)
0-83-169	Right-of-way vacation (Special)
0-83-170	Easement vacation (Special)
0-83-171	Amends § 17-14-5(1)(n), zoning (Not codified)
0-83-172	Adopts supplemental budget for 1983 (Special)
0-83-173	Amends §§ 5.32.010 and 5.32.020, business and occupation tax (5.32)
0-83-174	Amends § 2.02.010, city council meetings (2.02)
0-83-175	Designates official newspaper for ordinance publication (Special)
0-83-176	Industrial development revenue bond (Special)

ORDINANCE LIST

Ordinance

Number Subject

- 0-83-177 Rezone (Special)
- 0-83-178 Rezone (Special)
- 0-83-179 Rezone (Special)
- 0-83-180 Approves modification to development plan (Special)
- 0-83-181 Easement condemnation (Special)
- 0-83-182 Amends various sections in Ch. 2.28, personnel system; repeals § 2.28.465 (2.28)
- 0-83-183 Amends §§ 17-4-3 and 17-4-4, zoning (Not codified)
- 0-84-1 Rezone (Special)
- 0-84-2 Easement vacation (Special)
- 0-84-3 Easement vacation (Special)
- 0-84-4 Easement vacation (Special)
- 0-84-5 Easement granted (Special)
- 0-84-6 Compensation of city clerk (Special)
- 0-84-7 Easement condemnation (Special)
- 0-84-8 Easement conveyance (Special)
- 0-84-9 Amends §§ 17-15-2, 17-15-3, 17-15-4 and 17-15-5, zoning (Not codified)
- 0-84-10 Rezone (Special)
- 0-84-11 Rezone (Special)
- 0-84-12 Rezone (Special)
- 0-84-13 Approves third phase of planned development (Special)
- 0-84-14 Right-of-way vacation (Special)
- 0-84-15 (Tabled)
- 0-84-16 Rezone (Special)
- 0-84-17 Rezone (Special)
- 0-84-18 Rezone (Special)
- 0-84-19 Easement vacation (Special)
- 0-84-20 Repeals and reenacts § 14.02.040(12), Uniform Building Code (Repealed by 0-86-7)

ORDINANCE LIST

Ordinance

Number	Subject
0-84-21	Rezone (Special)
0-84-22	(Not adopted)
0-84-23	Annexation (Special)
0-84-24	Rezone (Special)
0-84-25	Rezone (Special)
0-84-26	Rezone (Special)
0-84-27	Annexation (Special)
0-84-28	Rezone (Special)
0-84-29	Annexation (Special)
0-84-30	Rezone (Special)
0-84-31	Annexation (Special)
0-84-32	Rezone (Special)
0-84-33	Annexation (Special)
0-84-34	Rezone (Special)
0-84-35	Easement vacation (Special)
0-84-36	Subdivisions (Not codified)
0-84-37	Sale of street lighting facilities (Special)
0-84-38	Amends § 2.32.010, salary compensation levels (2.32)
0-84-39	Amends § 2.32.080(3), hospital and medical insurance (2.32)
0-84-40	Rezone (Special)
0-84-41	(Not adopted)
0-84-42	Special improvement district No. 19 (Special)
0-84-43	Condemnation of temporary construction easement (Special)
0-84-44	Amends §§ 17-10-2(3), 17-10-6, 17-10-11(3), 17-10-12(1) and (2), zoning (Not codified)
0-84-45	Easement conveyance (Special)
0-84-46	Easement conveyance (Special)
0-84-47	(Not adopted)
0-84-48	Rezone (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-84-49	(Not adopted)
0-84-50	Approves costs of improvements for special improvement district No. 32-1 (Special)
0-84-51	Amends §§ 17-6-2(5)(d), 17-16-4-7(a) and 17-5-8(2)(b), zoning (Not codified)
0-84-52	Annexation (Special)
0-84-53	Rezone (Special)
0-84-54	Annexation (Special)
0-84-55	Rezone (Special)
0-84-56	Rezone (Special)
0-84-57	(Missing)
0-84-58	Easement vacation (Special)
0-84-59	Right-of-way vacation (Special)
0-84-60	Adds § 10.33.080; repeals and replaces §§ 10.33.010, 10.33.030, 10.39.070, 10.39.090, 10.42.010, 10.42.020, 10.57.020, 10.57.070, 10.66.090, 10.66.150, 10.66.190, 10.66.200, 10.75.020; repeals §§ 10.42.030, 10.75.030, 10.75.040 and 10.75.050, vehicles and traffic (10.33, 10.39, 10.42, 10.57, 10.66, 10.75)
0-84-61	Adds Ch. 10.59, certification of emissions control (10.59)
0-84-62	Adds §§ 9.41.060, 9.41.070 and 9.41.080, public consumption of alcoholic beverages (Repealed by 0-87-73)
0-84-63	Amends § 10.15.060, motor vehicle speed contents (10.15)
0-84-64	Adds § 9.06.020, false reports (9.06)
0-84-65	Approves second phase of Academy Park official development plan (Special)
0-84-66	Easement vacation (Special)
0-84-67	Street vacation (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-84-68	Issuance of bonds for special improvement district No. 19 (Special)
0-84-69	Amends § 1.16.040, failure to pay fines and costs (1.16)
0-84-70	Amends § 9.82.040, rubbish, weeds and junk (Repealed by 0-93-1)
0-84-71	Rezone (Special)
0-84-72	Rezone (Special)
0-84-73	Easement vacation (Special)
0-84-74	Rezone (Special)
0-84-75	Amends Ord. 0-84-18, rezone (Special)
0-84-76	Adds Ch. 9.42, harboring of minors (9.42)
0-84-77	Easement conveyance (Special)
0-84-78	Easement conveyance (Special)
0-84-79	Amends § 2.02.010(a)(1), City Council meetings (2.02)
0-84-80	Rezone (Special)
0-84-81	Easement conveyance (Special)
0-84-82	Amends §§ 5.44.100(3)(F), 5.44.110(b)(3), 5.44.130(a), 5.44.140(d), 5.44.160, 5.44.170, 5.44.220 and 5.44.490; substitutes "City Manager" for old term of "City Administrator" in Ch. 5.44, cable communications system (5.44)
0-84-83	Authorizes and directs floating rate monthly demand industrial development revenue bonds (Special)
0-84-84	(Tabled)
0-84-85	Street vacation (Special)
0-84-86	Drainage easement vacation (Special)
0-84-87	Amends §§ 1.16.020, 3.01.060, 5.46.180, 6.30.020 (a), 10.54.100(d), 10.58.070(b), 12.04.240, 13.12.070, 14.02.070(a), 14.03.070(a), 14.04.070(a), 14.05.070(a), 14.06.070(a), 14.07.070(a), 14.08.070(a) and 17-1-9(1), penalty provisions (1.16,

ORDINANCE LIST

Ordinance Number	Subject
	5.46, 10.54, 12.04, 13.12)
0-84-88	Amends §§ 17-6-2(1), 17-17-1(1) and 17-17-2(1)(b), zoning (Not codified)
0-84-89	Rezone (Special)
0-84-90	Rezone (Special)
0-84-91	Rezone (Special)
0-84-92	Easement conveyance (Special)
0-84-93	Adds Ch. 2.21, Judicial Review Commission (2.21)
0-84-94	Repeals and replaces Ch. 2.52, initiative and referendum procedures (Repealed by 0-94-3)
0-84-95	Easement conveyance (Special)
0-84-96	Storm sewer easement vacation (Special)
0-84-97	(Removed from agenda)
0-84-98	Easement conveyance (Special)
0-84-99	Amends § 9.80.080, abatement of nuisances (Repealed by 0-91-26)
0-84-100	(Number not used)
0-84-101	Rezone (Special)
0-84-102	(Defeated)
0-84-103	Rezone (Special)
0-84-104	Rezone (Special)
0-84-105	Repeals and replaces Ch. 14.13, public improvements (14.13)
0-84-106	Amends § 17-15-6, zoning (Not codified)
0-84-107	Adds subsection (e) to § 17-5-21(9), zoning (Not codified)
0-84-108	Amends § 17-6-2(4), zoning (Not codified)
0-84-109	Amends § 17-17-2(1)(b), zoning (Not codified)
0-84-110	Rezone (Special)
0-84-111	Easement vacation (Special)
0-84-112	Rezone (Special)
0-84-113	Site plan review phase approval (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-84-114	Site plan review phase approval (Special)
0-84-115	Imposes emergency telephone charge (Special)
0-84-116	Approves and confirms improvement costs (Special)
0-84-117	Adds Ch. 5.48, false alarms (5.48)
0-84-118	Appropriation (Special)
0-84-119	1984 tax levy (Special)
0-84-120	1985 budget (Special)
0-84-121	Amends §§ 2.24.020, 2.25.020, 2.25.030, 2.27.020 and 2.27.030, administration and personnel (2.24, 2.25, 2.27)
0-84-122	Amends § 2.32.010, compensation (2.32)
0-84-123	Right-of-way agreements (Special)
0-84-124	Bond issuance (Special)
0-84-125	Adds § 5.08.120; amends § 5.08.010, Christmas tree sales (5.08)
0-84-126	Declaration of intent to acquire interests in property (Special)
0-84-127	Amends §§ 5.32.010 and 5.32.020, utilities – B & O tax (5.32)
0-84-128	Authorizes and approves city property trade (Special)
0-84-129	Bond issuance (Special)
0-84-130	Revises and adopts supplemental 1984 budget (Special)
0-84-131	Amends §§ 17-10-2(3), 17-10-7, 17-10-7(2)(a), 17-10-8(4)(a), 17-10-8(4), 17-10-11, 17-10-11(3), 17-10-11(4), 17-10-12(a) and (b), and 17-10-12(2), zoning (Not codified)
0-84-132	Amends Exhibit A of § 1 of Ord. 0-83-162, right-of-way vacation (Special)
0-84-133	City clerk compensation (Special)
0-84-134	Presiding municipal judge and associate municipal judge compensation (Special)

ORDINANCE LIST

Ordinance

Number Subject

- 0-84-135 Bond issuance (Special)
- 0-84-136 Amends §§ 2.28.460 and 2.28.475, personnel system (2.28)
- 0-84-137 Site plan review phase approval (Special)
- 0-84-138 Easement vacation (Special)
- 0-84-139 Creates general improvement district No. 1 (Special)
- 0-85-1 Establishes executive session authority (2.01)
- 0-85-2 Planning commission member compensation (Repealed by 0-88-18)
- 0-85-3 Adds §§ 9.50.080 and 9.50.090, public indecency and indecent exposure (9.50)
- 0-85-4 Adds § 9.66.020, motor vehicle trespass (9.66)
- 0-85-5 Right-of-way vacation (Special)
- 0-85-6 Easement vacation (Special)
- 0-85-7 Declaration of intent to acquire interests in property (Special)
- 0-85-8 Easement granted (Special)
- 0-85-9 Rezone (Special)
- 0-85-10 Rezone (Special)
- 0-85-11 (Denied)
- 0-85-12 Restricts service on more than on board or commission simultaneously (2.10)
- 0-85-13 Repeals and reenacts §§ 9.52.030, 9.52.040, 9.52.070, 9.52.100, 9.52.160, 9.52.200, 9.52.210 and 9.52.250; and repeals §§ 9.52.140, 9.52.150 and 9.51.170 – 9.52.190, noise (9.52)
- 0-85-14 Amends § 2.24.015, city manager's salary (2.24)
- 0-85-15 Easement and land condemnation (Special)
- 0-85-16 Rezone (Special)
- 0-85-17 Rezone (Special)
- 0-85-18 Rezone (Special)

