# CHARTER

# of the

# CITY OF WRAY

# STATE OF

# COLORADO

OFFICIAL COPY
As Framed by the
CHARTER CONVENTION
1950

By Authority of Article XX of the Constitution
of the State of Colorado

Adopted by the Voters, October 24, 1950

Revised by the Voters, November 3, 1959,
August 17, 1976, and October 22, 1985.

## ORGANIZATION OF CHARTER


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## PREFATORY SYNOPSIS

The Charter Convention of the City of Wray, Colorado, herewith submits to the voters of the City the Charter which it has framed in conformity with Article XX, the Home Rule Amendment, of the Constitution of the State of Colorado.

The Convention has worked to achieve a simple and direct form of local government based on sound principles of public administration, modified to meet the particular requirements of the City of Wray.

Under provisions of this Charter, Wray becomes a City of the second class, and a Council-Manager form of government is established, which is the form adopted in most Home Rule Charters in Colorado and other states. The people elect seven Council members from the City at large, to four-year, overlapping terms. The Council in turn elects one of its number to be Mayor for a term of two years. The Council appoints the City Manager and may remove him at any time by majority vote of its members.

All legislative power of the City government is vested in the City Council. All executive power is vested in the City Manager and Director of Finance.

The Charter as written vests the people of Wray with every political power permitted to any community under the Constitution of the State, and may be amended at any time in accordance with provisions of that Constitution. It provides a definite framework for organization and functions of City government, yet is flexible enough to meet changing conditions in the future.

## THE CHARTER OF THE CITY OF WRAY

### PREAMBLE

We, the people of Wray, under the authority of the Constitution of the State of Colorado, do ordain and establish for our municipal government, this Charter.

### ARTICLE I

### NAME, BOUNDARIES, POWERS, RIGHTS AND LIABILITIES

Section 1-1 NAME--BOUNDARIES. The municipal corporation heretofore and now existing and known as the Town of Wray, shall remain and continue a body politic and corporate under this Charter, and be known as the City of Wray, with the same boundaries, until changed in the manner authorized by law.

Section 1-2 RIGHTS--LIABILITIES. By the name of "Wray", the city shall have perpetual succession; shall own,

possess and hold all property, real and personal, heretofore owned, possessed and held by said Town of Wray, and shall assume and manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities and shall acquire all benefits, and shall assume and pay all bonds, obligations and indebtedness of said town of Wray; by the name of the City of Wray, may sue and defend, plead and be impleaded, in all courts and places, and in all matters and proceedings; may have and use a common seal and alter the same at pleasure.

Section 1-3 *FORM OR GOVERNMENT*. The municipal government provided by this Charter shall be known as the "Council-Manager Government." Pursuant to its provisions and subject only to the limitations imposed by the State Constitution and by this Charter, all powers of the city shall be vested in an elective council, hereafter referred to as "the Council", which will enact local legislation, adopt budgets, determine policies and appoint the city manager, who shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed then in such manner as may be prescribed by ordinance.

Section 1-4 POWERS. The City shall have all the powers granted to municipal corporations and to cities by the constitution and general laws of this state together with all the implied powers necessary to carry into execution all the powers granted. The city may acquire property within and without its corporate limits for any city purpose, by purchase, gift, lease or condemnation, and may sell, lease, mortgage, hold, manage, and control such property as its interests may require; and, except as prohibited by the constitution of this state or restricted by this Charter, the city shall and may exercise all municipal powers, functions, rights, and privileges of every nature whatsoever. The enumeration of particular powers by this Charter shall not be deemed to be exclusive and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the city shall have and may exercise all powers which under the constitution of this state, it would be competent for this charter specifically to enumerate.

## ARTICLE 2

## MUNICIPAL OFFICERS

Section 2-1 DESIGNATION OF OFFICERS. The legally qualified incumbents of the following positions in the municipal service are declared to be officers:

President of the Council and Mayor
Member of City Council
Advisory Boards and Commissions.

Section 2-2 MUNICIPAL EMPLOYEES. The incumbents of all other positions in the municipal service are hereby declared to be employees.

Section 2-3 QUALIFICATIONS OF ELECTIVE OFFICERS. (a) Each elective officer when nominated shall be a registered elector residing within the city limits. All councilmen shall be nominated and elected at large from the entire city.

(b) Non-partisan elections: All regular and special elections shall be non-partisan. No candidate for any municipal office shall run under any party label. (Amended by the voters, October 22, 1985)

Section 2-4 VACANCIES. All elected officers shall continue to hold office until their successors are duly elected and qualified. If any officer be permanently incapacitated, either physically or mentally, to perform the duties of his office, such incapacity shall render the office vacant. Any vacancy in an elective office shall be filled by appointment by the Council. Any person appointed to fill a vacancy for an unexpired term in an elective office shall have the qualifications required of persons to be regularly elected.

Section 2-5 OATH OF OFFICE. Before entering upon the duties of his office, every officer shall take and subscribe before a judge of a court of record, and file with the City Clerk an oath or affirmation that he will support the Constitution of the United States and the Constitution of the State of Colorado, this Charter, the city ordinances, and will faithfully perform the duties of the office.

Section 2-6 COMPOSITION OF BOARDS. Unless otherwise provided in this Charter, all Boards shall consist of three members appointed by the Council in conformance with the provisions of this Charter for terms of three years or until their successors are appointed. Members first appointed shall determine their respective terms of office by lot, so that one member thereof shall serve for a term of one year, one member thereof for a term of two years, and one member thereof for a term of three years. As their terms respectively expire, a new member shall be appointed for the full term of three years. All members shall be subject to removal by the appointing authority upon written charges and after proper hearing. Vacancies shall be filled by the Council for the unexpired term of any member whose office becomes vacant. All Boards shall serve with-

out compensation, choose their own chairman and formulate their own rules of procedure.

## ARTICLE 3

## CITY COUNCIL

Section 3-1 COMPOSITION. Beginning January 1, 1952, the council shall consist of seven (7) members elected from the city at the general municipal election to be held the first Tuesday after the first Monday in November, 1951, and every two years thereafter. The Council shall consist of seven members at large, who in turn will elect one of their number to be Mayor, elected for staggering terms: Seven members elected in first election, three (3) members for two (2) years and four (4) members for four (4) years in first election. At the expiration of the terms of the Council members elected in November, 1951, the council members shall be elected for four (4) year terms. The Mayor shall serve for a term of two (2) years.

Until January 1, 1952, the council and the mayor in office at the time of the adoption of this Charter shall continue to serve and carry out the functions, powers and duties of the said council and mayor as provided by this Charter.

Section 3-2 MEMBERSHIP--RULES. Except as otherwise provided in the Charter, the Council shall be the judge of the election and qualifications of its own members; shall determine its own rules of procedure; shall elect a president thereof; and may compel attendance of its members.

Section 3-3 THE PRESIDENT OF THE COUNCIL shall be the mayor of Wray and as such shall preside over the meetings of the council and have the same right to speak and vote therein as any other member. He shall be recognized as the head of the city government for all ceremonial purposes and for the service of civil process. He shall execute and authenticate legal instruments requiring his signature as such an official. In his absence or disability the council shall elect a vice-president who shall become the active mayor with the same duties as provided for the mayor.

Section 3-4 GENERAL POWERS. The City Council shall have all legislative powers and functions of the municipal government conferred by general law or existing by operation of law, except as provided by this Charter.

By way of extension, but not of limitation, the City Council shall have power to enact ordinances as follows:

(a) To protect life, health and property;

(b) To declare, prevent, and summarily abate and remove nuisances;

(c) To preserve and enforce good government;

(d) To promote the general welfare, order and security of the city;

(e) To exercise the exclusive right of appropriation and taxation;

excepting, however, that the City Council shall not have the power to assess property, real and personal, at a value which exceeds the assessed valuation of said property made by the duly qualified and elected Assessor of Yuma County, Colorado.

The City Council shall provide for the enforcement of ordinances by fines and/or imprisonment in amounts and terms not exceeding those allowed by the state of Colorado.

The enumeration of particular powers granted to the City Council shall not impair or limit its general powers. (Amended by the voters, October 22, 1985)

Section 3-5 CITY ATTORNEY. The Council shall appoint a city attorney who shall serve at the pleasure of the council. The city attorney shall perform all the functions assigned by general law to municipal attorneys, including the institution or the defense of actions or proceedings on behalf of the city, when so directed by the council or the city manager.

(a) Special Counsel may be retained by the city council at its discretion.

(b) NOTICE OF PERSONAL INJURIES--No action shall be maintainable in any Court against the Municipal Government of any personal injuries or other damages sustained on a street, avenue, alley, sidewalk or other public place, unless the person sustaining such injuries or damages, or someone in his behalf, shall within ninety (90) days after sustaining such injuries or damages notify the City Clerk in writing, stating fully the time, place, circumstances and extent of the injuries.

Section 3-6 CONTRACTS WITH OTHER GOVERNMENTAL BODIES. The City Council may enter into contracts with other governmental bodies for any of the following purposes:

(a) To furnish governmental services and to make charges for such services;

(b) To enter into cooperative or joint activities with other governmental bodies.

Section 3-7 POWER TO MAKE CONTRACTS. The City Council shall have the authority to enter into contracts on behalf of the municipal government. All written contracts to which the city is a party shall be approved as to form by the municipal attorney.

Section 3-8 INDEPENDENT AUDITS. The City Council shall contract with an independent licensed certified public accountant or firm of accountants to perform an annual general audit of municipal government and such other peri-

odic post audits as the Council may determine. Such audits shall include:

(a) Post auditing all the financial records and transactions of the municipal government at length or by test checks;

(b) Verifying general financial statements and the existence and amounts of the assets and liabilities of the municipal government;

(c) Recommending to the manager the scope, form and contents of the financial records to be kept by all agencies in order to permit a proper post audit;

(d) Reporting deficiencies to the proper officials for administrative, civil or criminal action;

(e) As the Council may determine to post audit accounts of retiring employees.

Section 3-9 CITY CLERK. The Council shall designate an employee of the city who shall have the title of city clerk and who shall be appointed on the basis of his experience and skill in accounting and record keeping. The City Clerk shall give notice of the council's meetings, keep a journal of its proceedings, authenticate by his signature and record in full in the book kept for the purpose all ordinances and resolutions and shall perform such other duties that shall be required by this Charter or by ordinance.

Section 3-10 CREATION OF NEW DEPARTMENTS OR OFFICES: CHANGE OF DUTIES. The Council by ordinance may create, change and abolish offices, departments or agencies, other than the offices, departments and agencies established by this Charter. The Council by ordinance may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

Section 3-11 LICENSES AND PERMITS. The City Council may provide for licenses and permits and fees therefor, for regulatory and for revenue purposes. The issuance of licenses and permits relating to specific functions shall be assigned to the finance department. The Council shall hear and decide appeals relating to the issuance, suspension or revocation of licenses or permits.

Section 3-12 SURETY BONDS. The Council shall require the City Manager, the director of finance, the city clerk and such other employees transacting the financial business of the city, as the council may determine, to furnish bonds with such surety and in such amounts as the council may determine.

Section 3-13 MEETINGS. (a) The Council shall meet regularly at least once each month at a day and hour and place to be fixed by the rules and procedures of each Council. All regular and special meetings of the Council shall be open to the public. The first meeting in January following each regular municipal election shall be the organizational meeting. Four (4) members of the Council shall constitute a quorum. No proxy shall be allowed to constitute a quorum, nor shall any proxy vote be cast.

(b) Special meetings shall be called on the request of the Mayor, City Manager, or any two (2) members of the Council, on 24 hour notice to each member, however, a meeting may be held on shorter notice if all members are present, or have waived notice. (Amended by the voters, October 22, 1985)

Section 3-14 ORDINANCES, RESOLUTIONS AND MOTIONS. In all legislative matters coming before it, the Council shall act only by ordinance, resolution or motion. In addition to such acts of the Council as are required by the general statutes or by other provisions of this Charter to be by ordinance, every act creating, altering or abolishing any agency, office or employment, or assigning or reassigning the same to departments, fixing compensation, making an appropriation, authorizing the borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance.

Section 3-15 FORM OF ORDINANCE. Every ordinance, except the annual budget ordinance and an ordinance making a general codification of ordinances, shall be confined to a single subject which shall be clearly expressed in its title. All ordinances shall be introduced in written or printed form. All ordinances which amend or repeal existing ordinances shall set forth in full the section or subsection to be amended or repealed and if it is to be amended shall indicated matter to be omitted from the revised section or subsection by enclosing the same in brackets and new matter by underscoring. When published prior to enactment in a newspaper or otherwise the same indications of omitted and new matter shall be used except that italics may be substituted for underscoring. The enacting clause of all ordinances shall be: "Be it ordained by the Council of Wray." Unless another date is specified therein, the ordinance shall take effect on the tenth day following its passage.

Section 3-16 PROCEDURE FOR PASSAGE. An ordinance may be introduced at any regular meeting by any member of the Council or any committee thereof, and shall require affirmative votes of a majority of the seven council members for

passage. Upon introduction it shall be read a first time and a day and hour set at which the Council or a committee shall hold a public hearing thereon. Such hearing may be at a regular meeting of the Council or at such time and place where the Council may order and may be adjourned from time to time. An ordinance, before final passage, shall be read in at least two regular meetings of the Council, may be amended on its first reading, and shall be published once in a newspaper of the city in such manner as may be provided by general law at least seven days before its final passage, except in a case of a public emergency as hereafter provided for. At the discretion of the Council, publication may be made by reference in the manner provided by State Statute.

Section 3-17 EMERGENCY ORDINANCES. Emergency ordinances for the immediate preservation of the public peace, health and safety may be introduced at a regular meeting or at any special meeting provided the subject thereof has been included in the notice of such special meetings. An emergency ordinance shall be read the first time and published as provided in the case of other ordinances and may be read a second time and passed with or without amendment at any regular or special meeting subsequent to such publication. An emergency ordinance shall contain a specific statement of the emergency. Four affirmative votes shall be necessary for the adoption of an emergency ordinance. No ordinance making a grant or any franchise or any special privilege shall ever be passed as an emergency.

Section 3-18 DISPOSITION OF ORDINANCES. The president of the Council shall sign all ordinances approved by the Council, both on the ordinance itself and in the ordinance record. All ordinances of Wray shall be indexed by subject by the City Clerk.

Section 3-19 ORDINANCE CODIFICATION. The City Council may from time to time cause the permanent ordinances to be codified under provisions of general law. Such codification may be of the entire body of permanent ordinances or of the ordinances on some particular subject. The City Council shall provide that in each ten-year period beginning with the effective date of this Charter all the permanent ordinances shall be codified. Such codification may be reenacted by the City Council or may be authenticated in such other manner as may be designated by ordinance. No codification ordinance shall be invalid on the ground that it deals with more than one subject.

## ARTICLE 4

### CITY MANAGER

Section 4-1 APPOINTMENT. The Council shall appoint a city manager, who shall be the executive head of the municipal government; and shall fix his salary. He shall be responsible to the Council for the proper administration of all affairs of the City. He shall be appointed on the basis of administrative and executive qualifications. No councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term.

Section 4-2 DUTIES. To perform his duties during his temporary absence or disability, the manager shall designate by letter, filed with the city clerk, a qualified administrative employee of the city. In the event of the failure of the Manager to make such a designation, the Council may by resolution, appoint an employee of the City to perform the duties of the Manager until he shall return, or his disability shall cease.

Section 4-3 REMOVAL OF CITY MANAGER. The Council shall appoint the City Manager for an indefinite term and may remove him by an affirmative vote of a majority of the seven Council members. There shall be no such removal until ninety days subsequent to his assuming office; and in the event of such removal, the Manager shall be entitled to sixty days notice, or in lieu thereof, sixty days advance pay.

Section 4-4 COUNCIL NOT TO INTERFERE IN APPOINTMENTS OR REMOVALS. Except for the purpose of inquiry the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council, nor any member thereof, shall give orders to any subordinates of the City Manager, either publicly or privately.

Section 4-5 POWERS AND DUTIES. The City Manager shall:

(a) See that the law and ordinances of the City are enforced;

(b) Except as such power may be specifically otherwise designated herein, have the power to appoint, suspend and remove all heads of departments and employees of the City;

(c) Prepare the budget annually and submit it to the Council and be responsible for its administration after adoption;

(d) Prepare and submit to the Council, as of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding

year, and make written or verbal reports to the Council at any time required by it, as to any particular matter relating to the affairs or the City within his supervision;

(e) Keep the Council advised of the financial condition and future need of the City; and make such recommendations to the Council for adoption as he may deem necessary or expedient;

(f) Except as herein otherwise provided, exercise supervision and control over all executive and administrative departments created herein or that may be hereafter created by the Council;

(g) Prepare and make available for public inspection a monthly report of activities in each department under his jurisdiction;

(h) Perform such other duties as may be prescribed by this Charter, or required of him by the Council, not inconsistent with the Charter of Wray;

(i) Act as purchasing agent for the City.

Section 4-6 ADMINISTRATIVE DEPARTMENTS. There shall be a department of finance and records, a department of personnel, a department of public works, a department of parks, library and recreation, a department of fire, a department of police, and a department of public utilities, and such other departments as may be established by ordinance upon the recommendation of the Manager.

Section 4-7 DIRECTORS OF DEPARTMENTS. At the head of each department there shall be a Director, who shall have supervision and control of the department subject to the City Manager.

Two or more departments may be headed by the same individual, the manager may head one or more departments, and directors of departments may also serve as chiefs of divisions.

Section 4-8 MANAGER TO ASSIGN EMPLOYEES. The City Manager shall also have the power, whenever the interest of the City requires, to assign any employee of one department to the temporary performance of similar duties in another department.

Section 4-9 PURCHASES. The City Manager shall be the city purchasing agent. The purchasing agent, pursuant to rules, regulations or ordinances, shall contract for, purchase, store and distribute all supplies, materials, and equipment required by any office, department, or agency of the City Government. He shall also have power and shall be required to:

(1) Establish and enforce specifications with respect to supplies, materials and equipment required by the City Government;

(2) Inspect or supervise the inspection of all deliveries of supplies, materials and equipment, and determine their quality, quantity and conformance with specifications;

(3) Have charge of general city storerooms and warehouses;

(4) Transfer to or between offices, departments or agencies or sell surplus, obsolete, or unused supplies, material and equipment.

