

MUNICIPAL CODE
OF THE
TOWN OF AGUILAR, COLORADO

1993

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

Published by

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OFFICIALS
of the
TOWN OF AGUILAR

Mayor
Ellen Larson

Mayors Pro Tem
Teena Campbell
John Vigil, Jr.

Board of Trustees
Gerald Baudino
Robert Romero

Town Clerk/Treasurer
Tyra Avila

Town Attorney
Daniel Hyatt

SUPPLEMENTATION

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

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

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

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

AMENDMENTS

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

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

The "Aguilar Municipal Code" is amended by the addition thereto of a new Section 2121, which is to read as follows:

(Set out full section number, title and contents)

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

The "Aguilar Municipal Code" is amended by the addition of the following: (Set out section title and contents)

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

Section 2-121 of the "Aguilar Municipal Code" is repealed in its entirety and readopted to read as follows:

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

or as follows:

Section 2-121 of the "Aguilar Municipal Code" is amended to read as follows: (Set out section number, title and entire contents of the amended code section) Repeal: Sections, articles and chapters may be repealed as follows:

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

COLORADO CODE PUBLISHING COMPANY

PREFACE

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

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

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

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

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

of the current pages through the most recent supplementation.

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

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

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STATE OF COLORADO
TOWN OF AGUILAR, COLORADO
ORDINANCE NO. 215

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

Be It Ordained by the Board of Trustees of the Town of Aguilar, Las Animas County, Colorado:

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

Section 2. All ordinances or portions of ordinances of a general and permanent nature enacted on or before October 26, 1993 which are inconsistent with the provisions of the Aguilar Municipal Code, to the extent of such inconsistency, are hereby repealed.

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

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

The *Model Traffic Code for Colorado Municipalities*, 1977 edition, published by the State Department of Highways, as adopted in Section 8-1;

The *Uniform Building Code*, 1991 edition, published by the International Conference of Building Officials, as adopted in Section 18-21;

The *National Electrical Code*, 1990 edition, published by the International Conference of Building Officials, as adopted in Section 18-41;

The *Uniform Mechanical Code*, 1991 edition, published by the International Conference of Building Officials, as adopted in Section 18-61;

The *Uniform Plumbing Code*, 1991 edition, published by the International Conference of Building Officials, as adopted in Section 18-81;

The *Uniform Fire Code*, 1991 edition, published by the Western Fire Chiefs Association and International Conference of Building Officials, as adopted in Section 18-101;

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

(1) **Sec. 1-72. General penalty for violation. (Article IV, General Penalty)**

Any person who shall violate or fail to comply with any provision of any Chapter of this Code for which a different penalty is not specifically provided shall, upon conviction thereof, be punishable by a fine not exceeding three hundred dollars (\$300.00), except as hereinafter provided in Section 1-73. In addition, such person shall pay all costs and expenses in the case. Each day such violation continues shall be considered a separate offense.

(2) **Sec. 1-73. Application of penalties to juveniles. (Article IV, General Penalty)**

Every person who, at the time of commission of the offense, was at least ten (10) but not yet eighteen (18) years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to, a violation of any provision of this Chapter, shall be punished by a fine of not more than three hundred dollars (\$300.00) per violation or count. Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge.

(3) **Sec. 2-77. Contempt power. (Article IV, Municipal Court)**

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

(4) **Sec. 4-55. Penalty. (Article IV, Telephone Utility Tax)**

If any officer, agent or manager of a telephone utility company which is subject to the provisions of this Article shall fail, neglect or refuse to make or file the annual statement of accounts provided in Section 4-53, said officer, agent, manager or person shall, on conviction thereof, be punished by a fine not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00); provided that each day after said statement shall become delinquent during which said officers, agent, manager or person shall so fail, neglect or refuse to make and file such statement shall be considered a separate and distinct offense.

(5) **Sec. 7-53. Accumulation of refuse; abatement. (Article III, Garbage and Refuse)**

Whenever the Board of Trustees shall direct, the Town Clerk shall immediately thereafter notify any owner of property, his or her agent or any person having charge of such property, in writing, that an order has been made by the Board of Trustees requiring the removal of any accumulated refuse from such property or premises within thirty (30) days after service of notice. If such property owner, agent or person having charge of such property shall not remove such refuse in accordance with the requirement of such order, the Board of Trustees may order that such refuse be removed by the Town Clerk or other agent of the Board of Trustees and assess the cost thereof against the property or premises. The amount so assessed shall be a lien upon such property until the same is paid; provided that, in case of failure to pay such assessment within ten (10) days after the same shall be made, the Town Clerk shall cause a notice of such assessment to be given to the owner of such property by publishing in a newspaper in the Town for two (2) successive weeks, which publication shall contain a notice to such property owner of the amount assessed against his or her property, and shall designate a time and place when the Board of Trustees will hear any objections as to the adjustment and

correctness of the amount so assessed. If such assessment is not paid within ten (10) days after the time fixed for hearing such objections, and unless the same are sustained, the Town Clerk shall certify such assessment to the County Treasurer to be placed by him or her on the tax list for the current year, to be collected in the same manner as other taxes are collected, with ten percent (10%) penalty to defray the cost of collection, as provided by state law. (Ord. 215 §1, 1993)

(6) Sec. 10-223. Curfew - parks. (Article XI, Offenses Relating to Minors)

(c) Anyone convicted of violating this Section shall be fined not less than twenty- five dollars (\$25.00) for the first offense and not more then one thousand dollars (\$1,000.00) for the second and subsequent offenses.

(7) Sec. 13-7. Collection of unpaid and overdue charges. (Article I, Utility Administration)

(a) Each utility charge levied pursuant to this Section shall be a lien therewith and if the same is not paid within sixty (60) days after it shall become due and payable, the Town Clerk shall certify such unpaid rates or charges to the County Treasurer to be placed by him or her upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with ten percent (10%) penalty thereon to defray the cost of collection; and the same shall be collected and paid over by the County Treasurer to the Town in the same manner as taxes are authorized to be paid by the laws of the State for the assessment of general taxes, including the laws for the sale of property taxes and redemption of the same.

(8) Sec. 13-70. Billing; payment. (Article III, Sewer System)

The sewer charges levied pursuant to this Section shall be payable monthly and shall be added to and made a part of the monthly water bill of the various properties in the Town. Properties outside the Town shall pay monthly and in advance, or as provided by agreement, and if the same are not paid within ten (10) days thereafter, a penalty of five percent (5%) of such charge shall be added to such bill.

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

Section 7. Ordinances adopted after October 26, 1993, that amend or refer to ordinances that have been codified in the Code, shall be construed as if they amend or refer to those provisions of the Code.

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

INTRODUCED this ___ day of September, 1993.

TOWN OF AGUILAR, COLORADO

ATTEST:

/s/

Mayor

/s/

Town Clerk
(SEAL)

ADOPTED AND ORDERED PUBLISHED on this 26th day of October, 2011.

TOWN OF AGUILAR, COLORADO

ATTEST:

/s/

Mayor

/s/

Town Clerk
(SEAL)

APPROVED AS TO FORM:

/s/

Town Attorney

TOWN OF AGUILAR
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