ORDINANCE LIST

Ordinance

Number Subject

- 0-85-19 Declaration of intent to acquire interests in property (Special)
- 0-85-20 Amends § 5.38.030(b), liquor licensing authority (5.38)
- 0-85-21 Amends § 2.16.030(b), board of adjustment (2.16)
- 0-85-22 Amends § 2.16.010(b), planning commission (Repealed by 0-88-18)
- 0-85-23 Repeals and replaces § 14.12.010, Board of Appeals (Repealed by 0-86-7)
- 0-85-24 Amends § 2.06.040 and Chs. 2.04, administrative departments, and 2.06, city administrator (2.04, 2.06)
- 0-85-25 Adds §§ 2.28.005, 2.28.015 and 2.28.025; adds new subsections (25) and (26) to and renumbers other subsections of § 2.28.080; amends §§ 2.28.020, 2.28.030, 2.28.045(11), 2.28.050, 2.28.080(22), 2.28.110, 2.28.360, 2.28.370(b), 2.28.391, 2.28.410 and 2.28.610; and repeals § 2.28.010, personnel system (2.28)
- 0-85-26 Creates special improvement district No. 33 (Special)
- 0-85-27 Adds § 17-1-7(6); and amends §§ 17-10-8(3)(b) and 17-15-1, zoning (Not codified)
- 0-85-28 Amends §§ 17-2-2(85), 17-9-2(5)(d), 17-5-1(2), 17-4-3(1)(f), 17-16-2(2), 17-16-2(5) and 17-16-2(7), zoning (Not codified)
- 0-85-29 Repeals and reenacts § 13.04.020, water and sewage systems and service (Repealed by 0-86-20)
- 0-85-30 Rezone (Special)
- 0-85-31 Amends §§ 17-15-7 and § 17-15-15(3)(a) and 17-15-15(3)(c), zoning (Not codified)
- 0-85-32 Easement vacation (Special)
- 0-85-33 Amends § 9.66.010, trespassing (9.66)

ORDINANCE LIST

Ordinance

Number	Subject
0-85-34	Rezone (Special)
0-85-35	Declaration of intent to acquire interests in property (Special)
0-85-36	Declaration of intent to acquire interests in property (Special)
0-85-37	Declaration of intent to acquire interests in property (Special)
0-85-38	Bond issuance (Special)
0-85-39	Amends § 2.32.010, compensation (2.32)
0-85-40	Grants sanitary sewer easement (Special)
0-85-41	Approves phased site plan (Special)
0-85-42	Declaration of intent to acquire interests in property (Special)
0-85-43	Declaration of intent to acquire interests in property (Special)
0-85-44	Amends § 16-1-10(3), subdivisions (Not codified)
0-85-45	Rezone (Special)
0-85-46	Declaration of intent to acquire interests in property (Special)
0-85-47	Authorizes rights-of-way transfer (Special)
0-85-48	(Denied)
0-85-49	Declaration of intent to acquire interests in property (Special)
0-85-50	Amends §§ 9.60.010, 9.64.010, 9.64.020 and 9.65.010, public peace and safety (9.60, 9.64, 9.65)
0-85-51	Vehicle access vacation (Special)
0-85-52	(Denied)
0-85-53	Amends § 10.15.040, speed regulations (10.15)
0-85-54	Adds Ch. 3.26, economic development incentive fund (3.26)
0-85-55	(Not assigned)

ORDINANCE LIST

Ordinance

Number Subject

- 0-85-56 Rezone (Special)
- 0-85-57 Repeals and reenacts §§ 5.38.040(3), 5.38.110, 5.38.120, 5.38.170 and 5.38.190, liquor licensing authority (5.38)
- 0-85-58 Repeals and reenacts §§ 5.40.040(3), 5.40.110(b), 5.40.120, 5.40.160 and 5.40.190, fermented malt beverage authority (5.40)
- 0-85-59 Amends § 14.02.040(3)(B)(b), Uniform Building Code (Repealed by 0-86-7)
- 0-85-60 Amends Ord. 0-85-26, special improvement district No. 33 (Special)
- 0-85-61 Bond issuance (Special)
- 0-85-62 Repeals and reenacts Ch. 3.01, sales and use tax; repeals Chs. 3.20 and 5.04 (Repealed by 0-85-137)
- 0-85-63 Repeals and reenacts §§ 12.12.010, 12.12.020 and 12.12.030, street improvement policy (12.12)
- 0-85-64 Declaration of intent to acquire interests in property (Special)
- 0-85-65 Adopts Transportation Engineering Design Standards (Repealed by 0-86-107)
- 0-85-66 (Not assigned)
- 0-85-67 (Denied)
- 0-85-68 Rezone (Special)
- 0-85-69 Rezone (Special)
- 0-85-70 Bond issuance (Special)
- 0-85-71 Approves phased site plan (Special)
- 0-85-72 Rezone (Special)
- 0-85-73 Rezone (Special)
- 0-85-74 Declaration of intent to acquire interests in property (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-85-75	Declaration of intent to acquire interests in property (Special)
0-85-76	(Not assigned)
0-85-77	Proposal submission to voters (Special)
0-85-78	Amends § 17-5-4, zoning (Not codified)
0-85-79	Repeals and reenacts § 17-5-21, zoning (Not codified)
0-85-80	Amends §§ 17-5-7(2)(b) and 17-6-4(8), zoning (Not codified)
0-85-81	Amends §§ 17-5-4 and 17-6-4, zoning (Not codified)
0-85-82	Proposed tax increase allocation (Special)
0-85-83	Rezone (Special)
0-85-84	Rezone (Special)
0-85-85	Rezone (Special)
0-85-86	Amends §§ 2 and 3 of Ord. 0-85-37, declaration of intent to acquire interests in property (Special)
0-85-87	Rezone (Special)
0-85-88	Rezone (Special)
0-85-89	Utility easement (Special)
0-85-90	(Not assigned)
0-85-91	(Not assigned)
0-85-92	Rezone (Special)
0-85-93	(Not assigned)
0-85-94	Declaration of intent to acquire interests in property (Special)
0-85-95	Amends subsection (10) of § 17-13-2, zoning (Not codified)
0-85-96	(Not assigned)
0-85-97	(Tabled)
0-85-98	Utility easement vacation (Special)
0-85-99	(Defeated)
0-85-100	(Not introduced)
0-85-101	(Not introduced)

ORDINANCE LIST

Ordinance

Number Subject

- 0-85-102 Improvement district assessments (Special)
- 0-85-103 Improvement district assessments (Special)
- 0-85-104 Adopts 1986 budget (Special)
- 0-85-105 Tax levy (Special)
- 0-85-106 Appropriation (Special)
- 0-85-107 Street vacation (Special)
- 0-85-108 Utility easement (Special)
- 0-85-109 (Pending)
- 0-85-110 Rezone (Special)
- 0-85-111 Adds § 2.01.030, boards, commissions and committees (2.01)
- 0-85-112 (Defeated)
- 0-85-113 Amends §§ 5.32.010 and 5.32.020, business and occupation taxes for utilities (5.32)
- 0-85-114 Bond issuance (Special)
- 0-85-115 (Not assigned)
- 0-85-116 Right of entry agreement (Special)
- 0-85-117 Irrigation ditch relocation agreement (Special)
- 0-85-118 Firelane easement vacation (Special)
- 0-85-119 Right-of-way vacation (Special)
- 0-85-120 Easement vacation (Special)
- 0-85-121 Phased site plan approval (Special)
- 0-85-122 Rezone (Special)
- 0-85-123 (Tabled)
- 0-85-124 (Tabled)
- 0-85-125 Adds §§ 17-4-3(5), 17-4-4(1), 17-4-7(5), and amends §§ 17-4-6, 17-4-7(4), 17-5-21(9)(c), 17-5-21(9)(d), 17-5-21(10)(d), 17-6-2(3), 17-15-3(1), 17-15-4(1), 17-15-5(1) and 17-15-6, zoning (Not codified)

ORDINANCE LIST

Ordinance

Number	Subject
0-85-126	Adds Ch. 1.26, fees for city services, and amends § 14.13.040, public improvements (1.26, 14.13)
0-85-127	Supplemental budget (Special)
0-85-128	Amends § 1 of Ord. 0-84-115, emergency telephone charge (Special)
0-85-129	Amends §§ 2.24.020, 2.25.010, 2.25.020, 2.25.030, 2.27.020 and 2.27.030, salaries of certain city officials (2.24, 2.25, 2.27)
0-85-130	Amends § 2.32.010, compensation of classified employees (2.32)
0-85-131	Amends Ord. 0-84-133, city clerk compensation (Special)
0-85-132	Amends § 2.24.050, salaries of city officials (2.24)
0-85-133	Amends § 2.36.040, police retirement (Repealed by 0-93-9)
0-85-134	Drainage easement vacation (Special)
0-85-135	Bond issuance (Special)
0-85-136	Amends § 14.02.040, Uniform Building Code (14.02)
0-85-137	Repeals and reenacts Ch. 3.01, sales and use taxes (3.01)
0-85-138	Industrial development revenue bonds (Special)
0-85-139	(Not passed)
0-85-140	Declaration of intent to acquire interests in property (Special)
0-85-141	Amends § 2.20.050, municipal court (2.20)
0-86-1	Annexation (Special)
0-86-2	Zoning (Special)
0-86-3	Rezone (Special)
0-86-4	Rezone (Special)
0-86-5	Rezone (Special)
0-86-6	(Number not used)

ORDINANCE LIST

Ordinance Number	Subject
0-86-7	Repeals and reenacts § 5.20.010, fireworks permits — Sale and display; repeals and replaces Chs. 14.01, 14.02, 14.03, 14.04, 14.05, 14.06, 14.07, 14.08, 14.10, 14.11 and 14.12, buildings and construction (5.20, 14.01, 14.02, 14.03, 14.04, 14.05, 14.06, 14.07, 14.08, 14.10, 14.11, 14.12)
0-86-8	Adds § 2.20.145; amends § 2.20.140, municipal court; repeals § 10.66.100 (2.20)
0-86-9	Amends § 1.16.040, general provisions (1.16)
0-86-10	Street vacation (Special)
0-86-11	Utility easement vacation (Special)
0-86-12	Street vacation (Special)
0-86-13	Amends § 1 of Ord. 0-84-87, street vacation (Special)
0-86-14	Declaration of intent to acquire interests in property (Special)
0-86-15	Easement vacation (Special)
0-86-16	Easement conveyance (Special)
0-86-17	Amends §§ 2.13.030, 2.13.040 and 2.14.010, administration and personnel (2.13, 2.14)
0-86-18	Rezone (Special)
0-86-19	Rezone (Special)
0-86-20	Repeals and reenacts Ch. 13.04, water and sewage systems and service (Repealed by 0-88-71)
0-86-21	Repeals subsection (6) of § 2.12.020, general officers (Repealer)
0-86-22	Declaration of easement (Special)
0-86-23	Amends §§ 2.06.040 and 2.27.020(B), administration and personnel (2.06)
0-86-24	Assesses costs of weed and rubbish removal against certain properties (Special)
0-86-25	Adds (11) to § 1.04.010 and renumbers following subsections, general definitions (1.04)