Section 4-10 COMPETITIVE BIDDING. Before the purchasing agent makes any purchase of or contracts for supplies, materials or equipment, exceeding fifteen hundred dollars ($1500.00), he shall give ample opportunity for competitive bidding, with such exceptions as the Council may prescribe; provided, however, that the Council shall not exempt any individual, firm or corporation from the requirement of competitive bidding. (Amended by the voters, October 22, 1985)

Section 4-11 ACCOUNTING CONTROL OF PURCHASES. All purchases made and contracts executed by the purchasing agent shall be made only upon written requisition from the head of the office, department or agency whose appropriation will be charged.

(a) CONTRACTS FOR CITY IMPROVEMENTS. Any city improvement costing more than three thousand dollars ($3,000.00) shall be executed by contract except where such improvement is authorized by the Council to be executed directly by a City department in conformity with detailed plans, specifications and estimates. All such contracts for more than three thousand dollars ($3,000.00) shall be awarded after notification and reasonable documentation and the purchasing agent shall have the power to reject all bids and advertise again. In emergency Council may bypass this section.

(b) Lease purchase and installment purchase agreements:

(A) In order to provide necessary land, buildings, equipment, and other property for governmental or proprietary purposes, the city is hereby authorized to enter into long-term installment purchase contracts and rental or leasehold agreements. Such agreements may include an option or options to purchase and acquire title to such property within a period not exceeding the useful life of such property. Each such agreement and the terms thereof shall be concluded by an ordinance duly enacted by the Council.

(B) The Council is authorized and empowered to provide for the said payments by a tax levy imposed upon property included within the boundaries of the city, or by rates, tolls or service charges imposed for the use of such property or any part thereof by others, or by any other

available municipal revenue or by one or more of the above sources.

(C) The obligation created thereunder shall not constitute an indebtedness of the city within the meaning of the legal imitations on contracting of indebtedness by cities. (Amended by the voters, October 22, 1985)

## ARTICLE 5

## DEPARTMENT OF FINANCE AND RECORDS

Section 5-1 DEPARTMENT CREATED. A Department of Finance and Records is hereby established, the head of which shall be the Director of Finance who shall be appointed by the Council on the basis of his experiences and ability in financial matters.

Section 5-2 DIRECTOR OF FINANCE--POWERS AND DUTIES. The Director shall perform the functions of City Treasurer and shall be responsible to the Council for the administration of the financial affairs of the City and to that end shall have authority to, and shall be required to:

(a) Shall review from time to time public funds belonging to or under the control of, the City, or any office, department, or agency thereof, and observe from time to time deposits of all such funds in those depositaries duly designated by the Council, subject to the requirements of law as to surety and where applicable, payment of interest on deposits, with all such interest to be the property of the City and properly accounted for;

(b) Have custody of all investments of the City or in possession of the City, and provide for the safekeeping of these investments and the receipt and delivery of bonds, notes and other instruments for transfer, registration or exchange;

(c) Keep such records as are required to account for his custodianship. (Amended by the voters, October 22, 1985)

Section 5-3 CITY CLERK--FINANCIAL DUTIES. The Manager and Finance Director shall be responsible for, and have general supervision over the duties and functions of the City Clerk with regard to financial matters. The City Clerk shall be responsible for all record keeping of the city and shall among other duties:

(a) Keep the general accounting system as provided in the section on Records and Accounts of the City and such other records that the Council or Director of Finance may find necessary.

(b) Prepare the reports detailed in Section 5-7.

(c) Act as collecting agent for the Director of Finance for taxes and other revenues of the City, except those received from other governmental units, and in accor-

dance therewith shall deposit these collections at least daily, excluding nonworking days.

(d) Prepare estimates of revenue and expenditure for and otherwise assist the Manager in the preparation of the budget.

(e) Issue all licenses on applications approved by the proper authorities and in conformity with ordinance.

(f) Approve all proposed expenditures of moneys of or in the possession of the city as to their legality and the presence of an unencumbered balance of the appropriation, to which the disbursement is to be charged, sufficient to cover the disbursement.

(g) Examine and approve all contracts and other documents by which the city government incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations shall become due and payable;

(h) Audit and approve before payment all bills, invoices, payrolls and other evidence of claims, demands or charges against the city government and with the advice of the City Attorney determine the regularity, legality and correctness of such claims, demands or charges. (Amended by the voters, October 22, 1985)

Section 5-4 RECORDS AND ACCOUNTS. A general accounting system shall be maintained to produce information concerning past operations and present conditions, to provide a basis for guidance for future operations, to provide for control of the officers of the city in the raising and expending of public moneys, and to publicize the facts concerning financial operations and condition of governmental bodies for the information of the citizens concerned therein.

(a) The system shall be on a double-entry basis or comparable systems that meet general accounting principals. The accounts shall be kept on the basis of a fiscal year beginning the first day of May and ending the last day of April of each calendar year until January 1, 1952, when the accounts shall conform to a change in the fiscal year to the calendar year.

(b) The accounts shall be arranged in balanced fund groups, which funds are to be considered independent fiscal and accounting entities. Each fund shall include all accounts necessary to set forth its operations and condition and shall also include budgetary control accounts for both estimated revenues and appropriations.

(c) Separate records shall be maintained for each utility owned by the City. All transactions other than those recorded in special revenue, special assessment, bond, sinking, or fixed assets and liabilities funds shall be recorded in the General Fund. Special funds shall be set up for moneys and other resources specifically desig-

nated for certain purposes. (Amended by the voters, October 22, 1985)

Section 5-5 UTILITY ACCOUNTING. The accounts of the utility funds, viz., the Electric Light Plant Fund and the Water Fund, or funds of any other public utility owned by the city, shall be kept on a basis comparable to those of a privately owned commercial utility. Depreciations shall be recorded, depreciation reserves shall be accumulated and all transactions recorded in accordance with generally accepted accounting principles so that the profit or loss from operations for the fiscal year may be determined. Other funds shall be charged for all services rendered by the utilities of the City for other departments or agencies of the City and such charges shall be reflected in the operating revenues of the utility funds. No expenses including imputed interest or taxes shall be recorded in the accounts of the utility funds except those actually incurred or representing budgetary estimates of expenses that will be actually incurred.

Section 5-6 INTERFUND TRANSFERS. All interfund transfers shall be recorded either as loans or as outright transfers according to the action of the Council in authorizing the transfer. So far as possible all anticipated interfund transfers, except loans, shall be reflected in the budget as an appropriation for the transferor fund and as an estimated revenue for the transferee fund. (Amended by the voters, October 22, 1985)

Section 5-7 FINANCIAL REPORTING. The following reports shall be prepared for submission to the City Manager and Council:

(a) Monthly statement of receipts and disbursements and unexpended appropriation balances, for each fund;

(b) Annual balance sheets for each fund as of the end of the fiscal year;

(c) Annual comparative statements of actual and budgeted receipts and expenditures of each fund for the completed fiscal year;

(d) Annual statements of profit and loss for each utility fund for the completed fiscal year. (Amended by the voters, October 22, 1985)

Section 5-8 MUNICIPAL SECURITIES. The City may borrow money for any municipal purpose as provided herein and issue the following securities to evidence such indebtedness:

(1) Short-term notes
(2) General Obligation Bonds and other like securities
(3) Revenue bonds and other like securities
(4) Refunding bonds

(5) Special or local improvement bonds and other like securities

(6) Industrial development revenue bonds.

(a) Short-Term Notes: The City, upon the affirmative vote of the majority of the entire Council in office at the time the vote is taken, is hereby authorized to borrow money without an election in anticipation of the collection of taxes or other revenues and to issue short-term notes to evidence the amount so borrowed. Any such short-term notes shall mature before the close of the fiscal year in which the money is so borrowed.

(b) General Obligation Securities: No bonds or other evidences of borrowing by the City, payable in whole or in part from the proceeds of ad valorem taxes or to which the full faith and credit of the City are pledged, shall be issued until the question of their issuance shall, at a special or regular election, be submitted to a vote of the electors of the City and approved by a majority of those voting on the question, except as otherwise provided in this Charter. The aggregate amount of such bonds or other evidences of borrowing, as are described above in this section (b), shall not exceed ten per cent (10%) of the assessed valuation of the taxable property within the City as shown by the last preceding assessment for City purposes, but bonds issued for water, sewer or drainage purposes may be

issued without an election and are excepted from the debt limitations of this section (b).

(c) Revenue Securities: The City, pursuant to ordinance, and without an election, may borrow money, issue bonds, or otherwise extend its credit, if such bonds or other obligations are made payable from revenues other than the proceeds of ad valorem taxes, including, without limiting the generality of the foregoing, revenues derived from the operation of the project or capital improvement acquired with the bond proceeds, from the available proceeds of a City sales and use tax which may be imposed pursuant to law or from any part or combination of such sources. Such bonds shall not be considered a debt or general obligation of the City, and shall not be included as part of the indebtedness of the City for any purpose.

(d) Refunding Securities: The City Council may authorize, by ordinance, without an election, issuance of refunding bonds or other like securities for th purpose of refunding and providing for the payment of the outstanding bonds or other like securities for the purpose of refunding and providing for the payment of the outstanding bonds or other like securities of the City as the same mature, or in advance of maturity by means of an escrow or otherwise. Any refunding bonds or other like securities issued without an election, shall be payable from substantially the same sources as the bonds refunded.

(e) Industrial Development Bonds: The City may also issue, pursuant to ordinance, industrial development revenue bonds as provided by the General Statutes of the State of Colorado.

(f) Special or Local Improvement Bonds: The City shall have the power to issue special improvement bonds pursuant to Section 8.6 of this Charter.

(g) Terms and Disposal of Securities:

(1) The terms and maximum interest rate of general obligation or revenue bonds or other like securities shall be fixed by the authorizing ordinance and such securities shall be sold by public or private sale to the best advantage of the City.

(2) Any refunding bond may be exchanged dollar for dollar for a bond refunded.

(3) All bonds may contain provisions for calling the same at designated periods prior to the final due date, with or without the payment of a prior redemption premium. (Amended by the voters, August 17, 1976)

## ARTICLE 6

## BUDGET

Section 6-1 FISCAL YEAR. The fiscal year of the City shall begin on the first day of January and shall end on the

last day of December of each calendar year. Such fiscal year shall also constitute the budget and accounting year. As used in the Charter the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

Section 6-2 MANAGER TO SUBMIT BUDGET. The City Manager, at least 60 days prior to the beginning of each budget year, shall submit to to the Council a budget and a budget message as provided herein. In the preparation of the budget the Manager shall review the estimates of revenues and expenditures as prepared by the Clerk and shall consult with the Treasurer as to the financial condition and needs of the City.

Section 6-3 BUDGET MESSAGE. The budget message submitted by the Manager to the Council shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the City for the budget year, and shall describe in connection therewith the important features of the budget plan, explaining important changes in expenditure and revenue items, together with any major changes in financial policy. The Manager shall include in the message a statement of pending and proposed capital projects and an explanation of how their cost is to be met both by current appropriations and, when applicable, the issuance of bonds.

Section 6-4 CONTENTS OF BUDGET. The budget shall be divided into estimated revenues and expenditures for each fund for the budget year. The budget shall present a comparative tabulation in detail of the items composing the expendable surplus balance at the beginning of the budget year; the items of revenue realized and expenditures actually paid in the last preceding complete fiscal year, as realized, paid, and estimated in the current fiscal year and as estimated for the budget year; and the items composing the expendable surplus balance at the end of the budget year. In no instance shall proposed expenditures exceed the sum of the beginning expendable surplus balance and the estimated revenues for the budget year.

(a) Estimated revenues shall be classified at least into amounts to be raised by taxation, both property and other, amounts to be received as grants-in-aid from other governmental units, operating revenues to be received in the case of utility funds, transfer from other funds excluding loans and miscellaneous revenues. The estimate of revenues other than those derived from taxation, grants-in-aid from other governmental units, utility fund operating revenues, and interfund transfers, shall be certified as conservative and reasonable by the Manager.

(b) The estimate of utility fund operating revenues shall not exceed revenue realized in the current fiscal year

as increased by the estimate of the revenue to be realized up to the end of the current fiscal year and as adjusted for a reasonable estimate of increase in the volume of services rendered and for any rate increases to be enacted by the Council.

(c) The estimate of the amount to be raised by taxes to be levied in the budget year shall be decreased by the estimate of abatements and cancellations of taxes that will be made during the budget year and of taxes that will remain unpaid at the end of the budget year and shall be increased by the estimate of delinquent taxes of other fiscal years that will be paid in the budget year.

(d) The appropriation from the Electric Light Plant Fund and the Water Fund into other funds and the related items of estimated revenues in the transferee funds shall not exceed the net profit earned by the Electric Light Plant Fund and the Water Fund respectively, as estimated for the current fiscal year. When the acutal profit is determined after the closing of the fiscal year preceding the budget year, the appropriation and estimated revenue maxima shall be accordingly revised, together with the items of appropriation and estimated revenues as adopted, if applicable.

Section 6-5 CLASSIFICATION OF APPROPRIATIONS. The proposed expenditures or appropriations shall be classified into the major items of expenditures, including interfund transfers, except loans, and shall include also, where applicable, the following:

(a) Interest, amortization, and redemption charges on the public debt for which the faith and credit of the City is pledged.

(b) Other statutory expenditures.

(c) The payment of all judgments.

(d) Estimated refunds of taxes to be made in the budget year.

(e) An amount equal to the aggregate of all emergency and miscellaneous revenue anticipation notes expected to be outstanding at the end of the current fiscal year.

(f) An amount equal to the net loss of the Electric Light Plant Fund or the Water Fund for the last preceding complete fiscal year.

Section 6-6 BUDGET A PUBLIC RECORD. The budget and budget message and all supporting schedules shall be a public record in the office of the Clerk, open to public inspection by anyone. The Manager shall cause sufficient copies of the budget and budget message to be prepared for distribution to interested persons.

Section 6-7 PUBLIC HEARING ON BUDGET. The Council, upon receipt of the budget, shall cause to be published the date of its meeting at which a public hearing on the budget

shall be held. At this meeting, all interested persons shall be given an opportunity to be heard, for or against the estimates or any item thereof.

Section 6-8 ADOPTION OF BUDGET. After the conclusion of such public hearing, the Council may amend the budget by inserting new items or by increasing or decreasing items already included, except operating revenues of utility funds and miscellaneous revenues, and those appropriations detailed above, whether these items have been correctly computed both as to arithmetical accuracy and as to the provisions of the paragraphs on estimated revenues and expenditures. The Council may not vary the titles or descriptions specified in the budget. Where total proposed expenditures are increased the total anticipated revenues shall also be increased so that the expenditures will not exceed the sum of beginning fund surplus. Where it is impossible to so increase anticipated revenues without violating the restrictions provided in the estimation of these revenues then the increase in proposed expenditures shall be decreased accordingly.

(a) The budget shall be adopted by the favorable votes of at least a majority of all the members of the Council. If the Council approves no budget prior to the last day of the current fiscal year the budget of the preceding fiscal year shall be deemed to have been finally adopted by the Council.

(b) Upon final adoption the budget shall be in effect for the budget year. Copies of the budget as finally adopted shall be certified by the Mayor and other members of the Council and filed in the offices of the Manager, the Director of Finance, and the Clerk. Other copies shall be prepared in sufficient quantity to be available to interested parties.

(c) From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named, which appropriations shall authorize the expenditure of moneys of the fund from which appropriated. These appropriations shall be duly entered into the books of account.

Section 6-9 PROPERTY TAX LEVY. From the effective date of the budget, the amount stated therein to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the City in the corresponding year and shall be duly certified as such to the Board of County Commissioners and duly entered into the books of account.

Section 6-10 SUPPLEMENTAL APPROPRIATIONS. The Council shall make supplemental appropriations if the original

appropriation becomes inadequate during the budget year and provided the sum of the original and supplemental appropriation could properly have been originally included in the budget. The council may also transfer appropriations from one object or purpose to another during the budget year provided that those appropriations required in detail in the paragraph on appropriations shall be left unchanged.

Section 6-11 EMERGENCY APPROPRIATIONS. In the absence of unappropriated available revenues to meet emergency appropriations, provisions of state law shall apply.

Section 6-12 APPROPRIATIONS TO LAPSE. All unexpended appropriation balances at the end of each budget year shall revert to the surplus account of the fund to which they relate.

## ARTICLE 7

## DEPARTMENT OF PERSONNEL

Section 7-1 MERIT BASIS OF APPOINTMENT. Appointments and promotions in the administrative service of the City, including municipally owned utilities, shall be made according to merit and fitness to be ascertained, as far as practicable, by competitive examination. To carry out this purpose, there shall be a department of personnel, the heard of which shall be the personnel director.

Section 7-2 POWERS AND DUTIES. The personnel director shall have power and shall be required to:

(1) Prepare, install, and maintain a classification plan based on the duties, authority and responsibility of positions in the City Service;

(2) Prepare and maintain a pay plan in the City Service;

(3) Perform other and different lawful acts and functions as he may deem necessary or desirable to enforce the purposes and provisions of this article.

## ARTICLE 8

## DEPARTMENT OF PUBLIC WORKS

Section 8-1 DEPARTMENT CREATED. There shall be a Department of Public Works, the head of which shall be appointed by the City Manager.

Section 8-2 FUNCTIONS. The Department of Public Works shall exercise all administrative functions of the Municipal Government as to:

(a) Providing central architectural and engineering services;

(b) Preparing plans and designs, and supervising construction of architectural and engineering works;

(c) Acquiring or constructing, and maintaining public buildings;

(d) Inspecting public and private buildings, and other structures, including their physical appurtenances and services, regulating the construction and maintenance of public and private buildings;

(e) Conducting traffic engineering studies and surveys, designing and constructing streets and transportation facilities;

(f) Cleaning, maintaining and marking streets and related structures, supervising street-lighting; controlling street cuts; and conducting trash and garbage removal and like service;

(g) Laying out, opening, changing, relocating, vacating, and establishing streets, alleys and other public ways and the grades thereof, subject to approval by ordinance;

(h) Constructing, maintaining, and repairing municipal communication, power, and heating systems, and traffic regulation systems;

(i) Constructing, operating and maintaining municipal airports and air facilities;

(j) Constructing and reconstructing of park, playground and recreational facilities;

(k) Operating central garage and equipment repair services;

(l) Preparing for the City Manager a capital outlay budget and developing a long range capital outlay program;

(m) Administering and enforcing zoning ordinances.

Section 8-3 ZONING, GRANT OF POWER. For the purpose of promoting the health, safety, morals and the general welfare of the community, the Council is hereby empowered to properly zone the City. This shall be done by ordinance which may consider and provide for but which shall not necessarily be restricted to, the following:

(1) Regulation and restriction of the height, number of stories and size of buildings and other structures;

(2) The percentage of lots that may be occupied;

(3) The size of yards, courts, and other open spaces;

(4) The density of population and location and use of buildings;

(5) Structures and areas for trade, industry, residence or other purposes.

Section 8-4 PUBLIC WORKS BOARD. There shall be a Public Works Board, which shall consist of three (3) members who shall be appointed by the Council, who shall serve without pay and none of whom shall hold any other public office

or position in the City. The City Manager and the Mayor shall serve as ex-officio members of the Board. The terms of the appointed members shall be three (3) years, except that of the three (3) members first appointed, one of whom shall be appointed for one (1) year, and one (1) for two (2) years. Any vacancy during the unexpired term of any member shall be filled by the Council for the remainder of the terms.

Section 8-5 FUNCTION OF PUBLIC WORKS BOARD. The functions of the Public Works Board shall be:

(a) Prepare and submit to the Council for its approval, a master plan for the physical development of the city;

(b) To hear and decide appeals by any person relating to zoning or to building inspection; provided, however, that the Council by a majority vote of its members shall have power to over-rule such decisions;

(c) To advise the City Council on zoning matters.

Section 8-6 IMPROVEMENT DISTRICTS. A public work or improvement for the cost of which; in whole or in part, benefits are to be assessed by the city may be initiated by the Council on recommendation of the Director of Public Works or on petition of property owners in such number and in such form as may be prescribed by general statutes. General statutes of the State of Colorado relating to improvement districts and the financing thereof applicable to the City of Wray shall be followed.

## ARTICLE 9

## DEPARTMENT OF PARKS, LIBRARY AND RECREATION

Section 9-1 DEPARTMENT CREATED. There shall be a Department of Parks, Library and Recreation, the head of which shall be the Director, who shall be selected by the City Manager on the basis of his training and experience for his duties.

Section 9-2 FUNCTIONS. The Department of Parks, Library and Recreation shall exercise all administrative functions of the municipal government as to:

(a) Operation and maintenance of municipal parks, park areas, playgrounds, play fields, lake facilities, swimming pools, fountains, recreation and community buildings, sports arenas, stadia, golf courses and related facilities, both inside and outside the corporate limits;

(b) Maintenance and operation of city library;

(c) Planning, conduct and supervision of organized public physical and cultural recreational programs;

(d) Cooperation with public and private agencies in public recreation programs, concerts and other entertainment;

(e) Maintenance and preservation of public monuments, museums and collections;

(f) Maintenance of restrooms, refreshment facilities, and restaurants on properties under the supervision of the Department of Parks, Library and Recreation;

(g) Maintenance and operation of city cemeteries.

Section 9-3 POWERS AND DUTIES. The Director of Parks, Library and Recreation shall be responsible for the efficiency, discipline and good conduct of the Department and for the care and custody of all property of the city entrusted to the Department. He shall be responsible for the performance of all functions of the Department.

The construction and reconstruction of all parks, playgrounds and recreation facilities shall be vested in the Department of Public Works. The specific determination of the functions relating to such construction and reconstruction by the Department of Public Works shall be made by the City Manager.

Section 9-4 RULES AND REGULATIONS. On recommendation of the Director of Parks, Library and Recreation to the City Manager, the Council shall have power by ordinance to adopt all needful rules and regulations relating to property and related facilities under the supervision of the Parks, Library and Recreation Department, whether inside or outside the city, and for the preservation of order, safety and decency therein. For the purpose of enforcing such rules and regulations all such properties shall be under the police jurisdiction of the City. Any member of the police force of the city, park employee appointed as a special policeman, shall have power to arrest without warrant any person who has violated any such rule or regulation or committed an offense therein, in his presence.

## ARTICLE 10

## DEPARTMENT OF FIRE

Section 10-1 DEPARTMENT CREATED. There is hereby created the Department of Fire, the head of which shall be the Fire Chief, appointed by the City Manager, with the approval of the Council; provided, however, that for so long as the City has a Volunteer Fire Department, the Fire Chief shall be elected by the members of said Volunteer Department. The department shall consist of the Fire Chief and such other employees of such ranks and grades that may be prescribed by ordinance.

Section 10-2 FUNCTIONS OF DEPARTMENT. The Department of Fire shall be responsible for protection of life and property within the City from fire and for the enforcement of all laws, ordinances, and regulations relating to fire prevention and safety, and the department shall be responsible for the installation, operation, maintenance, and supervision of fire department equipment.

Section 10-3 FIRE CHIEF. The Fire Chief shall be in direct command of the Department of Fire. He shall appoint and remove all other officers and employees of the department. He shall assign all members of the department to their respective posts, shifts, details, and duties. He shall make rules and regulations in conformance with the ordinances of the City concerning the operation of the department and conduct of all employees thereof. He shall be responsible for the efficiency, discipline, and good conduct of the department, and for the care and custody of all property used by the department. Disobedience to the lawful order of the Chief or to the rules and regulations aforesaid shall be grounds for dismissal or for other appropriate disciplinary action. The Chief shall, subject to the approval by the Manager, have further power to make regulations implementing and giving effect to the general laws and ordinances relating to fire prevention and fire safety.

## ARTICLE 11

## DEPARTMENT OF POLICE

Section 11-1 DEPARTMENT CREATED. There is hereby created a Department of Police, the director of which shall be the Chief of Police appointed by the City Manager, with the approval of the Council. The department shall consist of a Chief of Police, and such other employees of such ranks and grades as may be prescribed by ordinance.

Section 11-2 FUNCTIONS OF THE DEPARTMENT. The department shall be responsible for the preservation of public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws of the State, and the ordinances of the City, and all rules and regulations made in accordance therewith. All members of the Department shall have the same power and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by the general statutes. The department shall also exercise all administrative functions of the municipal government as to (a) operation of municipal jails, and (b) control of traffic, promotion of traffic safety and investigation and analysis of traffic accidents.

Section 11-3 CHIEF OF POLICE. The Chief of Police shall be in direct command of the Department of Police. He shall appoint and remove all employees of the department to their respective posts, shifts, details and duties. He shall make rules and regulations, in conformity with the ordinances of the City, concerning the operation of the department and the conduct of all employees thereof. He shall be responsible for the efficiency, discipline, and good conduct of the department and the care and custody of all property used by the department. Disobedience to the lawful orders of the Chief or to the rules and regulations aforesaid shall be grounds for dismissal, or for other appropriate disciplinary action.

Section 11-4 SPECIAL POLICEMAN. Upon application of any individual, firm, corporation or association, showing the necessity therefor, the Chief of Police may appoint one or more special officers to be paid by the applicant. He may also appoint at the request of the City Manager, any employee of any department of the city as a special policeman. Special policemen shall take the oath required of members of the police force; shall wear when on duty, in full sight, a badge in the form prescribed by the Chief; and while in or on the premises of the individual, firm, corporation or association requesting his appointment, and in the case of a city employee while in performance of his official duties, shall have all the powers and duties of policemen of the city and shall be subject to the rules and regulations of the Department of Police. Such appointments shall be revocable by the Chief of Police at any time.

## ARTICLE 12

## MUNICIPAL COURT

Section 12-1 COURT CREATED. The existing Police Court of the City shall continue as provided by the general laws of the State of Colorado, until otherwise provided by ordinance. The Council will appoint with power to remove, for cause, the Police Magistrate and for his compensation, he shall receive a salary to be fixed by the Council.

Section 12-2 JURISDICTION OF POLICE COURT. Said Police Court shall have exclusive original jurisdiction to hear, try and determine all charges of any misdemeanor as declared by this Charter and all causes arising under any of the ordinances of the City for a violation thereof, and there shall be no change of venue from said Court.

Section 12-2-3 DEMAND FOR JURY. In all trials for any offense or offenses within the jurisdiction of said police court the defendant may demand a jury, which shall consist

of six jurors, or a less number, not fewer than three, if the same can be agreed upon by the City and the accused, and thereupon the police magistrate shall issue a venire for the jury, and the jury shall be empowered and sworn as in cases of misdemeanors in courts of record under the laws of the State of Colorado.

Section 12-2-4 JURY FEES. (a) Each juror who is sworn as provided herein shall receive as a juror fee $2.50 for each day or portion of a day that he so serves.

(b) Prior to the issuance by the court of the jury venire the party demanding such jury shall advance jury fees sufficient for one day's trial, such fees to be taxed as part of the costs.

Section 12-2-5 VERDICT OF JURY. Upon the jury returning their verdict of guilty the court shall record the same in the docket and proceed to render judgement including costs; but if the jury returns a verdict of not guilty said court shall record the same, and discharge the defendant or defendants without costs.

Section 12-2-6 EXECUTION FOR FINES AND COSTS. Upon the rendition of any judgment the Police Magistrate shall issue execution for the fine and costs, which shall be levied upon any personal property of the defendant or defendants, not exempt by law from execution, which said property may be sold for whatever it will bring in cash, after giving such notice of sale as is required for the sale of personal property under execution from courts of record under the laws of Colorado.

Section 12-2-7 SERVICE BY POLICE DEPARTMENT. All warrants, writs, and other process issued by the Police Magistrate shall be served and executed by any member of the Department of Police.

## ARTICLE 13

## ELECTIONS

Section 13-1 APPLICABILITY OF GENERAL STATUTES. Except as specifically provided herein, the general statutes relating to the nominations, registrations of voters, the conduct of elections, the counting of votes, and the declaration of the results, shall be applicable to all general or special elections held in accordance with the provisions of this Charter. The Council shall provide for the manner of holding City elections and such additional regulations in respect to elections, not inconsistent with this Charter, as may be necessary to accomplish the intent of this article. There shall be no use of the name of or affilia-

tion with national political parties in municipal elections.

Section 13-2 MUNICIPAL ELECTIONS. A general municipal election shall be held on the first Tuesday after the first Monday in November of 1951, and on the first Tuesday after the first Monday in November of every second year thereafter. Special municipal elections shall be held when required by this Charter.

Section 13-3 JUDGES AND CLERKS. Not less than ten days before any election, the City Council shall select three election judges for each precinct; and, when they deem it necessary, three additional counting judges and two clerks for each of the said precincts.

Section 13-4 CANVASSING BOARD. The City Council shall meet as a Canvassing Board and duly canvass the election returns within two days after any municipal election. Whenever any member of the Council is a candidate for re-election, the City Council shall appoint some Justice of the Peace or Notary Public of said City to take the place of said candidate upon said canvassing board.

Section 13-5 PRIMARY ELECTIONS. There shall be no municipal primary elections.

Section 13-6 ELECTION PRECINCTS. The City shall constitute one voting precinct, provided that the Council may for the convenience of voter, establish two or more precincts thirty days or more prior to any election, by ordinance. The precincts so established by ordinance shall remain for subsequent elections until otherwise provided by ordinance. The Council shall determine the maximum number of electors for each precinct.

Section 13-7 RECALL FROM OFFICE. Every elective City Officer of the City of Wray may be recalled from office at any time by the electors of the City of Wray, by recall petition filed with the City Clerk, with signatures of registered elector equal in number to twenty-five (25) percentum of the entire vote cast at the last preceding general municipal election for all candidates for the position which the incumbent sought to be recalled occupies.

The procedure hereunder to effect the recall of an elective officer, shall be as far as applicable by the method pointed out in Article XXI of the Constitution of the State of Colorado known as "Recall from Office", with power in the City Council to provide by ordinance such other and further procedure as it may deem expedient, not inconsistent herewith. (Amended by the voters, October 22, 1985)

Section 13-8 INITIATIVE AND REFERENDUM. Any proposed ordinance may be submitted to the Council by petition therefor of registered elector equal in number to at least ten per cent of the total number of legal ballots cast within the City of Wray, by filing the same with the City Clerk or other election officer, and such proposed ordinance shall be adopted, without alteration by the Council within twenty days after such petition is filed; or the Council shall refer such proposed ordinance in the form petitioned for, to the registered elector at the next municipal election held not less than sixty days after such petition is filed. If such petition contains a request for a special election and is signed by registered elector equal in number to at least twenty-five per cent of the total number of legal ballots cast at the last preceding election, the ordinance thereby proposed shall be passed by the Council, without amendment or change, within twenty days after such petition shall be filed, or the Council shall refer each proposed ordinance, in the form petitioned for, to the registered elector at a special election, which shall be called within said thirty days and held not less than sixty nor more than ninety days after such petition is filed unless a special election for some other purpose or a general election is held within said period of time, in which case such proposed ordinance may be submitted to a vote at such election. Alternative ordinances may be submitted at the same election, and if two or more conflicting measures be approved by the People, then that one which received the greatest number of affirmative votes shall be adopted in all particulars as to which there is a conflict.

The Law known as "Initiative and Referendum," Chapter 86, C.S.A. 1935, and all laws amendatory thereto, as far as applicable shall govern the procedure and form of Direct Legislation by the People of the City of Wray, with power in the City Council to make and publish such ordinances as may be needful to carry out the object and intent of this Article, but not inconsistent therewith. (Amended by the voters, October 22, 1985)

## ARTICLE 14

## PUBLIC UTILITIES AND FRANCHISES

Section 14-1 DEFINITION. The term public utility or public utility corporation, when used in this Charter shall mean any person, firm or corporation operating gas or electric light works, telephone or telegraph systems, water or heating plants, or transportation systems, and serving or supplying the public for hire; and shall not include any person, firm or corporation, owning or operating side tracks or switches for the accommodation of manufacturing plants and business houses, or private telephone lines.

Section 14-2 DEPARTMENT OF PUBLIC UTILITIES CREATED. There shall be a Department of Public Utilities, the head of which shall be appointed by the City Manager.

Section 14-3 FUNCTIONS. The Department of Public Utilities shall exercise all administrative functions of the Municipal Government as to operating, maintaining, and constructing, city-owned water, sewage, light and power utilities and facilities and any other public utility acquired and owned by the city.

Section 14-4 OPERATION OF CITY-OWNED UTILITIES. The City Council shall make adequate provision by ordinance, for the operation of such public utilities owned by the city within and without the city limits, and fix the rates, fares, rentals and charges for service as well as all other powers and procedures granted in this charter. The city, when owning any public utility shall keep the books of account for such public utility in such manner as specified in Article V.

Section 14-5 MUNICIPAL WATER UTILITY. Every franchise, right or privilege which has been, or which may be hereafter granted, conveying any right, permission or privilege to the use of the water belonging to the city or its water system, shall always be subject to the most comprehensive review, management and control in every particular by the city; and the rights of the city to such control for municipal purposes is retained by the City in order that nothing shall ever be done by any grantee or assignees of any such franchise right or privilege which shall in any way interfere with the successful operation of the water works of the city, or which shall, or which shall tend to, divert, impair or render the same inadequate for the complete performance of the trust for the people under which such water works are held by the city.

Section 14-6 FRANCHISES GRANTED UPON VOTE. No franchise shall be granted except upon the vote of the registered tax-paying electors and the question of its being granted shall be submitted to such vote by ordinance upon deposit with the finance of the expense (to be determined by the finance director) of each submission by the applicant for said franchise. No exclusive franchise shall ever be granted.

No franchise granted by the City shall ever be leased, assigned or otherwise alienated without the express consent of the City, expressed by vote of the registered taxpaying electors.

No bill for an ordinance submitting a franchise shall be put on final passage within thirty days of its introduction and until published at length, once in a newspaper of the city in such manner as may be provided by general law

at least seven days before its final passage, except in a case of a public emergency as hereafter provided for. At the discretion of the council, publication may be made by reference in the manner provided by state statute. (Amended by the voters, October 22, 1985)

Section 14-7 SPECIFY STREETS, PERMITS. All franchises or privileges hereafter granted to street or other railroads and to other transportation systems, shall plainly specify the particular streets, alleys, avenues, and other public property, or parts thereof, to which they shall apply. All other franchises may be in general terms, and apply to the City generally.

The Council may grant a permit at any time, in or upon any street, alley, or public place, provided such permit is revocable by the Council at its pleasure at any time, whether such right to revoke be expressly reserved or not.

Section 14-8 BOOKS OF RECORD. The Council shall cause to be kept in the office of the City Clerk an indexed Franchise Record, in which shall be transcribed copies of all public utility franchises heretofore or hereafter granted. The records shall be a complete history of all such franchises and shall include a comprehensive and convenient reference to all actions at law affecting the same, and copies of all annual and inspection reports and such other matters of information and public interest as the council may from time to time require.

Section 14-9 TERMS--COMPENSATION--RESTRICTION. No franchise shall be granted for a longer period than twenty years, nor without reserving to the City such just compensation from the use thereof as shall be fixed in the grant of said franchise. This compensation shall not exempt the grantee, or his or its assignees, from any lawful taxation upon his or its property, or the payment of any licenses, charges or any other impositions levied by the City. Such compensation shall be paid annually and a failure to pay such compensation shall work a forfeiture of the franchise.

Section 14-10 EXTENSIONS AND ENLARGEMENTS. All extensions and enlargements of an existing franchise shall provide that all of the terms and conditions of this Charter shall apply to and become a part of the original franchise. No such extension or enlargement shall extend beyond the life of the original franchise.

Section 14-11 REGULATION OF PUBLIC UTILITIES. Unless and until the City Council shall make provision by ordinance for regulating the rates, fares, and rentals charged by any public utility or carrier and for regulating the service furnished by any public utility or any carrier serving the residents of the City, the Public Utility Com-

mission of Colorado shall continue to exercise supervision and regulation thereof under applicable statutes of the State of Colorado; but the right to regulate the rates, fares and rentals of public utilities and carriers serving the residents of this City shall always be reserved to the City to be exercised by ordinance of the City Council. Every person or corporation operating under a franchise or grant from the City shall annually submit to the City Council a report verified by the oath of the President, the Treasurer, or the General Manager thereof. Such reports shall be in the form, contain such detailed information, and cover the period prescribed by the Council, and the Council shall have the power, either through its members or by experts or employees, duly authorized by it, to examine the books and affairs of any such person, persons, or corporation, and to compel the production before them of books and papers pertaining to such report or other matters.

Section 14-12 THE COUNCIL MAY ACQUIRE UTILITIES. The Council upon vote of the taxpaying electors, shall have the power within or without the territorial limits of the City to construct, condemn and purchase, acquire, lease, add to, maintain, conduct and operate water works, gas works, light plants, power plants, transportation systems, telephone systems, heating plants and other public utilities local in use and extent, in whole or in part, and everything required therefore, for the use of said City and the inhabitants thereof and any such systems, plants, works or ways or any contracts in relation or in connection therewith which may exist and which the City may desire to acquire or purchase, in whole or in part, the same or any part thereof may be purchase by the City. Every utility franchise issued shall include contractual obligation to sell to the city under provisions of this Charter. (Amended by the voters, August 17, 1976)

Section 14-13 RESERVATIONS TO CITY. There shall be reserved to the City, and every franchise or privilege to use public property granted a public utility shall always contain a reservation to the City of the following rights and privileges:

(a) To terminate the franchise and to purchase all of the property of the utility used, or held for use in the operation thereof, at a price fixed or determined in the manner provided for in the ordinance granting the franchise, exclusive of the value of the franchise so terminated.