ORDINANCE LIST

Ordinance

Number Subject

- 0-86-26 Rezone (Special)
- 0-86-27 Rezone (Special)
- 0-86-28 Amends §§ 2.32.010 and 2.32.030, compensation (2.32)
- 0-86-29 Utility easement vacation (Special)
- 0-86-30 Rezone (Special)
- 0-86-31 Authorizes certain street improvements (Special)
- 0-86-32 Adds §§ 2.28.605, 2.28.615, 2.28.740 and 2.28.800; amends § 2.28.420, renumbers to § 2.28.418, and adds new § 2.28.420; amends §§ 2.28.020, 2.28.050, 2.28.080, 2.28.280, 2.28.290, 2.28.300(b), 2.28.390 (c) and (d), titles of subchapters IX and X, and §§ 2.28.425, 2.28.430, 2.28.435, 2.28.445, 2.28.450, 2.28.590, 2.28.600 and 2.28.720(1); deletes §§ 2.28.455, 2.28.460 and 2.28.475 and repeals §§ 2.28.610 and 2.28.620, personnel policies (2.28)
- 0-86-33 Authorizes lease of certain land by city (Special)
- 0-86-34 (Defeated)
- 0-86-35 Rezone (Special)
- 0-86-36 Rezone (Special)
- 0-86-37 Rezone (Special)
- 0-86-38 Adds §§ 9.32.230 through 9.32.340; amends §§ 9.32.010, 9.32.020, 9.32.030, 9.32.050, 9.32.070(a), 9.32.170 and 9.32.180; repeals § 9.32.060, parks and recreation (9.32)
- 0-86-39 Conveyance of easement (Special)
- 0-86-40 Amends § 2.24.015, city manager's salary (2.24)
- 0-86-41 Amends Ord. 0-85-94, declaration of intent to acquire interests in property (Special)
- 0-86-42 Repeals and replaces Ch. 9.52 and repeals § 10.60.180, noise control (9.52, 10.60)

ORDINANCE LIST

Ordinance

Number	Subject
0-86-43	Declaration of intent to acquire interests in property (Special)
0-86-44	Authorizes right-of-way agreement (Special)
0-86-45	(Number not used)
0-86-46	Rezone (Special)
0-86-47	(Number not used)
0-86-48	Rezone (Special)
0-86-49	Declaration of intent to acquire interests in property (Special)
0-86-50	Adds §§ 17-12-2(2)(e) and 17-7-8(5); amends §§ 17-2-2(2), 17-4-4(1), 17-7-5(1), 17-7-6(1) and 17-7-7(1), zoning (Not codified)
0-86-51	Declaration of intent to acquire interests in property (Special)
0-86-52	Declaration of intent to acquire interests in property (Special)
0-86-53	Right-of-way agreement (Special)
0-86-54	(Pending)
0-86-55	Repeals Ord. 0-83-153 (Repealer)
0-86-56	Authorizes execution of land lease agreement (Special)
0-86-57	Authorizes agreement for exchange of property (Special)
0-86-58	Amends § 2.28.418, personnel policy (2.28)
0-86-59	(Number not used)
0-86-60	(Number not used)
0-86-61	(Number not used)
0-86-62	(Number not used)
0-86-63	(Number not used)
0-86-64	(Number not used)
0-86-65	Rezone (Special)
0-86-66	Easement vacation (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-86-67	Easement vacation (Special)
0-86-68	(Denied)
0-86-69	Declaration of intent to acquire interests in property (Special)
0-86-70	(Number not used)
0-86-71	Adds §§ 10.66.250, 10.66.260, 10.66.270 and 10.66.280, post-seizure abandoned vehicle hearings (10.66)
0-86-72	Improvement district assessments (Special)
0-86-73	Declaration of intent to acquire interests in property (Special)
0-86-74	Rezone (Special)
0-86-75	Site plan review phase approval (Special)
0-86-76	Street and alley vacation (Special)
0-86-77	Amends Ord. 0-86-1, annexation (Special)
0-86-78	Adds Ch. 9.38, smoking in public places (9.38)
0-86-79	Authorizes quitclaim of certain easement reservation (Special)
0-86-80	Authorizes conveyance of certain easement (Special)
0-86-81	(Continued)
0-86-82	Annexation (Special)
0-86-83	Zones annexed property (Special)
0-86-84	Annexation (Special)
0-86-85	Zones annexed property (Special)
0-86-86	Annexation (Special)
0-86-87	Zones annexed property (Special)
0-86-88	Easement vacation (Special)
0-86-89	Right-of-way vacation (Special)
0-86-90	(Withdrawn)
0-86-91	Establishes self-insurance reserve fund (3.24)

ORDINANCE LIST

Ordinance

Number	Subject
0-86-92	Declaration of intent to acquire interests in property for public, purposes (Special)
0-86-93	(Tabled)
0-86-94	Authorizes lease agreement (Special)
0-86-95	(Deleted)
0-86-96	1987 budget (Special)
0-86-97	Tax levy (Special)
0-86-98	Appropriations (Special)
0-86-99	Bond issuance (Special)
0-86-100	Decreases interest rates charged on installments of assessments for certain special improvement districts (Special)
0-86-101	Repeals and reenacts Ord. 0-86-89, right-of-way vacation (Special)
0-86-102	(Number not used)
0-86-103	Easement vacation (Special)
0-86-104	Adds §§ 3.01.020(24.5), 3.01.065, (10) — (14) to 3.01.120, (32) to 3.01.180 and (9) to 3.01.260; amends §§ 3.01.020(25), (29), (30) and (37), 3.01.030(4), 3.01.100, 3.01.110(1)(a) and (b), 3.01.120(7), (8)(a) and (b) and (9), 3.01.160(1), 3.01.180(5), (21) and (30), 3.01.190, 3.01.210, 3.01.220(3)(a), (4)(b) and (c), 3.01.230(7), (9) and (12) and 3.01.330(2), rules and use tax; repeals subsection (2) of § 3.01.130 (3.01)
0-86-105	Adds Ch. 3.02, incorrect registration for a motor vehicle (3.02)
0-86-106	Amends §§ 2.24.040 and 2.26.050, administration and personnel (2.26)

ORDINANCE LIST

Ordinance

Number	Subject
0-86-107	Adopts Engineering Regulations, Construction Specifications and Design Standards; repeals Ords. 0-81-63, 0-82-102, 0-83-45, 0-83-67 and 0-85-65 (14.20)
0-86-108	Adds §§ 2.08.260, 2.08.270, 2.08.280, 2.08.290, 2.08.300, 2.08.305 and 2.08.310, operating departments (Repealed by 0-87-26)
0-86-109	Declaration of intent to acquire interests in property for public purposes (Special)
0-86-110	Rezone (Special)
0-86-111	Rezone (Special)
0-86-112	Easement vacation (Special)
0-86-113	Wood burning (Repealed by 0-92-61)
0-86-114	Repeals and reenacts § 12.12.030(e), cost responsibility for improvements to the city's street system (12.12)
0-86-115	Amends § 1.01.130, code adoption (1.01)
0-86-116	Amends § 2.32.010, compensation (2.32)
0-86-117	Amends §§ 2.24.020, 2.25.010, 2.25.020, 2.25.030, 2.27.020 and 2.27.030, administration and personnel (2.24, 2.25, 2.27)
0-86-118	Creates Special Improvement District No. 34 (Special)
0-86-119	Rezone (Special)
0-86-120	Amends §§ 5.32.010 and 5.3 2.020, utilities — B & O tax (5.32)
0-86-121	Transportation of hazardous materials (Repealed by 0-90-4)
0-86-122	Revises and adopts supplemental 1986 budget (Special)
0-86-123	Declaration of intent to acquire interests in property for public purposes (Special)
0-86-124	(Pending)

ORDINANCE LIST

Ordinance

Number	Subject
0-86-125	Easement vacation (Special)
0-86-126	Declaration of intent to acquire interests in property for public purposes (Special)
0-86-127	Assesses costs of weed and rubbish removal against certain properties (Special)
0-86-128	Amends § 2.20.050, judges salaries (2.20)
0-86-129	Rezone (Special)
0-86-130	Street vacation (Special)
0-86-132	Street vacation (Special)
0-86-134	Rezone (Special)
0-86-135	Rezone (Special)
0-86-136	Bond issue (Special)
0-87-1	Adds Ch. 9.31, snow removal (9.31)
0-87-2	Adds Ch. 9.84, snow removal; repeals § 9.82.060 (Repealed by 0-93-1)
0-87-3	Property acquisition (Special)
0-87-4	Repeals Ord. 0-81-101 (Repealer)
0-87-5	Easement grant (Special)
0-87-6	Amends § 2.24.015, manager salary (2.24)
0-87-7	Repeals and reenacts Ch. 5.38, liquor licensing (5.38)
0-87-8	Repeals and reenacts Ch. 5.40, fermented malt beverage licensing (5.40)
0-87-9	Property acquisition (Special)
0-87-10	Amends zoning ordinance (Not codified)
0-87-11	Rezone (Special)
0-87-12	Amends zoning ordinance (Not codified)
0-87-13	Easement grant (Special)
0-87-14	(Denied)
0-87-15	Amends §§ 2.36.040 and 2.36.070, police retirement (Repealed by 0-93-9)