(b) To control at all times the distribution of space in, over, across, and under all streets, alleys, thoroughfares, and public property to be occupied by any public utility appliance or fixture.

(c) To require such reconstruction, relocation, alteration or discontinuance of fixtures and appliances in

public streets, alleys, thoroughfares and places as shall be necessary in the opinion of the Council to best serve the convenience of the public.

## ARTICLE 15

## GENERAL PROVISIONS

Section 15-1 PUBLIC RECORDS. All public records shall be available for inspection, subject only to reasonable restrictions. Upon the payment of a reasonable fee, a copy, or if desired a certified copy of any public record shall be furnished by the custodian thereof. A public record, or duly certified copy, shall be prima facie evidence of its contents.

Section 15-2 PRESENT ORDINANCES. All laws, ordinances, resolutions, written rules or regulations in force in the City of Wray at the time this Charter takes effect, not inconsistent with its provisions, shall continue in full force and effect until otherwise provided by ordinance.

Section 15-3 PENALTY FOR VIOLATION. Any person who shall violate any of the provisions of this Charter, for the violation of which no punishment has been provided herein shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine and/or imprisonment in amounts and terms not exceeding those allowed by the State of Colorado. (Amended by the voters, October 22, 1985)

Section 15-4 DEFINITION OF MISDEMEANOR. The term "Misdemeanor" as used in this Charter shall mean a violation thereof, or of any ordinance, of which the municipal court or magistrate thereof shall have jurisdiction, and shall not have the meaning attached to it in Chapter 48, entitled "Crimes" in 1935 Colorado Statutes Annotated.

Section 15-5 SAVING CLAUSE. All official bonds, recognizances, obligations, contracts and all other instruments entered into or executed by or to the Town of Wray before this Charter takes effect, and all taxes, fines, penalties, forfeitures incurred or imposed due or owing the Town of Wray, shall be enforced or collected; and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by this Charter; and all legal acts done by or in favor of the Town of Wray shall be and remain as valid as though this Charter has not been adopted.

Section 15-6 CHARTER AMENDMENTS. This Charter may be amended at any time in the manner provided by Article XX of

the Constitution of the State of Colorado. Nothing herein contained shall be construed as preventing the submission to the people of more than one Charter amendment at any one election.

Section 15-7 RESERVATION OF POWER. The power to supersede any law of this State now or hereafter in force, in so far as it applies to local or municipal affairs shall be reserved to the City, acting by ordinance, subject to the restrictions of Article XX of the State Constitution.

Section 15-8 TRANSITIONAL PROVISIONS. The period from the effective date of this Charter to ninety (90) days after the City Manager assumes his duties, shall be known as the "reorganization period." During the reorganization period, all officers and employees shall proceed with due diligence to effectuate the provisions of this Charter, and the City Manager shall, by executive order, designate the succession of organization units and employees, and allocate equipment and space.

(a) This Charter shall be fully operative ninety (90) days after the City Manager assumes his duties.

(b) At the expiration of the ninety day period, an audit of the accounts of the Town of Wray shall be made.

Section 15-9 CONSTITUTIONALITY. In case any portion of this Charter shall at any time be found to be unconstitutional, such finding shall not affect the remainder thereof, but as to such remainder, this Charter shall remain in full force and effect until amended or repealed.

Section 15-10 A SECTION CONTINUITY OF GOVERNMENT. The Council shall have the power to provide for continuity of government of the City of Wray in the event of a natural or enemy caused disaster. Such power shall be employed in a manner which will preserve representative government in the City of Wray, and which will provide the orderly line of succession of officers, not withstanding the provisions of this Charter. Such succession shall commence with the Mayor and Mayor Pro Tem, and shall then revert to the council by order of seniority and thereafter through an orderly line of succession of the administrative department heads, commencing with the City Manager. (Amended by the voters, October 22, 1985)

DONE IN CONVENTION at the Council Chamber in the City of Wray in the State of Colorado, this 8th day of September, in the year of our Lord one thousand nine hundred and fifty, and of the Independence of the United States the one hundred and seventy-fifth.

IN WITNESS WHEREOF, We have hereunto subscribed our names.

N. DEAN HENRY, President
W. W. BAUER
L. D. BUCHANAN
ROSCOE BULLARD
C. F. BARKMEIER
FRED CARPENTER
RALPH CREWS
W. T. DISS
R. W. GARDNER
JOE C. GRAHAM
R. D. GRAHAM
WALTER L. GRUTTER
ROBERT S. IRWIN
GEORGE H. ISHAM
PHIL LOCKWOOD
J. S. PARKER
E. H. REED
P. H. SHEA
ROBERT L. SHEVERBRUSH
D. E. SISSON
R. L. WHEELER

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Beginning with Supplement No. 4, this table will be replaced with the "Code Comparative Table and Disposition List."

| Ordinance Number | Disposition |
|---|---|
| 1 | Business licenses (Repealed by 94) |
| 2 | Pool and billiard halls (5.24) |
| 3 | Liquor sales (Not codified) |
| 4 | Electrical franchise (Special) |
| 5 (8/14/06) | Ordinance adoption procedure (Not codified) |
| 5 (7/9/07) | Ordinance adoption procedure (1.08) |
| 6 | Fines and penalties (Repealed by 272) |
| 7 | Vagrants and prostitution (Repealed by 272) |
| 8 | Misdemeanor offenses (Repealed by 272) |
| 9 | Stock running at large (6.16) |
| 10 | Amends § 7 of Ord. 2, pool and billiard halls (5.24) |
| 11 | 1906-07 appropriation (Special) |
| 12 | Appointment of officers (Not codified) |
| 13 | Recorder duties (2.16) |
| 14 | Marshal duties (2.08) |
| 15 | Police magistrate (2.12) |
| 16 | Treasurer (2.20) |
| 17 | Amends § § 1 and 7 of Ord. 12, officers (Not codified) |
| 18 | Town attorney (Not codified) |
| 19 | Poll tax (Not codified) |
| 20 | Dogs (Not codified) |
| 21 | Fire limits (Repealed by 57) |
| 22 | Street light franchise (Special) |
| 23 | 1907-08 appropriation (Special) |
| 24 | Adds to Ord. 3, intoxicating liquor (Not codified) |

| Ordinance Number | Disposition |
|---|---|
| 25 | Liquor importation (9.20) |
| 26 | Town attorney (2.04) |
| 27 | Sidewalk construction (Not codified) |
| 28 | Intoxicating liquor (Not codified) |
| 29 | Bowling alleys (Repealed by 208) |
| 30 | Telephone franchise (Special) |
| 31 | Sidewalk construction (Not codified) |
| 32 | Shooting galleries (5.28) |
| 33 | Apprehension of violators (Repealed by 272) |
| 34 | Spitting on sidewalks (9.16) |
| 35 | 1908-09 appropriation (Special) |
| 36 | Amends § 5 of Ord. 13, recorder (2.16) |
| 37 | 1909-10 appropriation (Special) |
| 38 | Deposit of solid waste (8.20) |
| 39 | Speed limits (Repealed by 272) |
| 40 | Stables and feed yards (6.20) |
| 41 | Business license fees (Repealed by 94) |
| 42 | Special election (Special) |
| 43 | 1910-11 appropriation (Special) |
| 44 | 1911-12 appropriation (Special) |
| 45 | Vehicle operation (Repealed by 84) |
| 46 | Amends § 3, Art. 4 of Ord. 8, misdemeanor offenses (Repealed by 272) |
| 47 | Fowl running at large (6.12) |
| 48 | Stables (5.32) |
| 49 | Water system bonds (Special) |
| 50 | Bond interest set (Special) |
| 51 | 1912-13 appropriations (Special) |
| 52 | Waterworks (13.12) |
| 53 | Pipeline right-of-way (Special) |
| 54 | (Number not used) |
| 55 | 1915-16 appropriation (Special) |
| 56 | Dogs (Repealed by 84) |

| Ordinance Number | Disposition |
|---|---|
| 57 (3/2/15) | Fire limits and building construction standards; repeals Ord. 21 (Not codified) |
| 57 (11/2/15) | 1916-17 appropriation (Special) |
| 58 | Parking and traffic regulation (10.16) |
| 59 | 1917-18 appropriation (Special) |
| 60 | (Number not used) |
| 61 | (Number not used) |
| 62 | Sanitary sewer bonds (Special) |
| 63 | Electric system bond election (Special) |
| 64 | Sewer district (Special) |
| 65 | Telephone franchise (Special) |
| 66 | Vehicle mufflers (Not codified) |
| 67 | Sewers (Not codified) |
| 68 | Electrical installations (Not codified) |
| 69 | Fire inspection (Not codified) |
| 70 | Waterworks bonds (Special) |
| 71 | Sewer bond assessments (Special) |
| 72 | 1922-23 appropriation (Special) |
| 73 | Board of public welfare (2.28) |
| 74 | Bond issue (Special) |
| 75 | Intoxicating liquor (Not adopted) |
| 76 | 1923-34 appropriation (Special) |
| 77 | Amends § 1 of Ord. 57, fire limits (Repealed by 82) |
| 78 | Traffic rules (Repealed by 98, 159) |
| 79 | 1924-25 appropriation (Special) |
| 80 | Curfew for children (9.36) |
| 81 | Adds § 17 to Ord. 81, traffic rules (Repealed by 98, 159) |
| 82 | Amends § 1 of Ord. 57, fire limits; repeals; Ord. 77 (Repealed by 96) |

| Ordinance Number | Disposition |
|---|---|
| 83 | 1925-26 appropriation (Special) |
| 84 | Traffic rules; repeals Ords. 45 and 56 (Repealed by 98, 159) |

| Ordinance Number | Disposition |
|---|---|
| 85 | Intoxicating liquor (9.20) |
| 86 | 1926-27 appropriation (Special) |
| 87 | Adds §§8--13 to Ord. 57, fire limits (Not codified) |
| 88 | 1927-28 appropriation (Special) |
| 89 | 1928-29 appropriation (Special) |
| 90 | Location of gasoline pumps (Repealed by 93) |
| 91 | Fire department (9.08) |
| 92 | 1929-30 appropriation (Special) |
| 93 | Location of gasoline pumps; repeals Ord. 90 (12.12) |
| 94 | Business licenses; repeals Ords. 1 and 41 (5.04) |
| 95 | Moving buildings (13.24) |
| 96 | Amends §1 of Ord. 57, fire limits; repeals Ord. 82 (Not codified) |
| 97 | Fireworks (Repealed by 272) |
| 98 | Traffic rules; repeals Ords. 78, 81 and 84 (Repealed by 159) |
| 99 | Amends §4 of Ord. 67, sewers (Not codified) |
| 100 | 1930-31 appropriation (Special) |
| 101 | Amends §§10 and 16 of Ord. 98, traffic rules (Repealed by 159) |
| 102 | Curb service businesses (12.16) |
| 103 | Water bonds (Special) |
| 104 | 1931-32 appropriation (Special) |
| 105 | Plumbing (Not codified) |
| 106 | Amends §10 of Ord. 98, traffic rules (Repealed by 159) |
| 107 | Paving district No. 1 (Special) |
| 108 | 1932-33 appropriation (Special) |
| 109 | Paving district bonds (Special) |
| 110 | Natural gas franchise (Special) |
| 111 | Natural gas franchise (Special) |
| 112 | Paving district assessments (Special) |
| 113 | Electricity generation equipment appropriation (Special) |
| 114 | 1933-34 appropriation (Special) |
| 115 | 1934-35 appropriation (Special) |
| 116 | Adds §33 to Ord. 98, traffic rules (Repealed by 159) |
| 117 | Fire limits and construction standards (Not codified) |
| 118 | Electrical inspections (Not codified) |
| 119 | Inflammable liquid storage and use (8.28) |
| 120 | Fire department inspections (8.32) |
| 121 | 1935-36 appropriation (Special) |
| 122 | Electrical system improvement bonds (Special) |
| 123 | 1936-37 appropriation (Special) |

| Ordinance Number | Disposition |
|---|---|
| 124 | Curb, gutter and oiling district (Special) |
| 125 | Refunding bonds (Special) |
| 126 | 1937-38 appropriation (Special) |
| 127 | 1938-39 appropriation (Special) |
| 128 | 1939-40 appropriation (Special) |
| 129 | Junkyards (8.44) |
| 130 | 1940-41 appropriation (Special) |
| 131 | Electrical system improvement bonds (Special) |
| 132 | Fireworks (Repealed by 272) |
| 133 | Amends §10 of Ord. 98, traffic rules (Repealed by 159) |
| 134 | Refunding bonds (Special) |
| 135 | Driving intoxicated (Not codified) |
| 136 | Sewers (13.04) |
| 137 | 1941-42 appropriation (Special) |
| 138 | Refunding bonds (Special) |
| 139 | Refunding bonds (Special) |
| 140 | Electric light refunding bonds (Special) |
| 141 | Amends §8 of Ord. 117, buildings (Not codified) |
| 142 | 1942-43 appropriation (Special) |
| 143 | Adds §34 to Ord. 98, traffic rules (Repealed by 198) |
| 144 | Amends §34 of Ord. 98, traffic rules (Repealed by 198) |
| 145 | 1943-44 appropriation (Special) |
| 146 | 1944-45 appropriation (Special) |
| 147 | Amends §10 of Ord. 98, traffic rules (Repealed by 159) |
| 148 | 1945-46 appropriation (Special) |
| 149 | 1946-47 appropriation (Special) |
| 150 | Nuisances (8.16) |
| 151 | Lighting system contract (Special) |
| 152 | 1947-48 appropriation (Special) |
| 153 | Dancehalls (5.12) |
| 154 | Garbage disposal (8.12) |
| 155 | 1948-49 appropriation (Special) |
| 156 | Sanitary sewer district bonds (Special) |
| 157 | 1949-50 appropriation (Special) |
| 158 | Peddling (Repealed by 231) |
| 159 | Traffic regulations; repeals Ords. 78, 81, 84, 98, 101, 106, 116 and 133 (10.08, 10.12) |
| 160 | Sanitary district assessment (Special) |
| 161 | Pool and billiard hall license terms (5.24) |
| 162 | Coin-operated devices (5.16) |
| 163 | Amends §6 of Ord. 162, coin-operated devices (5.16) |
| 164 | Charter election (Special) |
| 165 | Polling place for charter election (Special) |

| Ordinance Number | Disposition |
|---|---|
| 166 | Polling place for charter election (Special) |
| 167 | Lighting system purchases (Special) |
| 168 | Building setback from Dexter Street (15.12) |
| 169 | Electric system bond election (Special) |
| 170 | Electric system bond issuance (Special) |
| 171 | Nominations for elective offices (2.32) |
| 172 | Natural gas franchise election (Special) |
| 173 | Natural gas franchise (Special) |
| 174 | Electricity and water rates (Not codified) |
| 175 | Sewer rates (Not codified) |
| 176 | Weapons (Repealed by 272) |
| 177 | Amends §4 of Ord. 174, electricity rates (Not codified) |
| 178 | Water bond election (Special) |
| 179 | Street extension (Special) |
| 180 | Crimes (Repealed by 272) |
| 181 | Water bond issuance (Special) |
| 182 | Trash burning (8.24) |
| 183 | Adds §31 and subsection (15) to §29 and amends §4 of Ord. 159, traffic regulations (Not codified) |
| 184 | Unloading containers of combustible materials (Not approved) |
| 185 | Community television franchise (Not adopted) |
| 186 | Antenna installations (Not codified) |
| 187 | Alley vacation (Special) |
| 188 | Weed removal (Repealed by 504) |
| 189 | Sidewalk and curb construction (12.04) |
| 190 | Antenna construction (15.20) |
| 191 | Alley vacation (Special) |
| 192 | Amends §5 of Ord. 174, water heating rates (Not codified) |
| 193 | Cigarette sales tax (Not adopted) |
| 194 | 1957 budget adopted (Special) |
| 195 | Street vacation (Special) |
| 196 | Alley vacation (Special) |
| 197 | Police pension payments (Special) |

| Ordinance Number | Disposition |
|---|---|
| 198 | Overtaking school bus (Repealed by 200) |
| 199 | 1958 budget adopted (Special) |
| 200 | Overtaking school bus; repeals Ord. 198 (Not codified) |
| 201 | Interfering with drainage ditch (8.36) |
| 202 | Street vacation (Special) |
| 203 | Sewer connection charges (Not codified) |
| 204 | Parking restricted (10.20) |
| 205 | Alley vacation (Special) |
| 206 | Annexation (Special) |
| 207 | (Number not used) |
| 208 | Bowling alleys; repeals Ord. 29 (5.08) |
| 209 | Amends §2 of Ord. 2, pool and billiard halls (5.24) |
| 210 | Property sale (Special) |
| 211 | 1960 budget adopted (Special) |
| 212 | Street vacation (Special) |
| 213 | Abatement of privies and outhouses (13.08) |
| 214 | Alley vacation (Special) |
| 215 | General improvement district (Special) |
| 216 | General improvement bond election (Special) |
| 217 | Curb and gutter construction assessments (Special) |
| 218 | General improvement bond issuance (Special) |
| 219 | Annexation (Special) |
| 220 | Zoning (18.04--18.44) |
| 221 | Building permits (Not codified) |
| 222 | Obstructing intersection (10.16) |
| 223 | 1961 budget adopted (Special) |
| 224 | General improvement bond issuance (Special) |
| 225 | General improvement bond issuance (Special) |
| 226 | Curb and gutter assessments (Special) |
| 227 | (Number not used) |
| 228 | Property sale (Special) |
| 229 | Street vacation (Special) |
| 230 | 1962 budget adopted (Special) |