ORDINANCE LIST

Ordinance

Number	Subject
0-87-16	Property conveyance (Special)
0-87-17	Adds Ch. 12.16, privately owned bus benches (12.16)
0-87-18	Amends §§ 17-10-2(4), 17-10-4(1) and (2), and 17-10-6(h), zoning (Not codified)
0-87-19	Adds §§ 2.06.072, 2.06.074, 2.06.132, 2.06.134 and 2.06.136; amends §§ 2.06.090, 2.06.120, 2.06.150, 2.08.180, 2.26.010, 2.26.120 and 2.26.140, employees (2.06, 2.26)
0-87-20	Amends §§ 2.28.025, 2.28.110, 2.28.310, 2.28.370, 2.28.410, 2.28.425, 2.28.435, 2.28.450 and 2.28.705, personnel policy (2.28)
0-87-21	Amends § 2.32.010, compensation of classified employees (2.32)
0-87-22	(Not assigned)
0-87-23	Contract with Consolidated Mutual Water Company (Special)
0-87-24	Contract with Bancroft-Clover Water and Sanitation District (Special)
0-87-25	Right-of-way vacation (Special)
0-87-26	Repeals Ord. 0-86-108 (Repealer)
0-87-27	Adds § 9.65.020; amends §§ 9.20.020, 9.30.010, 9.50.040(1)(d) and (2), 9.50.050, 9.60.020, 9.66.010 (a), 9.70.020, 9.70.030(b), 9.70.040, 9.70.050(a), 9.90.010 and 9.92.010; repeals §§ 9.20.030, 9.32.070(b) and 9.50.030, public peace and safety (9.20, 9.30, 9.50, 9.60, 9.65, 9.66, 9.70, 9.90, 9.92)
0-87-28	Repeals and replaces Title 6, animals (6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, 6.08)
0-87-29	Approves phased site plan for Costain Office Park (Special)
0-87-30	Sale of surplus property (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-87-31	Interest in property for public purposes (Special)
0-87-32	Adds § 10.48.120; amends §§ 10.24.040, 10.36.030, 10.54.030, 10.54.040(d), 10.54.060(d), 10.54.070, 10.54.080(b), 10.54.100, 10.54.110(g), 10.54.120 and 10.57.020; repeals and replaces § 10.48.110, vehicles and traffic (10.24, 10.36, 10.48, 10.54, 10.57)
0-87-33	Amends §§ 5.20.120, 5.20.160 and 5.20.170; repeals § 5.20.130, fireworks (5.20)
0-87-34	Right-of-way vacation (Special)
0-87-35	Conveyance of easement (Special)
0-87-36	Appointment and compensation of special judges (Special)
0-87-37	Right of entry agreement with Department of Highways (Special)
0-87-38	Right of entry agreement with Department of Highways (Special)
0-87-39	Conveyance of land (Special)
0-87-40	(Denied)
9-87-41	(Defeated)
0-87-42	Amends municipal ward boundaries (Special)
0-87-43	Annexation (Special)
0-87-44	Rezone (Special)
0-87-45	Rezone (Special)
0-87-46	(Number not assigned)
0-87-47	Right-of-way vacation (Special)
0-87-48	Amends §§ 2.08.010 – 2.08.060, police department (2.08)
0-87-49	Rezone (Special)
0-87-50	Amends §§ 9.32.020, 9.32.090 and 9.32.100, parks and recreation (9.32)

ORDINANCE LIST

Ordinance

Number Subject

- 0-87-51 Amends zoning ordinance (Not codified)
- 0-87-52 Roadway vacation (Special)
- 0-87-53 Right-of-way vacation (Special)
- 0-87-54 Amends zoning and subdivision ordinances (Not codified)
- 0-87-55 Property and casualty self-insurance fund (Special)
- 0-87-56 Adds §§ 5.38.140 and 5.40.140, alcoholic and fermented malt beverages (5.38, 5.40)
- 0-87-57 Amends §§ 5.38.050(1) and 5.40.050(1), alcoholic and fermented malt beverages (5.38, 5.40)
- 0-87-58 Conveyance of easement (Special)
- 0-87-59 Declares intent to acquire property for public purposes (Special)
- 0-87-60 (Denied)
- 0-87-61 Rezone (Special)
- 0-87-62 (Tabled)
- 0-87-63 Right-of-way vacation (Special)
- 0-87-64 Election proposal of accommodations tax (Special)
- 0-87-65 Adds subsection (e) to § 3.26.040, economic development incentive fund (3.26)
- 0-87-66 Adds § 1.16.037 and amends § 1.16.040, general penalty (1.16)
- 0-87-67 Property acquisition (Special)
- 0-87-68 Utility easement (Special)
- 0-87-69 Special Improvement District No. 34 (Special)
- 0-87-70 Budget for 1988 (Special)
- 0-87-71 Tax levy (Special)
- 0-87-72 Fund appropriation (Special)
- 0-87-73 Repeals and replaces Ch. 9.41, alcoholic beverages (9.41)
- 0-87-74 Right-of-way vacation, easement (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-87-75	Rezone (Special)
0-87-76	Rezone (Special)
0-87-77	Approving phased site plan (Special)
0-87-78	Adds subsection (f) to § 3.26.040, economic incentive development fund (3.26)
0-87-79	Property acquisition, agreement approval (Special)
0-87-80	Amends § 2.20.050, judge salary (2.20)
0-87-81	(Tabled)
0-87-82	Rezone (Special)
0-87-83	Rezone (Special)
0-87-84	Property acquisition, agreement (Special)
0-87-85	Amends Ord. 0-85-19, property acquisition (Special)
0-87-86	Rezone (Special)
0-87-87	Amends §§ 10.15.010, 10.54.030, 10.54.070, 10.54.080, 10.57.020, 10.57.030, 10.58.010, 10.58.020, 10.58.030, 10.59.010, 10.60.060, 10.60.080, 10.60.180, 10.60.190, 10.60.210, 10.63.050, 10.63.070, 10.75.020, traffic; repeals §§ 10.58.040, 10.58.050, 10.58.060, 10.58.070, 10.58.080 (10.15, 10.54, 10.57, 10.58, 10.59, 10.80, 10.63, 10.75)
0-87-88	Supplemental budget for 1987 (Special)
0-87-89	Adds Ch. 3.03, accommodations tax (3.03)
0-87-90	Conveyance of easement (Special)
0-87-91	Right-of-way vacation (Special)
0-87-92	Utility easement vacation (Special)
0-88-1	Property interest acquisition (Special)
0-88-2	Property interest acquisition (Special)
0-88-3	Authorizes right of entry agreement amendment (Special)
0-88-4	Rezone (Special)
0-88-5	Right-of-way vacation (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-88-6	Repeals and replaces Ch. 3.04, purchasing policies (3.04)
0-88-7	Amends § 2.36.100(a), pension trust fund (Repealed by 0-93-9)
0-88-8	Rezone (Special)
0-88-9	(Denied)
0-88-10	Amends §§ 17-2-1, 17-17-3 and 17-17-7, zoning (Not codified)
0-88-11	Adds Art. 18 to Title 17; amends § 17-2-2, zoning (Not codified)
0-88-12	Adds §§ 2.28.080(30), 2.28.110(a), 2.28.310(a) and 2.28.400(b); amends §§ 2.28.040(a), 2.28.045(3) and (4), 2.28.080(2), (11), (25) and (27), 2.28.310, 2.28.320(b), 2.28.390(d), 2.28.391(d), 2.28.425(a), (b), (3) and (4), 2.28.435(b), 2.28.450(c), 2.28.500, 2.28.540, 2.28.605(2), 2.28.670 and 2.28.680, renumbers subsection (30) to (31) of § 2.28.080 and amends said subsection; reletters subsection (b) to (c) of § 2.28.110 and amends said subsection; renumbers subsections (31) to (32), (32) to (33), (33) to (34), (34) to (35), (35) to (36), (36) to (37), (37) to (38) and (38) to (39) of § 2.28.080; reletters subsections (a) to (b) and (b) to (c) of § 2.28.110; renumbers subsections (6) to (7) and (7) to (8) of § 2.28.310 and letters initial paragraph to (a) in § 2.28.400, personnel policy (2.28)
0-88-13	Utility easement (Special)
0-88-14	Fire lane and emergency vehicle access easement and tract vacation (Special)
0-88-15	(Number not assigned)
0-88-16	Utility easement (Special)
0-88-17	Assesses costs of removal of weeds, vegetation and rubbish (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-88-18	Repeals and replaces § 2.16.010, planning commission; repeals Ord. 0-85-2 (2.16)
0-88-19	Amends §§ 14.13.020(6) and 14.13.040, public improvement requirements appeals (14.13)
0-88-20	Amends § 17.13.2(8), zoning (Not codified)
0-88-21	Rezone (Special)
0-88-22	Rezone (Special)
0-88-23	(Denied)
0-88-24	Adds §§ 17-5-4(4) and 17-6-4(16); amends § 17-2-2, zoning (Not codified)
0-88-25	Rezone (Special)
0-88-26	Authorizes amendments to a financing agreement of a city industrial development revenue bond, series 1983 (Special)
0-88-27	Rezone (Special)
0-88-28	Right-of-way vacation, easement (Special)
0-88-29	(Not assigned)
0-88-30	Annexation (Special)
0-88-31	Annexation (Special)
0-88-32	Annexation, zoning of land (Special)
0-88-33	Lease purchase agreement (Special)
0-88-34	Lease purchase agreement (Special)
0-88-35	Right-of-way agreement (Special)
0-88-36	Right-of-way vacation (Special)
0-88-37	(Denied)
0-88-38	Rezone (Special)
0-88-39	Repeals and replaces Ch. 17.14, zoning (Not codified)
0-88-40	Adds Ch. 14.21, excavation, grading and retaining walls (14.21)
0-88-41	Utility easement (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-88-42	Rights-of-way vacation (Special)
0-88-43	Amends § 17.2.2(16), zoning (Not codified)
0-88-44	Right-of-way vacation, easement (Special)
0-88-45	Adopts 1989 budget (Special)
0-88-46	Tax levy (Special)
0-88-47	Appropriations (Special)
0-88-48	Amends § 2.28.080(15), personnel policies (2.28)
0-88-49	Rezone (Special)
0-88-50	Rezone (Special)
0-88-51	Amends §§ 5.32.010 and 5.32.020, utilities – B & O tax (5.32)
0-88-52	Conveyance of property, right-of-way agreement (Special)
0-88-53	Right-of-way agreement (Special)
0-88-54	Annexation (Special)
0-88-55	Annexation (Special)
0-88-56	Annexation (Special)
0-88-57	Annexation (Special)
0-88-58	Rezone (Special)
0-88-59	Zones certain land (Special)
0-88-60	Zones certain land (Special)
0-88-61	Amends § 2.32.010, compensation (2.32)
0-88-62	Amends §§ 2.24.020, 2.25.020, 2.25.030, 2.27.020 and 2.27.030, administration and personnel (2.24, 2.25, 2.27)
0-88-63	Annexation agreements (Special)
0-88-64	Amends § 2.32.080(1), compensation (2.32)
0-88-65	Adopts a supplemental 1988 budget (Special)
0-88-66	Adds § 14.13.020(c); amends §§ 14.13.020(b)(iv) and 14.13.030; reletters existing § 14.13.020(c) to (d), public improvements (14.13)

ORDINANCE LIST

Ordinance

Number	Subject
0-88-67	Amends § 17-2-2, zoning (Not codified)
0-88-68	Easement vacation (Special)
0-88-69	Right-of-way vacation (Special)
0-88-70	Adds §§ 2.20.150, 2.20.155 and 2.20.160, municipal court; amends § 1.04.010(10), general provisions (1.04, 2.20)
0-88-71	Repeals and reenacts Ch. 13.04, water and sewage systems and service (13.04)
0-88-72	Declares intent to acquire property for public purposes (Special)
0-89-1	Rezone (Special)
0-89-2	Right-of-way vacation (Special)
0-89-3	Amends §§ 2.08.210, 2.08.220, 2.08.230, 2.48.010 and 2.48.020, administration and personnel; amends § 8.06.010(2), trees and vegetation; amends §§ 9.32.010(2), (3), (10) and 9.32.020(a), parks and recreation; amends §§ 14.16.010, 14.16.040(f), 14.16.050, 14.16.070(b), (c) and 14.16.090, buildings and construction (2.08, 2.48, 8.06, 9.32, 14.16)
0-89-4	Amends § 17-10-5, zoning (Not codified)
0-89-5	Amends § 17-13-1, zoning (Not codified)
0-89-6	Amends § 2.20.050, municipal judges — appointment — salary — oath (2.20)
0-89-7	Rezone (Special)
0-89-8	Declares intent to acquire property for public purposes (Special)
0-89-9	Easement vacation (Special)
0-89-10	Amends § 2.24.040, salaries of city officials (Repealed by 0-93-25)
0-89-11	(Tabled)
0-89-12	Annexation (Special)
0-89-13	Annexation (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-89-14	Annexation (Special)
0-89-15	Annexation (Special)
0-89-16	Annexation (Special)
0-89-17	Zones certain land (Special)
0-89-18	Easement vacation (Special)
0-89-19	(Tabled)
0-89-20	(Tabled)
0-89-21	Declares intent to acquire property for public purposes (Special)
0-89-22	Multifamily housing revenue bonds (Special)
0-89-23	Amends § 2.32.010, classified employees compensation (2.32)
0-89-24	Adds Ch. 9.63, bad checks (9.63)
0-89-25	Declares intent to acquire property for public purposes (Special)
0-89-26	Declares intent to acquire property for public purposes (Special)
0-89-27	Street vacation (Special)
0-89-28	Assessment for weed, vegetation and rubbish removal (Special)
0-89-29	Amends § 5.20.120, liability insurance for fireworks (5.20)
0-89-30	(Defeated)
0-89-31	Amends §§ 1.36.020(10) and 2.36.040(b), police pension benefits (Repealed by 0-93-9)
0-89-32	Adds §§ 10.66.290 — 10.66.360; amends §§ 10.33.030, 10.33.070 and 10.75.020, vehicles and traffic; amends §§ 17-2-2 and 17-9-1, zoning (10.33, 10.66, 10.75)
0-89-33	Rezone (Special)
0-89-34	Rezone (Special)

ORDINANCE LIST

Ordinance

Number Subject

0-89-35 Amends §§ 5.38.020(4), 5.38.040(7), 5.38.050(1), 5.38.060(1) and (2) and 5.38.100(1) and (3); amends and renumbers §§ 5.38.050(3) and (4) to (2) and (3)

ORDINANCE LIST

Ordinance

Number	Subject
	and 5.38.060(4) and (5) to (3) and (4); renumbers § 5.38.050(5) to (4), liquor licensing authority; repeals §§ 5.38.050(2) and (6) and 5.38.060(3) (5.38)
0-89-36	Amends §§ 5.40.020(3) and (4), 5.40.040(7), 5.40.050(1), 5.40.060(1) and (2) and 5.40.100(1) and (3); amends and renumbers §§ 5.40.050(4) to (2) and 5.40.060(4) and (5) to (3) and (4); renumbers §§ 5.40.050(3) and (5) to (2) and (4), fermented malt beverage authority; repeals §§ 5.40.050(2) and (6) and 5.40.060(3) (5.40)
0-89-37	Adds § 2.28.080(39); amends §§ 2.28.025, 2.28.310 (1) and (3), 2.28.321, 2.28.370(a), 2.28.391(a), 2.28.435(c)(2)(B) and (C), 2.28.440(c), 2.28.450 (1)(D), 2.28.500 and 2.28.560; amends and renumbers § 2.28.110(c) to 2.28.115, personnel policies (2.28)
0-89-38	Industrial development revenue bonds (Special)
0-89-39	Rezone (Special)
0-89-40	Rezone (Special)
0-89-41	Authorizes conveyance of easement (Repealed by 0-89-44)
0-89-42	Right-of-way vacation (Special)
0-89-43	Rezone (Special)
0-89-44	Authorized conveyance of easement; repeals Ord. 0-89-41 (Special)
0-89-45	Rezone (Special)
0-89-46	Rezone (Special)
0-89-47	(Unassigned)
0-89-48	Easement vacation (Special)
0-89-49	Sewer rates (Not codified)

ORDINANCE LIST

Ordinance

Number	Subject
0-89-50	Conveyance of real property (Special)
0-89-51	Amends zoning ordinance (Not codified)
0-89-52	Authorizes agreement between city and county for use of reusable effluent (Special)
0-89-53	Authorizes right-of-way agreement (Special)
0-89-54	Appointment and salary of special judges (2.20)
0-89-55	(Tabled)
0-89-56	Amends § 2.20.050(b), municipal court (2.20)
0-89-57	Amends municipal ward boundaries (Special)
0-89-58	Amends §§ 3.26.010 – 3.26.060, economic development incentive fund (3.26)
0-89-59	Adds Ch. 5.39, optional premises liquor licenses (5.39)
0-89-60	Declares intent of city to acquire interests in certain property (Special)
0-89-61	Repeals and replaces Ch. 5.24, pawnbrokers (5.24)
0-89-62	Authorizes conveyance of easement (Special)
0-89-63	Amends §§ 2.28.250 and 2.28.370, personnel system (2.28)
0-89-64	Amends § 5.46.020(a), (b) and (c), amusement devices (5.46)
0-89-65	Amends § 17.14-5(1) of the zoning ordinance (Not codified)
0-89-66	Rezone (Special)
0-89-67	Rezone (Special)
0-89-68	Authorizes lease of storage space (Special)
0-79-69	(Number not used)
0-89-70	(Number not used)
0-89-71	Adds § 5.44.285; amends §§ 5.44.120 and 5.44.460, cable communications systems (5.44)
0-89-72	Amends § 2.24.050, salaries of city officials (2.24)

ORDINANCE LIST

Ordinance

Number	Subject
0-89-73	(Tabled)
0-89-74	(Tabled)
0-89-75	Amends §§ 10.12.060, 10.54.070 and 10.75.020, vehicles and traffic (10.12, 10.75)
0-89-76	Authorizes agreement for lease purchase of certain lots (Special)
0-89-77	Amends Ord. 0-69-6, gas and electric franchise (Special)
0-89-78	Authorizes conveyance of easement (Special)
0-89-79	Authorizes conveyance of property (Special)
0-89-80	Rezone (Special)
0-89-81	1990 budget (Special)
0-89-82	Tax levy (Special)
0-89-83	Appropriation (Special)
0-89-84	Authorizes amendment to certain lease agreement (Special)
0-89-85	Authorizes cable television franchise (Special)
0-89-86	Adds §§ 1.16.060 and 1.16.070; amends §§ 1.16.020 and 1.16.050, penalty for violation (1.16)
0-89-87	Adds Ch. 5.50, electric and gas franchise (5.50)
0-89-88	Amends §§ 5.32.010 and 5.32.020, utilities – B & O tax (5.32)
0-89-89	Authorizes amendment to agreement for lease of water rights (Special)
0-89-90	Authorizes amendment to agreement for lease of water rights (Special)
0-89-91	Authorizes agreement for property purchase (Special)
0-89-92	Acceptance of conveyance instruments (Special)
0-89-93	(Defeated)
0-89-94	Utility easement vacation (Special)
0-89-95	Rezone (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-89-96	Rezone (Special)
0-89-97	Adopts supplemental budget for 1989 (Special)
0-89-98	Amends §§ 2.24.020, 2.25.020, 2.25.030, 2.27.020 and 2.27.030, administration and personnel (2.24, 2.25, 2.27)
0-89-99	Amends § 2.32.010, compensation (2.32)
0-89-100	Rezone (Special)
0-89-101	Rezone (Special)
0-89-102	Amends Ord. 0-89-82, tax levy (Special)
0-89-103	Approves inter-creditor settlement (Special)
0-90-1	Pedestrian easement vacation (Special)
0-90-2	Right-of-way easement vacation (Special)
0-90-3	Emergency vehicle access easement vacation (Special)
0-90-4	Repeals and replaces Ch. 10.67, transportation of hazardous materials (10.67)
0-90-5	Declaration of intent to acquire property interests (Special)
0-90-6	Authorizes utility easement conveyance (Special)
0-90-7	Amends § 2.32.050, administration and personnel (2.32)
0-90-8	Amends §§ 5.24.010(f), 5.24.050, 5.24.140(a)(5)(F) and 5.24.270, pawnbrokers (5.24)
0-90-9	Adds Art. 19 to and amends Art. 2 of zoning ordinance (Not codified)
0-90-10	Establishes overlay district boundaries (Not codified)
0-90-11	Amends §§ 2.36.050(a)(2), 2.36.060(a) and 2.36.070(b)(5), police retirement (Repealed by 0-93-9)
0-90-12	Authorizes easement conveyance (Special)
0-90-13	Rezone (Special)
0-90-14	Amends § 2.20.050, municipal court (2.20)

ORDINANCE LIST

Ordinance

Number	Subject
0-90-15	Amends §§ 14.01.020, 14.02.040, 14.03.010, 14.03.020, 14.04.010, 14.04.020, 14.04.040, 14.05.010, 14.05.020, 14.06.010, 14.06.020, 14.06.040, 14.07.010, 14.07.020, 14.07.040 and 14.11.020, buildings and construction (14.01, 14.02, 14.03, 14.04, 14.05, 14.06, 14.07, 14.11)
0-90-16	(Tabled)
0-90-17	Rezone (Special)
0-90-18	Amends portions of Art. 5 of zoning ordinance (Not codified)
0-90-19	Disconnects certain property (Special)
0-90-20	Authorizes lease purchase agreement (Special)
0-90-21	Amends § 1.01.130, code adoption (1.01)
0-90-22	Sanitary sewer easement vacation (Special)
0-90-23	Authorizes conveyance of land (Special)
0-90-24	Authorizes access easement conveyance (Special)
0-90-25	Amends § 2.32.010, compensation (2.32)
0-90-26	Declaration of intent to acquire property interests (Special)
0-90-27	(Defeated)
0-90-28	Authorizes easement conveyance (Special)
0-90-29	Amends §§ 2.28.010(b), 2.28.080(2), (15), (20), 2.28.250, 2.28.310(1), (2), 2.28.360, 2.28.370(a), 2.28.380, 2.28.425(c)(10), 2.28.430(d), 2.28.440(4), 2.28.520 and 2.28.530, personnel system (2.28)
0-90-30	Calls for special municipal election (Repealed by 0-90-30)
0-90-31	Authorizes land conveyance (Special)
0-90-32	Adds § 13.04.120, water and sewage systems and service (Repealed by 0-90-43)
0-90-33	Repeals Ord. 0-90-30 (Repealer)