| Ordinance Number | Disposition |
|---|---|
| 231 | Peddlers; repeals Ord. 158 (5.20) |
| 232 | Property sale (Special) |
| 233 | 1963 budget adopted (Special) |
| 234 | Weed removal (Repealed by 504) |
| 235 | 1964 budget adopted (Special) |
| 236 | Model traffic ordinance (Not codified) |
| 237 | (Number not used) |
| 238 | 1964 budget adopted (Special) |
| 239 | Sidewalk maintenance (12.08) |
| 240 | Adds subsection O to §1 of Ord. 220, zoning (18.08) |
| 241 | 1965 budget adopted (Special) |
| 242 | Entering property without permission (9.28) |
| 243 | Abandoned vehicles (10.20) |
| 244 | Moving buildings (13.24) |
| 245 | Coin-operated inflammable liquid dispensers (Repealed by 307) |
| 246 | 1966 budget adopted (Special) |
| 247 | General improvement district budget (Special) |
| 248 | Rezone (Special) |
| 249 | Model traffic ordinance adopted (Not codified) |
| 250 | 1967 budget adopted (Special) |
| 251 | General improvement district budget (Special) |
| 252 | Adds §8a and amends §8IB of Ord. 220, zoning (18.20, 18.32) |

| Ordinance Number | Disposition |
|---|---|
| 253 | Burial regulations (8.04) |
| 254 | Rezone (Special) |
| 255 | Property sale (Special) |
| 256 | 1968 budget adopted (Special) |
| 257 | General improvement district budget (Special) |
| 258 | Rezone (Special) |
| 259 | Rezone (Special) |
| 260 | 1969 budget adopted (Special) |
| 261 | General improvement district budget (Special) |
| 262 | Cable television franchise (Special) |
| 263 | Property sale (Special) |
| 264 | Injuring public property (9.28) |
| 265 | Dogs running at large (6.04) |
| 266 | 1970 budget adopted (Special) |
| 267 | General improvement district budget (Special) |
| 268 | Building codes adopted (15.04) |
| 269 | Alley vacation (Special) |
| 270 | Annexation (Special) |
| 271 | Annexation (Special) |
| 272 | Misdemeanor offenses; repeals Ords. 6, 7, 8, 33, 39, 46, 97, 132, 176 and 180 (8.48, 8.52 8.56, 9.04, 9.12, 9.16, 9.24, 9.28, 9.40, 9.44) |
| 273 | 1971 budget adopted (Special) |
| 274 | General improvement district budget (Special) |
| 275 | Street vacation (Special) |
| 276 | Adds subsection P to §5 of Ord. 220, zoning (18.08) |
| 277 | Amends §2 of Ord. 244, moving buildings (13.24) |
| 278 | Utility occupation tax (Repealed by 320) |
| 279 | (Missing) |
| 280 | Annexation (Special) |
| 281 | (Not adopted) |
| 282 | 1972 budget adopted (Special) |
| 283 | General improvement district budget (Special) |
| 284 | Model traffic code adopted (Not codified) |
| 285 | 1973 budget (Special) |
| 286 | General improvement district budget (Special) |
| 287 | Northeastern Colorado Council of Governments (2.40) |
| 288 | Alley vacation (Special) |
| 289 | Annexation (Special) |
| 289-1 | 1974 budget adopted (Special) |
| 290 | General improvement district budget (Special) |
| 291 | Model traffic ordinance adopted (Not codified) |
| 292 | Industrial park zoning (18.48--18.76) |
| 293 | Destruction of dogs deemed nuisance (6.08) |
| 294 | 1975 budget adopted (Special) |
| 295 | Street vacation (Special) |

| Ordinance Number | Disposition |
|---|---|
| 296 | Annexation (Special) |
| 297 | Model traffic ordinance adopted (Not codified) |
| 298 | Zoning annexed property (Special) |
| 299 | Annexation (Special) |
| 300 | Zoning annexed property (Special) |
| 301 | Property vacation (Special) |
| 302 | Rezone (Special) |
| 303 | Cable television franchise (Special) |
| 304 | 1976 budget adopted (Special) |
| 305 | Annexation (Special) |
| 306 | Zoning annexed property (Special) |
| 307 | Repeals Ord. 245 (Repealer) |
| 308 | Aviation fuel excise tax (Expired) |
| 309 | Rezone (Special) |
| 310 | Charter election (Special) |
| 311 | Rezone (Special) |
| 312 | Sewer and water bonds (Special) |
| 313 | 1977 budget adopted (Special) |
| 314 | Annexation (Special) |
| 315 | Rezone (Special) |
| 316 | Zoning annexed property (Special) |
| 317 | Dissolves general improvement district (Special) |
| 318 | Enforcement of industrial park zoning (18.76) |
| 319 | Annexation procedure (2.36) |
| 320 | Telephone utility occupation tax (3.12) |
| 321 | Curfew for minors (9.36) |
| 322 | Sewer and water refunding bonds (Special) |
| 323 | Amends Ord. 296, annexation (Special) |
| 324 | Rezone (Special) |
| 325 | Annexation (Special) |
| 326 | 1978 budget adopted (Special) |
| 327 | (Not adopted) |
| 328 | Annexation (Special) |
| 329 | Zoning annexed property (Special) |
| 330 | Model traffic ordinance adopted (10.04) |
| 331 | Annexation (Special) |
| 332 | Energy conservation code adopted (15.16) |
| 333 | Sales and use tax (3.08) |
| 334 | 1979 budget adopted (Special) |
| 335 | Venomous reptiles (6.24) |
| 336 | Shoplifting (9.32) |
| 337 | Street vacation (Special) |
| 338 | Amends energy conservation code (15.16) |
| 339 | Department of public health and safety (2.24) |
| 340 | Littering (8.40) |
| 341 | Street vacation (Special) |
| 342 | Annexation (Special) |
| 343 | 1980 budget adopted (Special) |

| Ordinance Number | Disposition |
|---|---|
| 344 | Annexation (Special) |
| 345 | Annexation (Special) |
| 346 | Cable television franchise (Special) |
| 347 | Alley vacation (Special) |
| 348 | 1981 budget adoption (Special) |
| 349 | General improvement district (Special) |
| 350 | General improvement district (Special) |
| 351 | Aviation fuel excise tax (Expired) |
| 352 | General improvement bond issuance (Special) |
| 353 | Street vacation (Special) |
| 354 | Amends Ord. 272, misdemeanor offenses (8.48, 8.52, 9.04, 9.16, 9.24, 9.28, 9.40, 9.44) |
| 355 | Annexation (Special) |
| 356 | Affidavit of intent for write-in candidates (2.32) |
| 357 | 1982 budget adopted (Special) |
| 358 | Curb and gutter construction assessments (Special) |
| 359 | Annexation (Special) |
| 360 | Annexation (Special) |
| 361 | Building permits (15.08) |
| 362 | Short-term borrowing authorized (Special) |
| 363 | Levying of gutter and curb construction assessments (Special) |
| 364 | Annexation (Special) |
| 365 | Annexation (Special) |
| 366 | Annexation (Special) |
| 367 | Regulations controlling parking of oversized and commercial vehicles (10.24) |
| 368 | Petty theft (9.28) |
| 369 | Budget adoption (Special) |
| 370 | Acceptance of dedication of described land for public use (Special) |
| 371 | Amends Ord. 367, parking of oversized and commercial vehicles (10.24) |
| 372 | Street vacation (Special) |
| 373 | Budget adoption (Special) |
| 374 | Emergency response to hazardous substance incidents (8.60) |
| 375 | Street vacation (Special) |
| 376 | Alley vacation (Special) |
| 377 | Budget adoption (Special) |
| 378 | Flood damage prevention (13.16) |
| 379 | Annexation (Special) |
| 380 | Annexation (Special) |

| Ordinance Number | Disposition |
|---|---|
| 381 | Annexation (Special) |
| 382 | Charter amendment (Charter) |
| 383 | 1986 budget adopted (Special) |
| 384 | Lease purchase agreement (Special) |
| 385 | Aviation fuel excise tax (Expired) |
| 386 | 1987 budget adopted (Special) |
| 387 | Lease purchase agreement (Special) |
| 388 | Lease purchase agreement (Special) |
| 389 | Cable television franchise (Special) |
| 390 | Cruelty to animals (9.16) |
| 391 | 1988 budget adopted (Special) |
| 392 | 1988 budget adopted (Special) |
| 393 | Dogs (6.04, 6.06) |
| 394 | 1987 budget amended (Special) |
| 395 | Lease purchase agreement (Special) |
| 396 | Lease purchase agreement (Special) |
| 397 | Intoxicating liquor (9.20) |
| 398 | Alley vacation (Special) |
| 399 | Street vacation (Special) |
| 400 | 1989 budget adopted (Special) |
| 401 | 1989 budget adopted (Special) |
| 402 | Cross connection control (15.28) |
| 403 | 1988 budget amendment (Special) |
| 404 | Flood damage prevention (13.16) |
| 405 | 1990 budget adopted (Special) |
| 406 | 1990 budget adopted (Special) |
| 407 | Street vacation (Special) |
| 408 | Lease purchase agreement (Special) |
| 409 | Amends Ord. 404, flood damage prevention (13.16) |

| Ordinance Number | Disposition |
|---|---|
| 410 | Amends Ord. 397, intoxicating liquor (9.20) |
| 411 | Trespassing on city property (9.28) |
| 412 | 1991 budget adopted (Special) |
| 413 | 1991 budget adopted (Special) |
| 414 | Intergovernmental agreement creating emergency telephone service authority (Special) |
| 415 | (Not passed) |
| 416 | Annexation (Repealed by 421) |
| 417 | Annexation (Repealed by 421) |
| 418 | 1992 budget adopted (Special) |
| 419 | 1992 budget adopted (Special) |
| 420 | Franchise grant (Special) |
| 421 | Repeals Ords. 416 and 417 (Repealer) |
| 422 | Unclaimed property (18.34) |
| 423 | Sewer revenue bond (Special) |
| 424 | 1993 budget adopted (Special) |
| 425 | 1993 budget adopted (Special) |
| 426 | Municipal court of record (2.14) |
| 427 | Trees (8.64) |
| 428 | 1994 budget adopted (Special) |
| 429 | 1994 budget adopted (Special) |
| 430 | Aviation fuel tax (3.04) |
| 431 | Street vacation (Special) |
| 432 | Street vacation (Special) |
| 433 | 1995 budget (Special) |
| 434 | 1995 budget (Special) |
| 435 | Street vacation (Special) |
| 436 | Street vacation (Special) |
| 437 | Street vacation (Special) |
| 438 | Mobile homes and travel trailers (15.32) |
| 439 | 1996 budget (Special) |
| 440 | 1996 budget (Special) |
| 441 | Annexation (Special) |
| 442 | Traffic code (10.04) |
| 443 | Drug-free workplace regulations (2.44) |
| 444 | 1997 budget (Special) |
| 445 | At-will employment status (2.02) |
| 446 | Annexation (Special) |
| 447 | Annexation (Special) |
| 448 | Extension of one percent sales and use tax (Special) |
| 449 | 1998 budget (3.08) |

| Ordinance Number | Disposition |
|---|---|
| 450 | Approves lease purchase of real property (Special) |
| 451 | Prohibits garbage, junk, litter, abandoned or junked vehicles nuisance (8.70) |
| 452 | Prohibits killing and dressing out of domestic animals (6.28) |
| 453 | Annexation (Special) |
| 454 | 1999 budget (Special) |
| 455 | Amends §§ 2.36.060, 2.36.090 and 2.36.120, territorial annexations (2.36) |
| 456 | Approves lease purchase agreement for vehicle (Special) |
| 457 | Authorizes sale of real property (Special) |
| 458 | Authorizes sale of real property (Special) |
| 459 | Annexation (Special) |
| 460 | 2000 budget (Special) |
| 461 | Repeals and replaces Ord. 430, aviation fuel tax (3.04) |
| 462 | Amends Ord. 220, zoning (18.04) |
| 463 | Lease purchase agreement (Special) |
| 464 | Lease purchase agreement (Special) |
| 465 | 2001 budget (Special) |
| 466 | Street vacation (Special) |
| 467 | Sale of property (Special) |
| 468 | Sale of property (Special) |
| 469 | Territory annexation (Special) |
| 470 | Lease purchase agreement (Special) |
| 471 | Amends Ord. 393, dogs (6.04, 6.06) |
| 472 | Lease purchase agreement (Special) |
| 473 | Prohibits animal waste dumping and dynamic braking (6.32, 10.28) |
| 474 | Sale of property (Special) |
| 475 | Repeals Ord. 182, trash burning, and adds § 8.24, open fires (8.24) |
| 476 | Sale of property (Special) |
| 477 | 2002 budget (Special) |
| 478 | Amends Ord. 221, building permits and Ord. 361, building permits (15.08) |
| 479 | Amends Ord. 340, littering (8.40) |
| 480 | Temporary tax increase (Special) |

| Ordinance Number | Disposition |
|---|---|
| 481 | (Not passed) |
| 482 | Lease purchase agreement (Special) |
| 483 | Sales and use tax revenue pool bonds (Special) |
| 484 | Repeals §10.08.090, parking (10.08) |
| 485 | Lease purchase agreement (Special) |
| 486 | Annexation (Special) |
| 487 | Annexation (Special) |
| 488 | Authorizes sale of real property (Special) |
| 489 | (Not passed) |
| 490 | Urination/defecation in public (9.16) |
| 491 | (Not passed) |
| 492 | Amends §9.16.010, offenses against public decency (9.16) |
| 493 | Lease purchase agreement (Special) |
| 494 | Issuance of a bad check (9.48) |
| 495 | Nominations for elective office (2.32) |
| 496 | Compensation of elected officials (Special) |
| 497 | 2004 budget adopted (Special) |
| 498 | Model Traffic Code adopted (10.04) |
| 499 | Lease purchase agreement (Special) |
| 500 | Annexation (Special) |
| 501 | Annexation (Special) |
| 502 | Adds Ch. 6.03, vicious dogs (6.03) |
| 503 | Adds Ch. 13.20, nondomestic pretreatment (13.20) |
| 504 | Repeals and replaces Ch. 8.08, noxious weeds and weed abatement (8.08) |
| 505 | 2005 budget adopted (Special) |
| 506 | Adds §10.12.020; amends §9.28.010, motorized vehicles (9.28, 10.12) |
| 507 | Adds §10.12.030; amends §10.24.0505 [10.24.050], vehicles and tractor trailers (10.12, 10.24) |

| Ordinance Number | Disposition |
|---|---|
| 508 | Amends Ch. 3.04, aviation fuel excise tax (3.04) |
| 509 | Lease purchase agreement (Special) |
| 510 | Authorizes sale of real property (Special) |
| 511 | 2006 budget adopted (Special) |
| 512 | Amends § 9.24.080; repeals §§ 9.16.040--9.16.060, 9.16.080 and 9.40.010--9.40 . 040, offenses against public peace (9.24) |
| 513 | Dangerous dogs; repeals §§ 6.02.010 and 6.03.010--6.03.130 (6.36) |
| 514 | Annexat ion (Special) |
| 515 | Lease purchase agreement (Special) |
| 516 | (Pending) |
| 517 | 2007 budget adopted (Special) |
| 518 | (Withdrawn) |
| 519 | Street vacation (Special) |
| 520 | Lease purchase agreement (Special) |
| 521 | Lease purchase agreement (Special) |
| 522 | Lease purchase agreement (Special) |
| 523 | Annexation (Special) |
| 524 | Annexation (Special) |
| 525 | Annexation (Special) |
| 526 | Annexation (Special) |
| 527 | Lease purchase agreement (Special) |
| 528 | Adds Ch. 10.29, off-road unlicensed vehicles (10.29) |
| 529 | Annexation (Special) |
| 530 | Lease purchase agreement (Special) |

Beginning with Supplement No. 4, this table will be replaced with the "Code Comparative Table and Disposition List."

## CODE COMPARATIVE TABLE AND DISPOSITION LIST

This is a chronological listing of the ordinances of Wray, Colorado beginning with Supplement No. 4, included in this Code.

| Ordinance Number | Date | Description | Section | Section this Code |
|---|---|---|---|---|
| 531 | 12-11-2007 | Adopting the 2008 Budget | | Not codified |
| 532 | 11-13-2007 | Approving a lease agreement | | Not codified |
| 533 | 12-11-2007 | Approving a lease agreement | | Not codified |
| 534 | 4- 8-2008 | Annexation | | Not codified |
| 535 | 5-13-2008 | Authorizing sale of real property | | Not codified |
| 536 | 6-10-2008 | Adopting provisions authorizing alcoholic beverage tastings for licensed retail liquor stores | 1 Added | 5.26.010 |
| 537 | 7- 8-2008 | Adopting 2003 International Energy Conservation Code by reference | 1, 2 Added | 15.50.010 |
| 538 | 9- 9-2008 | Annexation | | Not codified |
| 539 | 9- 9-2008 | Authorizing sale of real property | | Not codified |
| 540 | 12- 9-2008 | Adopting 2009 Budget | | Not codified |
| 541 | 12- 9-2008 | Annexation | | Not codified |
| 542 | 5-12-2009 | Adopting an ordinance prohibiting shipping containers and/or trailers for storage purposes | 1 Added | 18.40.060 |

STATUTORY REFERENCES
FOR
COLORADO CITIES AND TOWNS

The statutory references listed below refer the code user to state statutes applicable to Colorado cities and towns. They are up to date through July, 2009.

**General Provisions**

Classification of municipalities
CRS § 31-1-201 et seq.

Municipal home rule
Const. Art. XX and CRS § 31-2-201 et seq.

Ordinances generally
CRS §§ 31-15-103 and 31-16-101 et seq.

Codification of ordinances
CRS § 31-16-201 et seq.

Penalties for ordinance violations
CRS § 31-16-101

Vesting of municipal powers
CRS § 31-15-101 et seq.

Jails
CRS § 31-15-401(1)(j) and (1)(k)

Municipal Election Code
CRS § 31-10-101 et seq.

Fair Campaign Practices Act
CRS § 1-45-101 et seq.

Municipal initiatives, referenda, and referred measures
CRS § 31-11-101 et seq.

**Administration and Personnel**

Organizational structure and officers of statutory cities
CRS § 31-4-101 et seq.

City council-city manager form of government
CRS § 31-4-201 et seq.

Organizational structure and officers of statutory towns
CRS § 31-4-301 et seq.

Requirements and compensation of officers
CRS § 31-4-401 et seq.

Officers' recall
CRS § 31-4-501 et seq.

Treasurer
CRS § 31-20-301 et seq.

Municipal courts
CRS § 13-10-101 et seq.

General administrative powers
CRS § 31-15-201

Fire, police and street departments
CRS §§ 31-30-101 et seq., and 29-5-101 et seq.

Colorado Disaster Emergency Act of 1992
CRS § 24-32-2101 et seq.

Board of health
CRS § 31-15-201(1)(c)
Housing authority
CRS § 29-4-201 et seq.
Planning commission
CRS § 31-23-201 et seq.
Public meetings
CRS § 24-6-401 et seq.
Civil service
CRS § 31-30-101 et seq.