ORDINANCE LIST

Ordinance

Number	Subject
0-90-34	Pulled
0-90-35	Rezone (Special)
0-90-36	Rezone (Special)
0-90-37	Unassigned
0-90-38	Certain sewer service charges (Special)
0-90-39	Amends Zoning ordinance (Not codified)
0-90-40	Calls for special municipal election (Special)
0-90-41	Adds Ch. 3.11, sale and disposal of unclaimed vehicles; amends § 10.66.200(d), vehicles and traffic (10.66)
0-90-42	Rezone (Special)
0-90-43	Adds § 13.04.120, water and sewage systems and service (13.04)
0-90-44	Calls for special election (Special)
0-90-45	Easement vacation (Special)
0-90-46	Adds Ch. 3.29, annexation improvements funds (3.29)
0-90-47	Easement vacation (Special)
0-90-48	Rezone (Special)
0-90-49	Rezone (Special)
0-90-50	Rezone (Special)
0-90-51	1991 budget (Special)
0-90-52	Tax levy (Special)
0-90-53	Appropriation (Special)
0-90-54	Amends § 2.20.050(f), municipal court (2.20)
0-90-55	Amends §§ 5.32.010 and 5.32.020, utilities B & O tax (5.32)
0-90-56	Amends § 2.14.020, fees for photocopying and certification of city documents (2.14)
0-90-57	Amends certain sewer rates (Special)

ORDINANCE LIST

Ordinance

Number Subject

- 0-90-58 Amends § 14.02.040(3)(B), Uniform Building Code (14.02)
- 0-90-59 Utility easement vacation (Special)
- 0-90-60 (Defeated)
- 0-90-61 Rezone (Special)
- 0-90-62 Authorizes water system conveyance (Special)
- 0-90-63 Right-of-way vacation (Special)
- 0-90-64 Authorizes real property conveyance (Special)
- 0-90-65 Amends §§ 2.24.020, 2.25.020, 2.25.030, 2.27.020 and 2.27.030, administration and personnel (2.24, 2.25, 2.27)
- 0-90-66 Amends § 2.32.010, compensation (2.32)
- 0-90-67 Authorizes land conveyance (Special)
- 0-90-68 Authorizes lease agreement (Special)
- 0-90-69 Access easement vacation (Special)
- 0-90-70 Appropriations (Special)
- 0-90-71 Sanitary sewer easement vacation (Special)
- 0-90-72 Provides for evaluation of ward boundaries (Special)
- 0-90-73 Authorizes easement conveyance (Special)
- 0-90-74 Amends § 2.20.050, municipal court (2.20)
- 0-91-3 Rezone (Special)
- 0-91-4 Rezone (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-91-5	(Withdrawn)
0-91-6	(Withdrawn)
0-91-7	Authorizes lease agreement (Special)
0-91-8	Amends § 2.32.010, compensation (2.32)
0-91-9	Rezone (Special)
0-91-10	Authorizes easement agreement (Special)
0-91-11	Amends zoning ordinance (Not codified)
0-91-12	Amends zoning ordinance (Not codified)
0-91-13	Amends subdivision ordinance (Not codified)
0-91-14	Right-of-way vacation (Special)
0-91-15	Adds § 9.80.130; amends §§ 9.80.090 and 9.80.100, abatement of nuisances (Repealed by 0-93-1)
0-91-16	Authorizes property conveyance (Special)
0-91-17	Declaration of intent to acquire interests in property (Special)
0-91-18	Right-of-way vacation (Special)
0-91-19	Rezone (Special)
0-91-20	Amends § 2.32.010, compensation (2.32)
0-91-21	Amends §§ 1.16.037 and 1.16.040(2), general provisions (1.16)
0-91-22	Amends §§ 2.26.140, 2.28.210, 2.28.320, 2.28.425, 2.28.500 and 2.28.705, administration and personnel (2.26, 2.28)
0-91-23	(Unassigned)
0-91-24	Declaration of intent to acquire interests in property (Special)
0-91-25	Rezone (Special)
0-91-26	Amends § 9.84.020; repeals and replaces §§ 8.04.040, 8.04.070 and 8.04.080, weeds and rubbish; § 9.84.010, rubbish, weeds and junk; repeals §§ 8.04.090 and 8.04.100 (Repealed by 0-93-1)

ORDINANCE LIST

Ordinance

Number	Subject
0-91-27	Authorizes amendment to agreement between city and JKLM Inc. (Special)
0-91-28	Adds Ch. 9.43, marijuana (9.43)
0-91-29	Adds Ch. 9.85, defaced property (9.85)
0-91-30	Authorizes easement conveyance (Special)
0-91-31	Amends zoning ordinance (Not codified)
0-91-32	Rezone (Special)
0-91-33	Adds Ch. 14.22, underground storage tank removal (14.22)
0-91-34	Easement vacation (Special)
0-91-35	Amends zoning ordinance (Not codified)
0-91-36	(Remanded to city council)
0-91-37	Rezone (Special)
0-91-38	Right-of-way vacation (Special)
0-91-39	Property disconnection (Special)
0-91-40	Submission of proposed Charter amendments to voters (Special)
0-91-41	Sewer service charges (Not codified)
0-91-42	Rezone (Special)
0-91-43	Rezone (Special)
0-91-44	Regulates write in candidate votes for municipal elections; repeals Ord. 0-83-136 (Not codified)
0-91-45	Amends §§ 2.25.070, 2.26.040, 2.27.010, 2.27.040, 2.27.070, 2.28.320 and 2.28.705, administration and personnel (2.25, 2.26, 2.27, 2.28)
0-91-46	Authorizes lease agreement (Special)
0-91-47	(Denied)
0-91-48	Rezone (Special)
0-91-49	Rezone (Special)
0-91-50	Amends lease agreement (Special)
0-91-51	1992 budget (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-91-52	Tax levy (Special)
0-91-53	Appropriation (Special)
0-91-54	Amends § 14.12.020, board of appeals (14.12)
0-91-55	Declaration of intent to acquire interests in property (Special)
0-91-56	(Tabled)
0-91-57	Amends § 2.36.090(a)(2), police retirement plan manager (Repealed by 0-93-9)
0-91-58	Right-of-way vacation (Special)
0-91-59	Adds § 2.06.180, city housing authority; amends §§ 1.04.010, 1.04.060, 1.24.010, 2.06.160, 2.08.070, 2.08.090, 2.08.120, 2.08.150, 2.08.160, 2.08.170, 2.08.190, 2.08.200, 2.08.230, 2.16.010, 2.16.030, 2.24.040, 5.08.040, 5.08.050, 5.16.010, 5.16.150, 8.04.010, 9.31.040, 9.38.080, 10.33.070, 10.54.110, 10.66.290, 10.66.340, 10.66.350, 10.66.360, 10.69.070, 10.69.080, 12.04.020, 12.12.010, 12.16.050, 13.04.010, 13.04.080, 14.01.030, 14.02.040, 14.10.060, 14.10.070, 14.12.020, 14.13.040, 14.14.020, 14.14.040, 14.14.050, 14.14.060, 14.14.070, 14.20.050, 14.21.030, 14.21.040, 14.21.050, 14.21.060, 14.21.150 and 18.01.010 and certain sections of the city Zoning Ordinance and the city Subdivision Ordinance, provides for the creation of the department of planning, permits and public works and the discontinuance of the department of community development and the department of public works; further, providing for certain clarifying amendments; repeals and reenacts § 2.08.110, supervision of planning, permits and public works; repeals § 2.08.130 (1.04, 2.06, 2.08, 2.16, 5.08, 5.16, 9.31, 9.38, 10.33, 10.54, 10.66, 10.69, 12.04, 12.12, 12.16, 13.04, 14.01, 14.02, 14.10, 14.12, 14.13, 14.14, 14.20, 14.21, 18.01)

ORDINANCE LIST

Ordinance

Number	Subject
0-91-60	Declaration of intent to acquire interests in property (Special)
0-91-61	Adds §§ 3.01.075 and 3.01.076; amends §§ 3.01.020, 3.01.065, 3.01.120, 3.01.180, 3.01.210, 3.01.220, 3.01.230, 3.01.240, 3.01.250, 3.01.260, 3.01.280, 3.01.320, 3.01.330, 3.01.340 and 3.01.350, sales and use tax (3.01)
0-91-62	Rezone (Special)
0-91-63	Amends § 2.20.050(f), municipal court (2.20)
0-91-64	Easement conveyance (Special)
0-91-65	Supplemental budget (Special)
0-92-1	Amends § 17-8-2 (3) of the zoning ordinance (Not codified)
0-92-2	Amends §§ 17-2-2, 17-5-20 and 17-6-4 of the zoning ordinance (Not codified)
0-92-3	Amends §§ 5.46.110(a)(6), 5.46.140 and 5.46.150, amusement devices (5.46)
0-92-4	Adds § 9.52.155, noise (9.52)
0-92-5	Easement conveyance (Special)
0-92-6	Street vacation (Special)
0-92-7	Easement vacation (Special)
0-92-8	Declaration of intent to acquire interests in property (Special)
0-92-9	Street vacation (Special)
0-92-10	Declaration of intent to acquire interests in property (Special)
0-92-11	Declaration of intent to acquire interests in property (Special)
0-92-12	Repeals and reenacts §§ 3.24.020, 3.24.030, 3.24.040, 3.24.050, 3.24.051, 3.24.055 and 3.24.056, funds; repeals §§ 3.24.053 and 3.24.058 (3.24)
0-92-13	Easement vacation (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-92-14	(Not sent)
0-92-15	Adds §§ 2.24.025, 2.25.035 and 2.27.035; amends §§ 2.24.020, 2.25.030, 2.25.040, 2.26.010, 2.26.140, 2.27.030, and 2.27.040, administration and personnel; repeals §§ 2.25.020 and 2.27.020 (2.24, 2.25, 2.26, 2.27)
0-92-16	Amends § 2.32.010, compensation (2.32)
0-92-17	Adds §§ 14.05.030(4) and 14.05.060(2), plumbing code (14.05)
0-92-18	Street vacation (Special)
0-92-19	Annexation (Special)
0-92-20	Rezone (Special)
0-92-21	Adds subsection (e) to 17-5-17(2) and subsections (e), (f), and (g) to 17-6-4(14), repeals subsection (2) of 17-5-20, rennumbers existing §§ 17-5-20(3), (4), (5) to 17-5-20(2), (3), (4) respectively, zoning (Not codified)
0-92-22	Easement vacation (Special)
0-92-23	Lease agreement (Special)
0-92-24	Lease agreement (Special)
0-92-25	Adds §§ 9.32.350 and 9.32.360; amends subsections (3), (4), (6), (9), (10) and (11) of § 9.32.010, §§ 9.32.020, 9.32.030, 9.32.040, 9.32.050, 9.32.070, 9.32.080, 9.32.090, 9.32.100, 9.32.110, 9.32.140, 9.32.160, 9.32.180, subsection (2) of § 9.32.230, §§ 9.32.240, 9.32.250, 9.32.280, and 9.32.310, parks and recreation; repeals and replaces §§ 9.32.320, 9.32.330, and 9.32.340 (9.32)
0-92-26	Property conveyance (Special)
0-92-27	Adds Ch. 14.23, special improvement districts (14.23)
0-92-28	Tax levy (Special)
0-92-29	Property conveyance (Special)
0-92-30	Adds § 2.28.285; amends §§ 2.25.080, 2.26.060, 2.26.130, 2.27.080, 2.27.110, 2.28.060, subsections (14),