**Revenue and Finance**

General financial powers
CRS §§ 31-15-301, 31-15-302, 31-15-901 and
Fiscal procedures
CRS §§ 31-20-201, 31-20-202
Warrants
CRS § 31-20-401 et seq.
Budget and services
CRS § 29-1-101 et seq.
Local Government Uniform Accounting Law
CRS § 29-1-501 et seq.
Sales or use tax
CRS § 29-2-101 et seq.
Property tax
CRS § 31-20-101 et seq.
County and Municipality Development Revenue Bond Act
CRS § 29-3-101 et seq.
Bonds
CRS § 31-21-101 et seq.
Contracts for public improvements
CRS § 31-15-712
Rental and leasehold agreements
CRS § 31-15-801
Purchasing
CRS § 31-15-201(1)(e)
Improvement districts in municipalities
CRS §§ 31-25-500.2 et seq. and 31-25-601 et seq.

**Business Taxes, Licenses and Regulations**

Regulation of businesses
CRS § 31-15-501
Fermented malt beverages
CRS § 12-46-101 et seq.
Adult businesses
CRS § 31-15-401(1)(p)
Alcoholic beverages
CRS § 12-47-101 et seq.
Pawnbrokers
CRS § 31-15-401(1)(n) and CRS § 12-56-101 et seq.

**Animals**

Authority to regulate and control animals
CRS §§ 31-15-401(1)(i) and 31-15-401(1)(m)

**Health and Safety**

Authority to do all acts to promote the public health
CRS § 31-15-401(1)(b)
Building and fire regulations
CRS § 31-15-601
Authority to declare and abate nuisances
CRS § 31-15-401(1)(c)
Noxious weeds
CRS § 31-15-401(1)(d)

Colorado Clean Indoor Air Act
CRS § 25-14-201 et seq.

Fireworks
CRS §§ 31-15-601(1)(j) and 12-28-101 et seq.

Hazardous substance incidents
CRS § 29-22-101 et seq.

Sanitary standards for jails
CRS § 31-15-711.5

**Public Peace, Morals and Welfare**

State criminal code
CRS title 18

Police powers of municipalities
CRS § 31-15-401

Gambling
CRS § 31-15-401(1)(o)

Firearms and weapons
CRS § 18-12-101 et seq.

Local ordinances on firearms in vehicles
CRS § 18-12-105.6

**Vehicles and Traffic**

Vehicles and traffic generally
CRS title 42

Municipal authority to regulate traffic
CRS § 42-4-103 et seq.

Driving while intoxicated
CRS § 42-4-1300.3 et seq.

Automated vehicle identification systems
CRS § 42-4-110.5

**Streets, Sidewalks and Other Public Places**

Streets and alleys
CRS § 31-15-702 et seq.

Public works
CRS § 31-15-711 et seq.

Establishment of parks in cities
CRS § 31-25-201 et seq.

Establishment of parks in towns
CRS § 31-25-301 et seq.

Urban renewal
CRS § 31-25-101 et seq.

Public Mall Act of 1970
CRS § 31-25-401 et seq.

**Public Services**

Municipal utilities
CRS § 31-15-707

Water and water systems
CRS § 31-15-708

Water rights and works
CRS § 31-35-101 et seq.

Sewers and sewer systems
CRS § 31-15-709

Water pollution control
CRS § 31-15-710

Miscellaneous public improvements
CRS § 31-15-711

Solid waste to energy systems
CRS §§ 31-15-1001 et seq.

Cemeteries
CRS § 31-25-701 et seq.

Underground conversion of utilities
CRS § 29-8-101 et seq.

Energy conservation measures
CRS §§ 29-12.5-101 et seq.

**Buildings and Construction**

Building and fire regulations
CRS § 31-15-601

City Housing Law
CRS § 29-4-101 et seq.

**Subdivisions**

Subdivision regulations
CRS § 31-23-212 et seq.

Plats of cities and towns
CRS § 31-23-101 et seq.

**Zoning**

Authority to enact zoning regulations
CRS § 31-23-301 et seq.

**Environmental Protection**

Air pollution control
CRS § 25-7-101 et seq.

Water quality control
CRS § 25-8-101 et seq.

Water and wastewater treatment
CRS § 25-9-101 et seq.

Individual sewage disposal systems act
CRS § 25-10-101 et seq.

Radiation control
CRS § 25-11-101 et seq.

Noise abatement
CRS § 25-12-101 et seq.

Recreation land preservation
CRS § 25-13-101 et seq.

# Title 1

## GENERAL PROVISIONS

Chapters:

1.01 Code Adoption
1.04 General Provisions
1.08 Ordinance Adoption

## Chapter 1.01

## CODE ADOPTION

(RESERVED)

## Chapter 1.04

## GENERAL PROVISIONS

(RESERVED)

## Chapter 1.08

## ORDINANCE ADOPTION

Sections:

1.08.010 Layover until subsequent meeting.
1.08.020 Repeal or modification.
1.08.030 Keeping of journal.
1.08.040 Recording and publication.
1.08.050 Calling and recording vote.

1.08.010 Layover until subsequent meeting. Every ordinance or resolution in the nature of an ordinance or amendment, or repeal of an ordinance, shall lay over until a subsequent regular meeting unless the rules are suspended by a two-thirds vote of the members present. (Ord. 5 §1, July 9, 1907)

1.08.020 Repeal or modification. Whenever an ordinance or part thereof is repealed or modified by a subsequent ordinance, the ordinance or part thereof thus repealed or modified, shall continue in full force until the application of the ordinance repealing or modifying the same. But no suit, proceeding, right, fine or penalty instituted, created, given, accrued or secured under any ordinance previous to its repeal shall in any wise be affected, released or discharged by such repeal or modification. (Ord. 5 §2, July 9, 1907)

1.08.030 Keeping of journal. The recorder or clerk of the city is forbidden to mar or deface the journal of proceedings of the city council, or the book kept for the purpose of recording the ordinances, by pasting in either of those books any printed or written slips of paper, and all the proceedings of the city council, and the record of the ordinances as adopted by the council, shall be kept by the clerk or recorder extended at length in writing and be diligently compared with the originals, and under no circumstances shall the clerk or recorder allow either of the books to go from his keeping. (Ord. 5 §3, July 9, 1907)

1.08.040 Recording and publication. All ordinances shall as soon as may be after their passage, be recorded in

the book of ordinances, and be authenticated by the signature of the mayor, or the presiding officer of the city council, and the clerk shall cause the same to be published in some newspaper of general circulation within the city, and such ordinances shall be in full force and effect after the expiration of ten days from such publication. (Ord. 5 §4, July 9, 1907)

1.08.050 Calling and recording vote. On the passage or adoption of every bylaw or ordinance, and every resolution to enter into a contract, by the city council, the yeas and nays shall be called and recorded. (Ord. 5 §5, July 9, 1907)

# Title 2

## ADMINISTRATION AND PERSONNEL

Chapters:

2.02 Employees Generally
2.04 City Attorney
2.08 Chief of Police
2.12 Police Magistrate
2.14 Municipal Court of Record
2.16 Recorder
2.20 Treasurer
2.24 Department of Public Health and Safety
2.28 Board of Public Welfare
2.32 Nominations for Elective Office
2.36 Annexation
2.40 Northeastern Colorado Council of Governments
2.44 Drug-Free Workplace Regulations

## Chapter 2.02

## EMPLOYEES GENERALLY

Sections:

2.02.010 At-will employment status.

2.02.010 At-will employment status. A. All employees of the city historically have been and are "employees at will" as defined by Colorado law;

B. No employee may rely upon any oral representation or employee handbook or manual to assert that such an employee is not an employe at will;

C. All employees of the city shall be deemed employees at will;

D. The city council, by majority vote, may authorize the city manager to enter into written employment agreements which alter the employment status of the employee under the written employment contract. Such written contract shall be subject to final approval of the city council before such contract goes into effect. (Ord. 445 §§1--4, 1997)

## Chapter 2.04

## CITY ATTORNEY

Sections:

2.04.010 General duties--Compensation.
2.04.020 Prosecution for or defense of city.

2.04.010 General duties--Compensation. After the effective date of the ordinance codified in this chapter, the city attorney shall only be required to advise the city council, and draw up such ordinances, resolutions, contracts or leases as are required of him by the council from time to time, and for his services as described in this section, shall receive a compensation of one hundred dollars per year. (Ord. 26(part), 1907)

2.04.020 Prosecution for or defense of city. The city attorney shall be, by virtue of his office, the legal counsel of the city, and if he is required as such counsel to appear and prosecute or defend in behalf of the city or any of its officers in their official capacity, he shall receive a reasonable compensation in addition to the one hundred dollars per year for the services described in Section 2.04.010. (Ord. 26(part), 1907)

## Chapter 2.08

## CHIEF OF POLICE

Sections:

2.08.010 Duties.
2.08.020 Deputies.

2.08.010 Duties. The chief of police shall be the principal ministerial officer of the city and shall have the same powers that constables have by law coextensive with the county in all cases of violation of the city's ordinances, and for offenses committed within the limits of the city. He shall execute the process of the police magistrate of the city, attend the court of the police magistrate, and perform all duties required thereat as are required of a constable by law before justices of the peace applicable to the police magistrate. He shall receive for his services the same fees allowed to constables in similar cases, and such other fees as may be fixed by ordinances of the city. (Ord. 14 §1, 1907)

2.08.020 Deputies. The mayor of the city shall have the power to appoint and deputize as many officers in and for the city as he deems necessary to preserve and maintain the peace and quietude of the city, and necessary to enforce the ordinances of the city. Such officers, when so deputized, shall be as fully clothed, with all of the powers, prerogatives and duties of the chief of police referred to in Section 2.08.010, and shall receive for their services two dollars per diem while in the actual service of the city. (Ord. 14 §2, 1907)

## Chapter 2.12

## POLICE MAGISTRATE

Sections:

2.12.010 Qualifications--Duties.

2.12.010 Qualifications--Duties. The police magistrate of the city shall be a resident within the city, and an elector thereof, and he shall have jurisdiction within the territorial limits of the city of Wray, Yuma County, Colorado, of all cases arising under the ordinances of the city, and his powers, compensation, manner of proceedings and fees shall be the same as justices of the peace of the county of Yuma, in similar cases. (Ord. 15 §1, 1907)

# Chapter 2.14

## MUNICIPAL COURT OF RECORD

Sections:

2.14.010 Court of record.
2.14.020 Jurisdiction.
2.14.030 Powers and procedures.
2.14.040 Municipal judge--Appointment--Oath.
2.14.050 Qualifications of municipal judge.
2.14.060 Court clerk.
2.14.070 Fines and penalties.
2.14.080 Record of proceedings.
2.14.090 Salaries of municipal judges.

2.14.010 Court of record. The municipal court of record for the city is created pursuant to the provisions of Article 10, Title 13, CRS, 1973, as amended. (Ord. 426 §1.01, 1993)

2.14.020 Jurisdiction. The municipal court of the city shall hear and try all alleged violations of ordinance provisions of the city. (Ord. 426 §1.02, 1993)

2.14.030 Powers and procedures. The municipal judge shall have all judicial powers relating to the operation of the court, subject to any rules of procedure governing the operation and conduct of municipal courts promulgated by the Colorado Supreme Court and state statute. 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. 426 §1.03, 1993)

2.14.040 Municipal judge--Appointment--Oath. Pursuant to Home Rule Charter, the city council will annually appoint the city judge and shall annually set the compensation the judge is to receive. The appointment and setting of compensation shall be by motion and vote of the council. (Ord. 426 §1.04, 1993)

2.14.050 Qualifications of municipal judge. A. A municipal judge shall have the same qualifications as a county judge in a Class D county, as set forth in CRS 13-6-203(3).

B. Preference shall be given by the municipal governing body, when possible, to the appointment of a municipal judge who is licensed to practice law in Colorado. The judge may be a nonresident of the city.

C. Before assuming the duties of his office, the municipal judge shall make an oath or affirmation to sup-

port and uphold the Constitutions of the United States and the state of Colorado and the ordinances of the city and that he or she will faithfully perform the duties of the office. (Ord. 426 §1.05.1--1.05.3, 1993)

2.14.060 Court clerk. A. The position of court clerk of the municipal court is established and shall be appointed by the presiding municipal judge and shall have such duties as are delegated by the municipal judge, by law or by court rule. The clerk's salary shall be provided for in the same manner as the salary for the municipal judge. The clerk shall give a performance bond in such amount as may be set by the board of trustees.

B. Notwithstanding the foregoing, the municipal judge shall serve as ex officio clerk of the court until such time as the city council determines that the business of the court is sufficient to warrant a separate full-time or part-time clerk. The judge shall receive no additional compensation for being ex officio clerk of the court. At such time as a court clerk is appointed, the salary shall be set by vote of the city council. (Ord. 426 §1.06--1.06.1, 1993)

2.14.070 Fines and penalties. Any person convicted of violating a municipal ordinance of the city may be assessed fines and penalties as are allowed by law in a municipal court of record. Any fine or penalty that is in an amount more than is allowed in a municipal court which is not of record, shall be set forth with specificity in the ordinance under which the charge is filed. The fines and penalties set forth in CRS 13-10-113 are incorporated herein by reference.

B. All deferred sentences shall follow the procedures set forth in CRS 16-7-403.

C. All fines and costs collected or received by municipal court shall be reported and paid monthly to the city treasurer and deposited in the general fund. (Ord. 426 §1.07--1.07.1, 1993)

2.14.080 Record of proceedings. A verbatim record of the proceedings and evidence at trial shall be kept by either electronic device or stenographic means. In addition, the clerk shall keep a record of all cases tried or determined by the court. (Ord. 426 §1.08, 1993)

2.14.090 Salaries of municipal judges. The salary of the municipal judge shall be set by the city council by motion and vote. Such salary set shall be a fixed annual compensation payable on a monthly basis. The city council shall fix the salary at such time as the appointment of the judge is made pursuant to the Home Rule Charter of the city. (Ord. 426 §1.09, 1993)

# Chapter 2.16

## RECORDER

Sections:

2.16.010 Council clerk--Keeper of city seal and records.
2.16.020 Accounting duties.
2.16.030 Charging items to appropriations.
2.16.040 Destruction of paid warrants.
2.16.050 Compensation.
2.16.060 Administration of oaths.

2.16.010 Council clerk--Keeper of city seal and records. A. The city recorder shall be the clerk of the corporation, and shall attend all meetings of the city council, and make a fair and accurate record of all the proceedings, rules and ordinances made and passed by the city council.

B. The city recorder shall be the keeper of the city seal, and affix the same to all instruments and papers which are by law or city ordinances required to be attested by the seal.

C. The city recorder shall have the custody of and shall safely keep all public records, documents, ordinances, resolutions, and orders of the city council, and such other papers and documents as may be delivered into his custody. (Ord. 13 §1, 1907)

2.16.020 Accounting duties. A. The city recorder shall keep a correct account between the city and the city treasurer, by charging him with all sums received by him as exhibited to the city recorder in his duplicate receipts, and crediting him with all moneys paid out by him by order of the city council, and he shall allow the city treasurer such other credits as he may be entitled to by law and the ordinances of the city. He shall countersign all warrants drawn on the treasurer, and deliver the same when called for, taking a receipt therefor.

B. The recorder, generally, shall do and perform such other duties as may from time to time be enjoined upon him by ordinance or resolution of the city council.

C. It shall be the duty of the recorder, at the close of the fiscal year, to make out and lay before the city council a full and explicit statement of the receipts and expenditures, and all the fiscal affairs during the year. Such fiscal year shall commence on the first day of May of each year, and end on the last day of the next succeeding April. (Ord. 13 §2, 1907)

2.16.030 Charging items to appropriations. It shall be the duty of the recorder to keep an accurate account, charging each item to its proper appropriation as set forth in any annual appropriation ordinance, and to keep such accounts in such a manner that he may be enabled at any meeting of the city council to report the credits on his books to any appropriations. (Ord. 13 §3, 1907)

2.16.040 Destruction of paid warrants. It shall be the duty of the mayor and recorder, in the presence of the finance committee, each month to burn and destroy all town warrants which have been paid and cancelled sixty days prior thereto. (Ord. 13 §4, 1907)

2.16.050 Compensation. The recorder shall, after and from the first day of May, 1908, receive for his services the sum of seventy-five dollars per year and shall do all recording and attend all meetings of the city council. That amount shall be paid as follows: quarterly. (Ord. 36, 1908: Ord. 13 §5, 1907)

2.16.060 Administration of oaths. The mayor and recorder are hereby empowered and authorized to administer all official oaths or affirmations required by the statutes of the state of Colorado and the ordinances of the city, and all other oaths and affirmations required to be administered in the transaction of the duties of his office or the official proceedings of the city council. (Ord. 13 §6, 1907)

## Chapter 2.20

## TREASURER

Sections:

2.20.010 Keeping of accounts.
2.20.020 Payment of warrants.
2.20.030 Registration of warrants.
2.20.040 Redemption of registered warrants.
2.20.050 Annual report.

2.20.010 Keeping of accounts. It shall be the duty of the treasurer from time to time to take under his charge, and keep a true and accurate account of all money belonging to the city, stating from whom and upon what account

received, and he shall give two receipts to the person from whom the same is received, one of which receipts the person shall present to the city recorder, and in no case shall any officer of the city or any other person be released from the responsibility to the city for any money to the city belonging, in his possession, until he delivers to the recorder the treasurer's receipt therefor. (Ord. 16 §1, 1907)

2.20.020 Payment of warrants. The treasurer shall pay from the city treasury such sums of money as the city council orders, and the warrants therefor shall be signed by the mayor or the presiding officer of the council, and countersigned by the recorder, and shall state for what purpose the money is appropriated. The treasurer shall keep the funds of each account separate and distinct from each other, charging the funds with all payments and crediting it with all moneys received on account thereof, and upon all warrants payable out of any particular fund, there shall be legibly written the name of the fund out of which they are payable. (Ord. 16 §2, 1907)

2.20.030 Registration of warrants. When any city warrant is presented for payment to the city treasurer, and there are no funds in his hands to pay the same, he shall register such a warrant in a book to be kept by him for that purpose, wherein he shall state the date, number and amount of such warrant, and the name of the person to whom such warrant is payable, together with the time and date of such presentation, and the warrant shall bear interest at the rate of six percent per year from the date of presentation. He shall also endorse on the face of all warrants so presented the time and date of such registry. (Ord. 16 §3, 1907)

2.20.040 Redemption of registered warrants. Whenever the treasurer receives any warrants which have been registered as provided in this chapter, and whenever he pays any such warrant, he shall enter the payment of the same in the registry opposite the record of the warrant, and also enter in a separate column in such registry the amount of interest paid on such warrant. (Ord. 16 §4, 1907)

2.20.050 Annual report. The city treasurer shall at the close of each fiscal year, and oftener if required, make out and deliver to the recorder a full and complete report of all of his actions during the preceding year, stating the amount of money received and from whom received, and for what purpose received, and exhibiting all credits allowed by law and ordinances of the city, and he shall do and perform such other duties as may be required of him by ordinance, resolution or order of the city council. (Ord. 16 §5, 1907)

## Chapter 2.24

## DEPARTMENT OF PUBLIC HEALTH AND SAFETY

Sections:

2.24.010 Responsibilities.
2.24.020 Appointment of director.
2.24.030 Duties of director.
2.24.040 Benefits of director.
2.24.050 Job description for director.

2.24.010 Responsibilities. The department of public health and safety will be responsible for all ambulance, police and radio personnel and operations thereof of the city of Wray. (Ord. 339(part), 1979)

2.24.020 Appointment of director. The director of the department will be appointed by the city council. (Ord. 339(part), 1979)

2.24.030 Duties of director. The director will develop or revise departmental operating procedures and maintain department discipline and standards of officers and civilian employees. He will exercise the supervision over all department personnel directly or through subordinate officers and will have the power to remove or suspend and hire employees of this department. (Ord. 339(part), 1979)

2.24.040 Benefits of director. The city will provide the director with the same benefits as provided for other city employees in the Wray Personnel Rules and Regulations. (Ord. 339(part), 1979)

2.24.050 Job description for director. A job description will be adopted in the form of a resolution and be on file in the city clerk's office in the city. (Ord. 339 (part), 1979)

## Chapter 2.28

## BOARD OF PUBLIC WELFARE

Sections:

2.28.010 Established--Composition.
2.28.020 Terms--Quorum--Organization--Police commission.
2.28.030 Playground and playfield supervision.

2.28.040 Amusements and entertainments--Enforcement of laws--Rulemaking.
2.28.050 Amusements and entertainments--Right of entry.
2.28.060 Moral-nuisance and tobacco enforcement.
2.28.070 Suppression of vagrancy and begging.
2.28.080 Investigation of solicitors of charity.
2.28.090 Study of sociopathology.
2.28.100 Election--Vacancies.

2.28.010 Established--Composition. There is created a board of public welfare for the city of Wray, which board shall consist of five citizens, two of whom shall be women, who shall be elected by the mayor and city council in the manner provided for in this chapter. The members of the board shall receive no pay or compensation for services rendered as members of the board of public welfare. (Ord. 73 §1, 1922)

2.28.020 Terms--Quorum--Organization--Police commission. A. The members of the board of public welfare shall hold office for the term of five years, excepting that two members of the first board shall be elected for one year; two for three years and one for five years, respectively; terms to be filled at expiration for the five years.

B. A majority of the board shall constitute a quorum for the transaction of business; provided, however, that no business shall be transacted unless a majority of the total membership of the board concurs therein.

C. The members of the board of public welfare shall meet within ten days after their election and shall organize by selecting from among their members a president and secretary, and shall adopt such bylaws, rules and regulations, not conflicting with the laws of the state or ordinances of the city, as may be proper and necessary to carry out successfully the work it is authorized to do.

D. Any member, or members, of the board, so designated by the board of public welfare, or its officers, shall be, and are commissioned officers with the powers of a police officer of the city, and shall cooperate with the board of education of the city in enforcing attendance at the public schools. (Ord. 73 §2, 1922)

2.28.030 Playground and playfield supervision. The board of public welfare, and its duly qualified officers, shall have power, by and with the consent of the city, to manage all public playgrounds and playfields, and to supervise and care for playgrounds and playfields, and to provide regulations for suitable attire thereon. (Ord. 73 §3, 1922)

2.28.040 Amusements and entertainments--Enforcement of laws--Rulemaking. The board of public welfare, subject to the control of the city, shall have charge of the inspection and supervision of all commercial amusements and entertainments, and shall enforce all laws, ordinances and regulations relating thereto or dealing with commercial amusements and entertainments, and shall investigate and recommend necessary regulations, in relation to and effecting the construction, lighting and sanitary regulations, repair or occupancy of buildings. (Ord. 73 §4, 1922)

2.28.050 Amusements and entertainments--Right of entry. The board of public welfare shall exercise supervision of such places of amusement as are, or may after the adoption of the ordinance codified in this chapter be, provided by or within the city, for the public, without profit. The board shall promote public recreation in every practical manner. Any members of the board and duly appointed officers of the board shall have, on demand, full access to any place, room or building wherein any commercial or public amusement or entertainment is being held, conducted or carried on, in the city. (Ord. 73 §5, 1922)

2.28.060 Moral-nuisance and tobacco enforcement. In all cases of violation of the laws of the state or ordinances of the city, the board of public welfare shall furnish all information of such violations as may come within their knowledge, to the officers of the city and county, and shall render all possible assistance in prosecuting such violations of the law, particularly the prohibitory amendment; also all immoral persons or resorts and nuisances of whatever character, and the laws and ordinances pertaining to the sale and use of tobacco and cigarettes to minors. (Ord. 73 §6, 1922)

2.28.070 Suppression of vagrancy and begging. The board shall be especially charged with the duty of cooperating with the police department and any charity organization of the city in the suppression of vagrancy or professional begging. The unemployed shall at all times have the careful consideration and attention of the board, and employment shall be secured for such persons as far as possible and practical. The board shall proceed against all persons refusing to accept employment so as to eliminate all vagrancy in the town. Desertion and neglect of families shall be carefully inquired into by the board and prevented to the fullest extent authorized by law. (Ord. 73 §7, 1922)

2.28.080 Investigation of solicitors of charity. The board of public welfare shall, from time to time, investigate the efficiency and merit of any organization or individual soliciting funds or property for any charitable purpose,

and may issue a permit or card in such form as the board may adopt endorsing any such organization or individuals as may be worthy of confidence and assistance. All organizations or individuals receiving such permits or cards or endorsement may be required by the board to report in writing in the manner and form required, stating the use and purpose to which such funds or property have been, or are being, applied. (Ord. 73 §8, 1922)

2.28.090 Study of sociopathology. The board shall provide for the study and research into the cause of poverty, delinquency, crime, disease and similar social problems in the community, and shall in all proper ways educate and promote the understanding of the community in these matters which concern the public health and welfare. (Ord. 73 §9, 1922)

2.28.100 Election-Vacancies. Within ten days after the passage of the ordinance codified in this chapter, the mayor shall request the following organization: the Executive Committee of the Welfare League, to meet at such time and place as shall be designated by the mayor. Such committee shall organize by electing a chairman and secretary, and then place in nomination twice as many persons as shall be elected to the board. The committee shall report its nominations to the mayor and city council at their next regular meeting, or to a special meeting called for that purpose, at which meeting the mayor and city council shall then and there elect the city board of public welfare from the persons thus placed in nomination. All vacancies shall be filled in like manner. (Ord. 73 §10, 1922)

## Chapter 2.32

## NOMINATIONS FOR ELECTIVE OFFICE

Sections:

2.32.010 Form of petition.
2.32.020 Filing deadline.
2.32.030 Write-in votes.
2.32.040 Cancellation of elections.

2.32.010 Form of petition. Nominations for the city council of the city of Wray, Colorado, shall be by petition, and the form of the same shall be substantially as follows:

FORM 854 CC—CM—THE C. H. REDDING, BLANK BOOK & LITHO. CO., DENVER, COLO.

NOMINATION PETITION—CITY OF SECOND CLASS—CITY COUNCIL—CITY MGR. GOV.—LAW OF 1945 AS AMENDED.
MUST CONTAIN AT LEAST 50 SIGNATURES AND BE FILED NOT LATER THAN 15 DAYS PRECEDING ELECTION.

# NOMINATION PETITION

OF_____For the office of_____

To the Hon._____City Clerk

We, the undersigned, qualified electors of the City of_____Colorado, in Ward*_____

and State of Colorado, do hereby petition that_____who

resides at No._____Street, in the City of_____

and State of Colorado and whose place of business is_____in said City

shall be a candidate for the office of **_____

to be voted for at the General Election to be held on the_____of November, A. D. 19____.

*Draw if for candidate at large.

**Insert Councilman Ward_____or Councilman at Large, as the case may be.

## SIGNATURE OF PETITIONERS

[A Petitioner must sign his or her own proper name]

| NAME | POST OFFICE ADDRESS | PLACE OF RESIDENCE (Street and Number, if any) | WARD | Precinct |
|---|---|---|---|---|
| | | | | |

FORM P. E. [illegible]

## SIGNATURE OF PETITIONERS

| NAME | POST OFFICE ADDRESS | PLACE OF RESIDENCE (Street and Number, if any) | WARD | Precinct |
|---|---|---|---|---|
| | | | | |

**ACCEPTANCE OF NOMINATION**

I,_____, hereby accept the nomination tendered me by the foregoing petitioners for the office of_____

_____
Signature.

_____
(Please print your name here)

P. O. Address_____

Business Address_____

Residence Address_____

Dated_____, 19____

STATE OF COLORADO, }
County of_____ } ss.

I,_____, Notary Public in and for said County and State, do hereby certify that_____ appeared before me this day in person, and acknowledged that he signed, sealed and delivered the foregoing acceptance as his free and voluntary act, for the uses and purposes therein set forth.

_____
Notary Public.

(Ord. 171 §1, 1951)

2.32.020 Filing deadline. Petition with candidates for the city council shall be filed with the city clerk at least fifteen days preceding the election. (Ord. 171 §2, 1951)

2.32.030 Write-in votes. No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the city clerk by the person whose name is written in prior to twenty (20) days before the day of the election indicating that such person desires the office and is qualified to assume the duties of that office if elected. (Ord. 495 §1, 2003: Ord. 356, 1981)

2.32.040 Cancellation of elections. The city council may cancel any city election if the only matter before the voters is the election of persons to office and if, at the close of business on the nineteenth (19th) day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent. The city clerk shall certify such fact to the city council, and it shall hold a meeting and may cancel the election and by resolution declare the candidates elected. (Ord. 495 §2, 2003)

## Chapter 2.36

## ANNEXATION

Sections:

2.36.010 Title.
2.36.020 Purpose and intent.
2.36.030 Conformance to state and local law.
2.36.040 Filing of petition.
2.36.050 Petition contents.
2.36.060 Map or plat.
2.36.070 Terms and conditions.
2.36.080 Utilities.
2.36.090 Street development.
2.36.100 Storm drainage easements.
2.36.110 Performance bond or escrow agreement.
2.36.120 Exemptions.

2.36.010 Title. The ordinance codified in this chapter shall be known, cited and referred to as the "City of Wray Annexation Ordinance." (Ord. 319 §1, 1977)

2.36.020 Purpose and intent. The ordinance codified in this chapter is adopted for the purpose and intent of:

A. Promoting the orderly and harmonious growth of the city;

B. Providing an orderly method for extending governmental facilities, services and utilities;

C. Distributing fairly and equitably the costs of providing municipal facilities, services and utilities to those persons who seek annexation to the city. (Ord. 319 §2, 1977)

2.36.030 Conformance to state and local law. All annexations of unincorporated territory to the city shall be done in conformance with the Municipal Annexation Act

contained in C.R.S. 1973, and fulfillment of the terms and conditions set forth in this chapter. (Ord. 319 §3(1), 1977)

2.36.040 Filing of petition. The petition for annexation shall be filed with the city clerk at least thirty days prior to the regular meeting of the city planning commission at which the petition shall be considered. The petition shall be accompanied by such filing fee as may be in effect at the time of filing. (Ord. 319 §3(2), 1977)

2.36.050 Petition contents. The petition for annexation shall contain the following information:

A. A written legal description of the boundaries of the lands proposed to be annexed;

B. A recent title opinion of the land to be annexed showing ownership, encumbrances, water rights and easements;

C. A sworn statement of the petitioner that he/she will comply with all the terms and conditions of annexation as set forth in this chapter. (Ord. 319 §3(3), 1977)

2.36.060 Map or plat. All annexations of unincorporated territory to the city of Wray shall be done in conformance with the Municipal Annexation contained in C.R.S. 1973, or its most current revision, and fulfillment of the terms and conditions set forth therein.

A. A delineation of the outer boundaries of the land to be annexed;

B. The physical relationship of the area to be annexed to the established corporate limits of the city;

C. Boundaries of special districts, if any, having jurisdiction over area within the boundaries of the land to be annexed;

D. The location of each ownership tract if unplatted land, and if part or all of the area has been platted, the boundaries and plat numbers of the plats or of the lots and blocks within the outer boundaries of the territory to be annexed;

E. The location and width of existing or proposed major street and utility easements within or adjacent to the area to be annexed;

F. The location and the size of nearest existing utility lines;

G. Existing development within the area to be annexed and to be served by utilities;

H. Proposed zoning of the area to be annexed and exact boundaries of zoning districts if more than one district is proposed;

I. If all or any portion of the territory proposed to be annexed has not been platted and surveyed, a certificate and seal of a registered engineer and land surveyor, state

of Colorado, showing the dimensions of the boundaries and tracts, plats, lots and blocks within the area, if any, and the bearings of the boundaries of the area;

J. Date, scale and north sign. (Ord. 455 §§1, 2, 1999; Ord. 319 §3(4), 1977)

2.36.070 Terms and conditions. Unincorporated territory may be annexed to the city of Wray subject to the terms and conditions set out through Section 2.36.120. (Ord. 319 §4(1)(part), 1977)

2.36.080 Utilities. The cost of utility main extensions for electrical, sewer and water extensions to the annexed lands shall be borne by the petitioner and/or the landowners. All such utilities and electrical connections shall be installed only after all aspects of the installation have been disclosed to the city manager and received his approval. No such utilities shall be covered until inspected and approved by the city manager. (Ord. 319 §4(1)(a), 1977)

2.36.090 Street development. It shall be the responsibility of the petitioner and/or landowners to dedicate and develop all streets within the proposed territory to be annexed. Development shall include all curb and guttering, necessary storm drainage, infrastructure such as water and sewer mains and fire hydrants and paving of the streets. All development of streets shall receive the prior approval of the city manager or his designee and shall be a minimum of forty feet in width from back of curb to back of curb and shall also have a minimum of ten feet utility easement on both sides of the street, which shall require a total width of sixty feet. The planning commission may, at its discretion, also require the addition of a twenty-foot alley easement to match any existing city plat adjacent to the proposed annexation. All grades of such streets shall receive the approval of the city manager or his designee prior to actual installation of the curb, gutter, infrastructure, and paving. (Ord. 455 §3, 1999: Ord. 319 §4(1)(b), 1977)

2.36.100 Storm drainage easements. The petitioner and/or landowners shall deed to the city such drainage easements deemed necessary by the planning commission. (Ord. 319 §4(1)(c), 1977)

2.36.110 Performance bond or escrow agreement. The city council may in its discretion approve an annexation prior to the petitioner's actual installation of the improvements required in this chapter; provided, that prior to such annexation the petitioner provides such performance bond or enters into such escrow agreement as may be re-

quired by the city to assure performance. (Ord. 319 §4(1)(d), 1977)

2.36.120 Exemptions. The city council may, upon the recommendation of the city planning commission, and after public hearing, for good cause shown, exempt any petitioner from any or all of these conditions and terms of annexation. The public hearing shall be held not less than ten days and not more than thirty days after "Notice of Exemption Hearing" is published once in the Wray Gazette and such publication shall be in boldface print. (Ord. 455 §4, 1999: Ord. 319 §4(1)(e), 1977)

# Chapter 2.40

## NORTHEASTERN COLORADO COUNCIL OF GOVERNMENTS

Sections:

2.40.010 Articles of association adopted.
2.40.020 Functions, powers and duties.
2.40.030 Representation of city.

2.40.010 Articles of association adopted. The city adopts a plan to cooperate with other political subdivisions in the creation of the Northeastern Colorado Council of Governments, as provided for in Article XIV, Section 18 (2) of the Colorado Constitution and Chapter 88, Article 2, CRS, 1963, as amended, and further adopts the recommended rules, regulations, plan or organization and operation of the Northeastern Colorado Council of Governments as set forth in the "Articles of Association" adopted by the official representative of the several counties and municipalities cooperating in the organization of the council. (Ord. 287 §1, 1972)

2.40.020 Functions, powers and duties. The Northeastern Colorado Council of Governments shall have the functions, powers and duties which are prescribed by law, and set forth in the council's "Articles of Association." (Ord. 287 §2, 1972)

2.40.030 Representation of city. The representation of the city of Wray on the Northeastern Colorado Council of Governments shall consist of one voting representative, who shall represent all incorporated municipalities in the county which are affiliated with the council. The representative shall similarly be selected by majority vote of all incorporated municipalities in the county which are affiliated with the council. (Ord. 287 §3, 1972)

# Chapter 2.44

## DRUG-FREE WORKPLACE REGULATIONS

Sections:

2.44.010 Policy.
2.44.020 Employee assistance program.
2.44.030 Supervisor training.
2.44.040 Drug and alcohol testing.
2.44.050 Drug and alcohol abuse prohibited.

2.44.010 Policy. The city considers its employees to be its most valuable resource. A workplace free of alcohol and drug abuse is essential in promoting and protecting the health, safety, morale and work efficiency of the city's employees so critical in providing the citizens of Wray with the highest quality of municipal services.

It is, therefore, the policy of the city to foster a work environment free from the adverse effects of drug and alcohol abuse. To insure a safe and productive work environment, all employees shall report to work fit to perform their jobs with the highest degree of competence and professionalism. Substance abuse and its adverse effects on job performance will not be tolerated. (Ord. 443 §1, 1996)

2.44.020 Employee assistance program. A. To encourage employees with alcohol or drug abuse problems to obtain treatment and counseling prior to such substance abuse being manifested by reduced work efficiency or unsafe work performance, the city shall establish an employee assistance program.

B. The city manager is authorized to establish such an employee assistance program by administrative directive so that employees will have access to a support service which can evaluate their drug or alcohol abuse problems on a confidential basis and direct the affected employee to appropriate treatment and counseling services. (Ord. 443 §2, 1996)

2.44.030 Supervisor training. The city shall develop a program of training to assist supervisory personnel in identifying drug and alcohol use among employees. Such training will be directed towards helping supervisors recognize the conduct, behavior and physical manifestations that give rise to a reasonable suspicion of drug or alcohol use and the effect of such chemical abuse on job performance. (Ord. 443 §3, 1996)

2.44.040 Drug and alcohol testing. In furtherance of the city's policy of fostering a drug-free workplace, the city manager is authorized to promulgate an administrative directive providing for such drug and alcohol testing of employees and applicants for positions with the city as is deemed appropriate. (Ord. 443 §4, 1996)

2.44.050 Drug and alcohol abuse prohibited. A. No employee shall possess, use, consume, sell or distribute a drug if such act is in violation of federal, state or municipal law, where such employee is on duty, on call, on a lunch or other work break, while operating city equipment or while acting as a city representative in an official capacity.