ORDINANCE LIST

Ordinance Number	Subject
	(15), (23), (25), (30) and (32) of § 2.28.080, §§ 2.28.180, 2.28.200, subsection (2) of § 2.28.220, §§ 2.28.230, 2.28.250, 2.28.280, subsection (2) of § 2.28.310, § 2.28.380, subsection (b) of § 2.28.390, subsections (a) and (c) of § 2.28.391, subsection (2) of § 2.28.418, subsection (a) of § 2.28.425, §§ 2.28.530 and 2.28.540, administration and personnel (2.25, 2.26, 2.27, 2.28)
0-92-31	Submits proposed charter amendments to vote at general election (Not codified)
0-92-32	Amends §§ 9.60.010, 9.60.020, 9.63.020 (a) and (b), 9.64.010, 9.64.020, 9.65.010, 9.65.020(2), 9.66.020, offenses against property (9.60, 9.63, 9.64, 9.65, 9.66)
0-92-33	Adds Ch. 1.17, Lakewood victim assistance and law enforcement program (1.17)
0-92-34	Street vacation (Special)
0-92-35	Utility easement vacation (Special)
0-92-36	Bond issuance (Special)
0-92-37	Bond issuance (Special)
0-92-38	Repeals and replaces Ch. 9.02, lost, stolen, confiscated or abandoned property (9.02)
0-92-39	(Unassigned)
0-92-40	Rezone (Special)
0-92-41	Rezone (Special)
0-92-42	Rezone (Special)
0-92-43	(Not used)
0-92-44	Authorizes easement agreement (Special)
0-92-45	Authorizes right-of-way agreement (Special)
0-92-46	Sewer service charges (Not codified)
0-92-47	Property acquisition (Special)
0-92-48	Storm drainage easement vacation (Special)
0-92-49	Adds §§ 17-5-12(2)(e) and 17-5-13(2)(c), zoning; repeals § 17-5-13(3)(a) and renumbers subsequent subsections (Not codified)
0-92-50	Rezone (Special)

ORDINANCE LIST

Ordinance Number	Subject
0-92-51	(Tabled)
0-92-52	(Remanded)
0-92-53	Approves assessment for Improvement District No. 20 (Special)
0-92-54	(Tabled)
0-92-55	Adds Ch. 13.14, stormwater quality (13.14)
0-92-56	1993 budget (Special)
0-92-57	Tax levy (Repealed by 0-92-66)
0-92-58	Appropriations (Special)
0-92-59	(Tabled)
0-92-60	(Denied)
0-92-61	Amends § 14.02.040, Uniform Building Code; repeals and replaces Ch. 8.12, wood burning (8.12, 14.02)
0-92-62	Adds § 10.60.220, miscellaneous road rules (10.60)
0-92-63	Appropriations (Special)
0-92-64	Easement vacation (Special)
0-92-65	Rezone (Special)
0-92-66	Tax levy; repeals Ord. 0-92-57 (Special)
0-92-67	Amends § 2.16.010(f), planning department — board of adjustment (2.16)
0-92-68	Rezone (Special)
0-93-1	Amends § 10.33.030, stopping, standing or parking; repeals and replaces Ch. 9.80, nuisance abatement and § 17-2-2(93), zoning; repeals Chs. 8.04, 9.82, 9.84 (9.80, 10.33)
0-93-2	Adds Ch. 8.14, garbage, trash and refuse storage and disposal (8.14)
0-93-3	Amends §§ 2.25.070, 2.26.040, 2.27.070, 2.28.310 and 2.28.320, administration and personnel (2.25, 2.26, 2.27, 2.28)
0-93-4	Adds §§ 3.04.160 and 3.04.170; amends §§ 3.04.030, 3.04.050, 3.04.100, 3.04.120, 3.04.130 and 3.04.140, purchasing policies (3.04)

ORDINANCE LIST

Ordinance

Number	Subject
0-93-5	Rezone (Special)
0-93-6	Amends § 13.04.120, water and sewage systems and service (13.04)
0-93-7	(not sent)
0-93-8	Authorizes sublease of easement and right-of-way (Special)
0-93-9	Repeals and replaces Ch. 2.36, police retirement benefits (2.36)
0-93-10	Repeals and replaces § 2.16.030, board of adjustment (2.16)
0-93-11	Amends § 17-4-3(3); repeals § 17-4-3(1)(f), zoning (Not codified)
0-93-12	Amends § 2.32.010, administration and personnel (2.32)
0-93-13	Amends §§ 2.24.020, 2.25.030 and 2.27.030, personnel (2.24., 2.25, 2.27)
0-93-14	Adds Ch. 5.52; repeals Ch. 8.08, massage parlors (5.52)
0-93-15	Adds Ch. 5.47 and § 5.46.210, adult businesses and amusement devices (5.46, 5.47)
0-93-16	Easement vacation (Special)
0-93-17	Property conveyance (Special)
0-93-18	Rezone (Special)
0-93-19	Rezone (Special)
0-93-20	Rezone (Special)
0-93-21	Amends municipal ward boundaries (Special)
0-93-22	Amends § 2.20.050(f), compensation of municipal judges (2.20)
0-93-23	Rezone (Special)
0-93-24	Amends §§ 1.01.010, 1.01.020, 1.01.040, 1.01.050, 1.01.100, 1.01.120, 1.04.010(1.1), (4.1) and (10), 1.04.060, 1.08.010, 1.08.020, 1.16.035, 1.16.070(a), 1.25.010, 1.25.020, 1.25.030(4) and 1.25.040; repeals Ch. 1.24 and §§ 1.04.010(11) and 1.08.030, code adoption and general provisions (1.01, 1.04, 1.08, 1.16, 1.25)

ORDINANCE LIST

Ordinance Number	Subject
0-93-25	Adds §§ 2.06.131 and 2.20.075; amends §§ 2.01.030(c), 2.02.010(a)(1) and (2), 2.02.020(c), 2.03.010, 2.03.040(1) and (2), 2.03.050(a) and (d), 2.04.010, 2.06.100, 2.06.160, 2.08.010—2.08.040, 2.08.060, 2.08.230, 2.13.010, 2.13.030, 2.13.040, 2.16.040, 2.20.010, 2.20.040(b), 2.20.055, 2.20.060(c), 2.20.070, 2.20.090, 2.20.100, 2.20.110, 2.20.120, 2.20.145, 2.20.150, 2.21.020, 2.21.025(a), 2.21.035, 2.24.015, 2.24.050(a), 2.25.010, 2.25.075—2.25.100, 2.26.060, 2.26.120, 2.27.080, 2.27.090, 2.28.700(d), 2.32.080(2) and 2.48.030; repeals §§ 2.01.020(c), 2.01.030(d), 2.02.030, 2.06.140, 2.12.020, 2.12.030, 2.24.030, 2.24.040 and 2.32.030, administration and personnel (2.01, 2.02, 2.03, 2.04, 2.06, 2.08, 2.13, 2.16, 2.20, 2.21, 2.24, 2.25, 2.26, 2.27, 2.28, 2.32, 2.48)
0-93-26	Amends §§ 3.01.020(24.5), (28) and (30), 3.01.065, 3.01.180(24)(a), 3.01.200, 3.01.230(3), 3.01.340, 3.01.350, 3.03.080(1), 3.08.040, 3.10.010, 3.10.020(1) and 3.24.054 and Regulations 3.01.120(10) and (13), 3.01.180(24)(a), 3.01.210, 3.01.250(3) and 3.01.270(1)(d) and Special Regulations regarding automotive repairs, contractors, dental laboratories and dentists, eating and drinking establishments, and newspapers, magazines and other publications; repeals Ch. 3.12, sales and use tax (3.01, 3.03, 3.08, 3.10, 3.24)
0-93-27	Right-of-way vacation (Special)
0-93-28	Authorizes conveyance by quitclaim deed (Special)
0-93-29	Declaration of intent to acquire interests in property (Special)
0-93-30	Declaration of intent to acquire interests in property (Special)
0-93-31	Rezone (Special)
0-93-32	Approves development agreement (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-93-33	Amends §§ 2.28.320(d), 2.28.370(d) and (e), 2.28.440(3) and (4), personnel policies (2.28)
0-93-34	Adds §§ 17-3-4, 17-5-24(11) and 17-17-1(3)(c); amends §§ 17-1-7(4), 17-2-2(105) and (145), 17-3-1, 17-5-1(2), 17-5-24, 17-5-24(6)(b), (7)(b), (8)(c) and (10)(a) and (d), 17-7-10, 17-9-1(8) and (9), 17-10(8), (8)(1) and (9)(5), 17-13-3, 17-13-4, 17-15-1(1), 17-17-3(2), 17-17-3(3)(c), 17-17-4(1)(b) and 17-19-2(1); repeals §§ 17-5-24(5) and 17-10-11(3)(e), zoning (Not codified)
0-93-35	Easement conveyance (Special)
0-93-36	Rezone (Special)
0-93-37	Cul-de-sac eyebrow vacation (Special)
0-93-38	Street vacation (Special)
0-93-39	Rezone (Special)
0-93-40	(Denied)
0-93-41	Amends Exhibit A of Ord. 0-93-21, municipal ward boundaries (Special)
0-93-42	Adopts Uniform Election Code of 1992 (Special)
0-93-43	Amends § 17-13-10(1), zoning (Not codified)
0-93-44	Declaration of intent to acquire interests in property (Special)
0-93-45	Declaration of intent to acquire interests in property (Special)
0-93-46	Declaration of intent to acquire interests in property (Special)
0-93-47	Amends § 2.28.390(a), personnel system (2.28)
0-93-48	Rezone (Special)
0-93-49	Street vacation (Special)
0-93-50	Sewer service charge (Not codified)
0-93-51	Bond issuance (Special)
0-93-52	Adds §§ 9.30.010(c), 13.14.090(c) and 14.07.060(2); amends § 10.39.120; repeals and replaces §§ 1.25.010 — 1.25.040, environmental manager (1.25, 9.30, 10.39, 13.14, 14.07)

ORDINANCE LIST

Ordinance

Number	Subject
0-93-53	Adds Ch. 9.51, nighttime loitering by juveniles (9.51)
0-93-54	Street vacation (Special)
0-93-55	Rezone (Special)
0-93-56	1994 budget (Special)
0-93-57	Tax levy (Special)
0-93-58	Appropriation (Special)
0-93-59	Amends Ords. 0-92-37 and 0-92-53, special improvement district and assessments (Special)
0-93-60	Adds § 8.14.010(5) and renumbers remaining subsection and adds § 8.14.020(5); amends §§ 8.14.010(2) and 8.14.020(1), garbage (8.14)
0-93-61	Authorizes conveyance by quitclaim deed (Special)
0-93-62	Rezone (Special)
0-93-63	(Number not used)
0-93-64	Amends §§ 5.08.080, 5.08.100, 5.08.130, 5.08.180, 5.16.010(5), 5.16.020(1) and (3), 5.16.050, 5.16.080, 5.16.100, 5.16.130, 5.16.140, 5.16.150, 5.16.160, 5.16.170, 5.16.200, 5.16.220, 5.16.250, 5.20.060, 5.20.070(3), 5.20.090, 5.20.100, 5.20.160, 5.20.170, 5.20.200, 5.20.210, 5.32.030, 5.39.020(a), 5.40.120, 5.46.020(a) and (e), 5.46.040, 5.46.050, 5.46.060, 5.46.100(c), 5.46.110(a)(4) and (a)(7)(iv), 5.46.120(b), 5.46.130(a), 5.46.140, 5.46.150(a) and (e), 5.46.160, 5.46.170, 5.48.010(1), (2) and (8), 5.48.020(c) and (d), 5.48.030, 5.48.040, 5.50.100 and 5.50.110; repeals Chs. 5.22 and 5.36 and §§ 5.16.010(2), 5.16.020(5), 5.16.230, 5.16.240, 5.46.130(b), 5.46.190 and 5.48.010(4) and (10), business licenses and regulations (5.08, 5.16, 5.20, 5.32, 5.39, 5.40, 5.46, 5.48, 5.50)
0-93-65	(Number not used)
0-93-66	Bond issuance (Special)
0-93-67	Adopts supplemental budget (Special)

ORDINANCE LIST

Ordinance Number	Subject
0-93-68	Adds Ch. 10.76; amends §§ 1.16.037, 1.16.040(3), 1.16.040(4)(c) and (6)(c), 1.17.020(a), 2.20.140, 10.66.060, 10.66.080, 10.66.170, 10.66.210 and 10.66.230, noncriminal traffic infractions (1.16, 1.17, 2.20, 10.66, 10.76)
0-93-69	Rezone (Special)
0-93-70	Right-of-way and easement abandonment (Special)
0-93-71	Authorizes conveyance by quitclaim deed (Special)
0-93-72	Adds § 9.50.100, window peeping (9.50)
0-93-73	Amends § 10.36.030, parking for persons with disabilities (10.36)
0-94-1	Easement vacation (Special)
0-94-2	Disconnection of property from city (Special)
0-94-3	Repeals and replaces Ch. 2.52, initiative and referendum procedures (2.52)
0-94-4	Easement and right-of-way agreement (Special)
0-94-5	Rezone (Special)
0-94-6	Declaration of intent to acquire interests in property (Special)
0-94-7	Declaration of intent to acquire interests in property (Special)
0-94-8	Rezone (Special)
0-94-9	Easement vacation (Special)
0-94-10	Declaration of intent to acquire interests in property (Special)
0-94-11	Nonexclusive easement to U.S. West Communications (Special)
0-94-12	Utility easement (Special)
0-94-13	Amends §§ 2.24.020, 2.25.030 and 2.27.030, salaries (2.24, 2.25, 2.27)
0-94-14	Amends § 2.32.010, compensation levels (2.32)
0-94-15	Rezone (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-94-16	Amends §§ 8.06.010(7), (9) and (10), 8.06.030, 8.06.040, 8.06.070—8.06.110, 8.06.130, 8.06.150, 8.06.180, 8.06.200, 8.12.040 and 8.12.050; repeals §§ 8.06.010(8), 8.06.140, 8.06.160 and 8.06.190, health and sanitation (8.06, 8.12)
0-94-17	Amends §§ 12.04.020(2), (7), 12.04.030(1), 12.04.040(b); renumbers and amends § 12.04.100 to be 12.04.045; amends §§ 12.04.060, 12.04.070(c), 12.04.080(b), 12.04.110, 12.04.130, 12.04.150, 12.04.180, 12.04.190, 12.04.210, 12.04.220(a)(3), 12.04.240, 12.08.010—12.08.030, 12.12.010(a), (b), (d), 12.12.020, 12.12.030(b)(2), (c), (d), (e), 12.16.020, 12.16.030 and 12.16.050(d), (h), streets and sidewalks (12.04, 12.08, 12.12, 12.16)
0-94-18	Right-of-way vacation (Special)
0-94-19	Rezone (Special)
0-94-20	Rezone (Special)
0-94-21	Ward boundaries (Not codified)
0-94-22	Amends § 2.20.050(f), compensation of municipal judges (2.20)
0-94-23	Easement agreement (Special)
0-94-24	Easement agreement (Special)
0-94-25	Utility easement (Special)
0-94-26	Easement agreement (Special)
0-94-27	Right-of-way vacation (Special)
0-94-28	Amends Art. 17-10, zoning (Not codified)
0-94-29	Adds Article 19; amends §§ 17-2-2, zoning (Not codified)
0-94-30	Establishes boundaries for West Colfax overlay zone district (Special)
0-94-31	Bond issuance (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-94-32	Amends §§ 6.01.013(3), 9, 6.02.010(c)(3), 6.02.020, 6.03.080, 6.05.020 and 6.06.020(c), animals; repeals § 6.06.010 (6.01, 6.02, 6.03, 6.05, 6.06)
0-94-33	Amends §§ 9.02.020, 9.02.050, 9.02.070, 9.02.090, 9.02.110(c), 9.06.010(6)(2), 9.08.020, 9.10.020(a), 9.10.030(b), (c) and (d), 9.12.020(a), 9.14.010, 9.16.010, 9.26.010(a), 9.28.010, 9.30.020(b), 9.31.020, 9.31.040, 9.32.010(12), 9.32.030(a) and (h), 9.32.230(2), 9.32.280, 9.38.050(2), 9.38.080, 9.41.040, 9.50.060(e), 9.52.030(8), 9.52.070, 9.52.100, 9.60.030, 9.60.040, 9.70.040, 9.70.060, 9.70.080, 9.85.050 and 9.85.060(b)(2), public peace and safety; repeals §§ 9.30.040, 9.41.050(b), 9.41.060(b), 9.41.070(b), 9.50.040(1)(g) and 9.52.030(12) (9.02, 9.06, 9.08, 9.10, 9.12, 9.14, 9.16, 9.26, 9.28, 9.30, 9.31, 9.32, 9.38, 9.41, 9.50, 9.52, 9.60, 9.70, 9.85)
0-94-34	Amends §§ 10.06.010, 10.09.010, 10.15.020, 10.15.030, 10.15.080(a), 10.30.020(c), 10.33.010(a)(4), 10.33.070(a), 10.33.080(a), 10.36.020, 10.36.030, 10.42.010(a) and (b), 10.42.020(c), 10.45.100, 10.48.120(a), 10.51.050(g)(1), 10.54.030(a), 10.58.020(d)(1), (2) and (3), 10.60.080, 10.60.120(b)(1) and (11), 10.60.190(b), 10.63.010(a) and (b), 10.63.030, 10.63.070(d), 10.63.090, 10.66.020(c) and (d), 10.66.140, 10.66.150, 10.66.190(a), 10.66.200(b), 10.66.250, 10.66.290(b), 10.66.340(3), 10.69.010, 10.69.020(a), 10.69.030, 10.69.040, 10.69.050, 10.69.060, 10.69.070, 10.69.100 and 10.75.020(18), (19) and (20), vehicles and traffic (10.06, 10.09, 10.15, 10.30, 10.33, 10.36, 10.42, 10.45, 10.48, 10.51, 10.54, 10.58, 10.60, 10.63, 10.66, 10.69, 10.75)
0-94-35	Authorizes utility conveyance (Special)
0-94-36	Declares property interest (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-94-37	Authorizes subleases (Special)
0-94-38	Authorizes subleases (Special)
0-94-39	Amends §§ 13.04.010, 13.04.020, 13.04.030, 13.04.040, 13.04.050, 13.04.080(b), and (f), 13.04.090, 13.04.100, 13.08.010, 13.08.020, 13.08.030, 13.08.060, 13.08.070, 13.12.020, 13.12.030, 13.12.040 and 13.14.080, water and sewers (13.04, 13.08, 13.12, 13.14)
0-94-40	Amends §§ 14.10.130(a)(5), (b)(6), 14.11.060(c), 14.13.010, 14.14.090, 14.15.040, 14.20.020, 14.21.030(B)(4) and 14.21.040, buildings and construction (14.10, 14.11, 14.13, 14.14, 14.15, 14.20, 14.21)
0-94-41	Adopts 1992 Uniform Election Code (Special)
0-94-42	(Not sent)
0-94-43	(Not sent)
0-94-44	Amends § 17-14-5, zoning (Not codified)
0-94-45	Amends §§ 2.01.030(a) and 2.16.010(a), administration and personnel (2.01, 2.16)
0-94-46	Rights-of-way and easement vacations (Special)
0-94-47	Rezone (Special)
0-94-48	(Not sent)
0-94-49	Adds Ch. 5.45, cable television customer service standards (5.45)
0-94-50	Repeals §§ 5.44.200, 5.44.280, 5.44.285 and 5.44.460 (Repealer)
0-94-51	Amends §§ 9.32.030(a) and 9.32.340, parks and recreation (9.32)
0-94-52	Annexation (Special)
0-94-53	Annexation (Special)
0-94-54	Annexation (Special)
0-94-55	Annexation (Special)
0-94-56	Annexation (Special)
0-94-57	Annexation (Special)

ORDINANCE LIST

Ordinance

Number	Subject
0-94-58	Annexation (Special)
0-94-59	Annexation (Special)
0-94-60	Annexation (Special)
0-94-61	Annexation (Special)
0-94-62	(Not sent)
0-94-63	Provides for special election (Special)
0-94-64	Amends Ord. 0-94-21, municipal ward boundaries (Not codified)
0-94-65	Zones certain property (Special)
0-94-66	Rezone (Special)

TABLE OF RESOLUTIONS

TABLE OF RESOLUTIONS CODIFIED

Number	Subject
	Res. adopted October 2, 1969 Sales tax (Repealed by 0-85-62)
70-95	Approval and adoption of major street plan, comprehensive plan and future land use maps (12.08)
71-26	Protection of floodplains (Repealed by 0-82-155)
71-30	Policies for sale of personal property by city (3.08)
71-39	Street improvement policy (Repealed by 0-81-77)
71-122	Regular City Council meetings (2.02)
72-81	General obligation park bonds (3.12)
72-92	Furnishing of transcripts of proceedings before city administrative bodies; repeals Res. 70-11 (2.04)
72-124	Local housing owners' participation in Federal Rent Supplement Program (2.44)
73-113	Procedures for zoning and rezoning ordinances (Repealed by 0-82-107)
74-165	Repeals and reenacts Ch. 3.04, purchasing (Repealed by 0-88-6)
75-61	Adds § 1.20.060, Mayor not counted Council member (Repealed by 0-81-119)
75-68	Master plan for city development (12.08)
75-138	Relocation of water and sewer facilities (13.08)
75-153	Compensation to injured, sick or disabled employees (2.32)
76-15	Adoption of Council Policy and Procedures Manual (2.02)
76-140	Establishment of self-insurance fund (Repealed by 0-92-12)
76-151	Zoning and rezoning hearing procedure and evidence (1.24)
76-174	Authorizes certain investment of municipal funds (3.24)

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