B. No employee whose duties include the enforcement of laws pertaining to illegal drugs or the possession or consumption of alcohol, may illegally possess, use, consume, sell or distribute any illegal drug or alcohol, whether on or off-duty.

C. No employee shall possess or consume alcohol while on duty, on a work or lunch break, or while operating city equipment.

D. No employee shall be impaired by the consumption of alcohol, illegal drugs, over-the-counter medications or prescription drugs while on duty, on-call status for which the employee is paid, on a lunch or other work break, or while operating city equipment.

E. For the purpose of this chapter, an "employee" shall be defined as any regular or temporary employee of the city but shall not include elected officials or persons who are appointed to serve on the city's boards or commissions. (Ord. 443 §5, 1996)

# Title 3

## REVENUE AND FINANCE

Chapters:

3.04 Aviation Fuel Excise Tax
3.08 Sales and Use Tax
3.12 Telephone Utility Occupation Tax

## Chapter 3.04

## AVIATION FUEL EXCISE TAX

Sections:

3.04.010 Definitions--Construction.
3.04.020 Tax imposed--Special licenses--Deposits--Penalties.
3.04.030 Tax collection.
3.04.040 Distributor trustee of tax.
3.04.050 When users other than distributors must report.
3.04.060 Penalty for failure of user to report.
3.04.070 Inspection of records.
3.04.080 False oath.
3.04.090 Authority of executive director.
3.04.100 Filing with city clerk when deemed to have been made.
3.04.110 Penalties.
3.04.120 City clerk custodian of deposits.
3.04.130 Use of funds.

3.04.010 Definitions--Construction. As used in this chapter, unless the context otherwise requires:

"Airport" means the Municipal Airport of Wray, Colorado.

"Aviation fuel" means fuel used for the propulsion of aircraft, to specifically include, without limitation, motor vehicle fuel or other fuel used for propulsion of aircraft.

"City" means the city of Wray, Colorado.

"City clerk" means the city clerk of the city of Wray, Colorado.

"Distributor" means every person who first sells, or offers for sale or delivery of aviation fuel at the Wray, Colorado Airport.

"Manager" means the city manager of the city of Wray, Colorado.

"Person" means every individual, firm, association, joint stock company, syndicate, corporation to whom aviation fuel is delivered at the airport.

Whenever used in any clause in this chapter, prescribing or imposing a fine, imprisonment or both, the term "person" as applied to firm, association, joint stock company, or syndicate means the partners or members thereof, and as applied to a corporation, means the officers or resident managing agent thereof.

"Received," as applied to a distributor in this chapter, shall be given its usual and customary meaning. (Ord. 508 §1, 2005: Ord. 461 §1, 2000; Ord. 430 §1, 1994)

3.04.020 Tax imposed--Special licenses--Deposits--Penalties. A. An excise tax of five cents per gallon or fraction thereof is imposed and shall be collected on all aviation fuel used for aviation purposes delivered at the airport. The tax imposed shall be computed upon the total amount of aviation fuel, measured in gallons, received by each person at the airport and shall be paid in the manner provided in this section.

B. Every person who purchases or receives aviation fuel at the airport is liable for and shall pay an excise tax of five cents per gallon or fraction thereof on all such aviation fuel purchased or received.

C. A person operating an airplane at or out of the airport may bring into the airport, for the operation of such airplane only, that aviation fuel in liable for payment of the tax on such aviation fuel.

D. Before any person sells or offers to sell or deliver aviation fuel at the airport, he shall make application to the city clerk of Wray, Colorado, on a form provided for the purpose, and obtain a special fuel dealer's license. Before any application for a license to sell or offer to sell or deliver aviation fuel as pursuant to the provisions hereof shall be approved, the applicant shall deposit with the city clerk a surety bond or a negotiable

certificate of deposit, issued by a commercial bank doing business in the state, acceptable to the city clerk in an amount not less than one thousand dollars nor more than two thousand dollars, the exact amount to be fixed by the city clerk. Upon approval of the application, a special fuel dealer's license shall be issued. Such license shall be displayed at the place of actual sale and delivery of aviation fuel.

E. Each person who sells and delivers special fuel shall at the time of such sale or delivery, make and deliver to the purchaser or agent thereof, and to the city clerk, an invoice covering each such delivery, showing the date, name and address of seller, place of sale, number of gallons of fuel delivered, true name of fuel, price per gallon and total amount, name and address of the purchaser, and such other information as the city clerk may require. Such invoices shall be identified by consecutive numbers printed thereon, and each seller must be able to account for each invoice. The seller shall retain one copy of each invoice as part of his permanent record, and retain all other records pertaining to the purchases, sales, and delivery of special fuel for a period of at least three years. Any aviation fuel dealer who delivers aviation fuel into an airplane which he owns or operates shall account for such delivery under the provisions of this section.

F. Whenever the city clerk determines that any vendor or distributor of aviation fuel has not fully accounted for all such sales of such aviation fuel to his satisfaction, he has the power to declare such distributor or vendor liable for the aviation fuel tax thereon to collect said tax from such distributor, or vendors. Any dealer, other than the holder of an unsuspended or unrevoked license issued under the provision of this section, who sells or offers for sale aviation fuel, is guilty of a violation of this chapter, and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars. Each such sale shall constitute a separate violation. The city clerk may revoke or suspend the aviation fuel dealer's license, for a period of not more than one year, of any dealer convicted under the provision of this chapter.

G. The excise tax of five cents per gallon imposed on aviation fuel by subsection A of this section shall be

paid by the following method: upon delivery of aviation fuel into the fuel supply tank or tanks attached to any vehicle, the distributor shall collect an excise tax of five cents per gallon as provided in subsection A of this section. Each distributor subject to the provisions of this chapter shall, on or before the tenth day of each calendar month, file with the city clerk a report, on form furnished by the said city clerk, of the total number of gallons of aviation fuel sold or delivered as provided herein. Each dealer, at the time of filing the monthly report, shall compute and pay the full amount of tax due for the past calendar month at the rate prescribed in this chapter. Any tax collected under the provision of this chapter not paid on or before the tenth day of the month succeeding the calendar month in which the fuel was sold shall be deemed delinquent, and shall bear interest at the rate of eight percent per annum from such due date until paid. If a licensed dealer has sold no fuel during the month, he shall nevertheless file a report and indicate that no fuel was sold. A penalty of ten dollars shall be imposed for failure to file the report when due or pay the taxes provided in this chapter, in addition to any other penalties provided by this chapter. (Ord. 508 §2, 2005: Ord. 461 §2, 2000; Ord. 430 §2, 1994)

3.04.030 Tax collection. If any distributor fails or refuses to make and file the sworn statement and pay the tax due for any calendar month or if any distributor makes and files any incorrect or fraudulent statement of return for any calendar month as required by this chapter, the city clerk, upon such information is available in his or her office or elsewhere, shall determine the amount of aviation fuel taxes due for said distributor and shall add to said amount a penalty of ten percent thereof for failure to file such report or for filing such false or fraudulent report and collect the amount of said tax and penalty, plus interest on the whole amount due from the distributor at the rate of eight percent per annum from the date due until paid. If such distributor pays the amount of tax thus determined by the city clerk within ten days of date of demand therefore by the city clerk and the city clerk is satisfied that the failure to file the sworn statement or any inaccuracy wherein was due to accident or

mistake and not with any intent to evade the tax, the city clerk is authorized to waive the ten percent penalty. (Ord. 508 §3, 2005: Ord. 461 §3, 2000; Ord. 430 §3, 1994)

3.04.040 Distributor trustee of tax. Every distributor who sells or delivers aviation fuel for any purpose at the Wray Airport shall collect from the person, to whom sold or delivered, the amount of excise tax thereon, and any sums of money paid by any person to the distributor as aviation fuel taxes shall be and remain public money, the property of the city in the hands of such distributor and he holds the same in trust for the sole use and benefit of the city until paid to the city clerk as provided in this chapter. If any distributor wilfully fails or refuses upon demand to pay over to the city clerk the moneys paid to him as aviation fuel taxes which are by this chapter declared to be trust funds in his hands and the property of the city of Wray, or fraudulently withholds, converts to his own use, or appropriates or otherwise uses such moneys or any part thereof belonging to the city, is guilty of a violation of this chapter, and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars. (Ord. 508 §4, 2005: Ord. 461 §4, 2000; Ord. 430 §4, 1994)

3.04.050 When users other than distributors must report. Every person who is not a licensed distributor and uses any aviation fuel at the airport or who has in his possession at the airport any aviation fuel, other than that contained in the ordinary fuel tank to an airplane, upon which a licensed distributor has not paid or is not liable for the tax imposed in this chapter, shall file a sworn statement with the city clerk on or before the twenty-fifth day of the calendar month, on such form as the city clerk prescribes and furnishes, showing the amount of aviation fuel so used and held, and shall pay to the city clerk the tax imposed on all such aviation fuel. (Ord. 508 §5, 2005: Ord. 461 §5, 2000; Ord. 430 §5, 1994)

3.04.060 Penalty for failure of user to report. Any person who fails or refuses to make the report or payment to the city as provided in Section 3.04.020 of this chapter for which no penalty is expressly provided, and any person who wilfully makes any false report or statement as to the amount

of aviation fuel received, sold, or used by him, or any false statement relative to the kind or character and the amount of the products received by him and required to be reported with intent to evade the payment of the tax imposed in this chapter on aviation fuel, is guilty of a violation of this chapter, and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars. The making and filing of any such false statement shall be deemed prima facie evidence of intent to evade the payment of tax imposed in this chapter on motor fuel by that means. (Ord. 508 §6, 2005: Ord. 461 §6, 2000; Ord. 430 §6, 1994)

3.04.070 Inspection of records. Every distributor of aviation fuel, including special fuel, shall keep a true and complete record of all purchases, receipts, sales and distribution of aviation fuel at the Wray Airport. Every person carrying, transporting, importing, or delivering aviation fuel at the Wray Airport shall keep true and correct records of such shipments of aviation fuel for each calendar month. (Ord. 508 §7, 2005: Ord. 461 §7, 2000; Ord. 430 §7, 1994)

3.04.080 False oath. Any person who makes any oath, affirmation, affidavit, return, or deposition required to be made or takes under any of the provisions of this chapter, and who, upon such oath, affirmation, affidavit, return, or deposition, swears or affirms wilfully and falsely in a matter material to any issue, point, or subject matter in question, in addition to any other penalties provided in this chapter, is guilty of perjury. (Ord. 508 §8, 2005: Ord. 461 §8, 2000; Ord. 430 §8, 1994)

3.04.090 Authority of executive director. A. It is the duty of the city manager of the city of Wray to see that all of the provisions of this chapter are enforced and obeyed, and that all violations thereof are promptly prosecuted, and all taxes and penalties are collected, and to that end, the city manager has power to make and adopt such rules and regulations relating to the administration and enforcement of the provisions of this chapter as may be deemed proper, and such rules and regulations to govern his proceedings, to regulate the mode and manner of all investigations and hearings and to alter and amend the same.

B. It is the duty of such employees of the city of Wray, designated as officers of the city, to see to the

enforcement of this chapter and to aid the city manager in the enforcement of this chapter. Upon request of the city manager, it is the duty of the city attorney to commence and prosecute to final determination, in any court of competent jurisdiction, all necessary actions to enforce the provisions of this chapter.

C. All the remedies and penalties provided by this chapter shall be cumulative and not action or suit for recovery of one penalty, or of the tax, shall be a bar to the recovery of any other penalty or to any prosecution under this chapter. The inspectors, investigators, or other persons designated by the city manager have all the powers conferred by law to serve warrants, summons, and other process to require the operation of any vehicle delivering aviation fuel at the airport and upon demand to exhibit any permits, licenses, registration cards or other papers or documents required to be in his possession.

D. If the owner or operator of any vehicle is in violation of any of the provisions of this chapter, officers of the city have the power to detain such vehicle until such time as the violation ceases. (Ord. 508 §9, 2005: Ord. 461 §9, 2000; Ord. 430 §9, 1994)

3.04.100 Filing with city clerk when deemed to have been made. Any report, claim, tax return, statement or other document required or authorized under this chapter to be filed with, or any payment made to the executive director of the department of revenue, which:

A. Is transmitted through the United States mails, shall be deemed filed with and received by the city clerk on the date shown by the cancellation mark stamped in the envelope or other wrapper containing the document required to be filed;

B. Is mailed, but not received by the city clerk or where received and the cancellation mark is not legible, or is erroneous or omitted, shall be deemed to have been filed and received on the date it was mailed if the sender establishes by competent evidence that the document was deposited in the United States mails on or before the date due for filing. In such cases of nonreceipt of a document by the city clerk, the sender shall file a duplicate copy thereof within thirty days after written notification is given to the sender by the city of the failure to receive such document;

C. If any report, claim, tax return, statement, remittance, or other document is sent by the United States registered mail, certified mail, or certificate of mailing, a record authenticated by the United States post office department of such registration, certifications, or certificate, shall be considered competent evidence that the report, claim, tax return, statement, remittance, or other document was mailed to the city clerk and the date of the registration, certification, or certificate shall be deemed to be the postmarked date;

D. If the date for filing any report, claim, tax return, statement, remittance, or other document, falls upon a Saturday, Sunday, or legal holiday, it shall be deemed to have been timely filed if filed on the next business day. (Ord. 508 §10, 2005: Ord. 461 §10, 2000; Ord. 430 §10, 1994)

3.04.110 Penalties. Any person who in any way violated any of the provisions of this chapter for which no penalty is expressly provided, is guilty of a violation of this chapter, and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars. In addition to the foregoing penalties, the city manager shall revoke the license of any distributor or any aviation fuel user or dealer who violates any of the provisions of this chapter and shall notify such distributor, special fuel dealer, or user, of such cancellation; and, upon application to any court of competent jurisdiction without furnishing bond, shall be entitled to an injunction, restraining any such distributor of aviation fuel, or dealer or user of special fuel from operating, transporting, using, selling, delivering, or transferring any aviation fuel at the Wray Airport while his or its license or permit has been suspended or revoked. The city attorney shall institute an action on behalf of the city against any distributor of aviation fuel, dealer, or user of aviation fuel, or their sureties, to collect or recover the amount of tax due from such distributor of aviation fuel, dealer, or user of aviation fuel, together with penalties and interest thereon. (Ord. 508 §11, 2005: Ord. 461 §11, 2000; Ord. 430 §11, 1994)

3.04.120 City clerk custodian of deposits. All surety bonds and negotiable certificates of deposit deposited in compliance with the provisions of this chapter

shall be delivered into the custody of the city clerk and held by him subject to further order of the city manager. In the event any licensee ceases operations, voluntarily or otherwise, the deposit made by him, or any balance thereof, shall be returned to him after all taxes, penalties, fees, and charges owing by him, pursuant to this chapter, have been paid. (Ord. 508 §12, 2005: Ord. 461 §12, 2000; Ord. 430 §12, 1994)

3.04.130 Use of funds. The tax collected upon aviation fuel as herein provided shall only be used to defray the expenses in connection with the drafting and passage hereof and for improvements of the Wray Airport except if any person shall make improvements to any runways or taxiways at the Wray Airport out of his own resources. He shall file with the city clerk a signed itemized statement of his actual expense incurred and paid, and the amount of aviation taxes paid by him with(out) interest shall be refunded to him out of aviation fuel tax paid by him annually under this chapter, until he is repaid in full; provided, however, that any expense incurred by such person, not refunded to him out of his aviation fuel so paid prior to the termination of this chapter shall not be an obligation of the city and shall not be payable from city funds. (Ord. 508 §13, 2005: Ord. 461 §13, 2000; Ord. 430 §13, 1994)

## Chapter 3.08

## SALES AND USE TAX

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## ARTICLE I. GENERALLY

3.08.010 Purpose. The purpose of this chapter is to impose a sales tax on the sale of tangible personal property at retail, and the furnishing of services as provided in Sub-part (1) (d) of Part 105, Article 2, Title 29, CRS 1973, upon every retailer in the city of Wray, Colorado; and to impose a use tax only for the privilege of storing, using or consuming in the city any construction and building materials and motor and other vehicles on which registration is required, purchased at retail, in accordance with the provisions of Article 2 of Title 29, CRS 1973, and any amendment thereto enacted before or after the effective date of the ordinance codified in this chapter. (Ord. 333 §1, 1978)

3.08.020 Definitions. For the purposes of this chapter, the definition of words contained in this chapter shall be defined in Part 102, Article 26, Title 39, CRS 1973, and those definitions are incorporated in this chapter by reference. (Ord. 333 §2, 1978)

3.08.030 Vendor's fee. The vendor (retailer) shall be entitled, as collection agent for the city, to withhold a collection fee in the amount of three and one-third percent from the total amount remitted by the vendor to the city each month. If any vendor is delinquent in remitting the tax, other than in unusual circumstances shown to the satisfaction of the Executive Director, the vendor shall not

be allowed to retain any amounts to cover his expense in collecting and remitting the tax, and an amount equivalent to the full three and one-third percent shall be remitted to the Executive Director by any such delinquent vendor. (Ord. 333 §3, 1978)

3.08.040 State provisions adopted. For the purpose of collection, administration and enforcement of this chapter by the Executive Director of Revenue, the provisions of 39-26-114, CRS 1973, shall be deemed applicable and incorporated into this chapter. (Ord. 333 §4.1, 1978)

3.08.050 State tax exempted. The amount subject to tax under this chapter shall not include the state sales and use tax imposed by Article 26, Title 39, CRS 1973. (Ord. 333 §4.2, 1978)

3.08.060 Place of retail sales. For the purpose of this chapter, all retail sales shall be considered consummated at the place of business of the retailer, unless the tangible personal property sold is delivered by the retailer or his agent to a destination outside the city, or to a common carrier for delivery to a destination outside the limits of the city. (Ord. 333 §4.3, 1978)

3.08.070 Delivery charges included. The gross receipts from sales shall include delivery charges, when such charges are subject to the state sales and use tax imposed by Article 26 of Title 39, CRS 1973, regardless of the places to which delivery is made. (Ord. 333 §4.4, 1978)

3.08.080 Multiple or no permanent place of business. In the event that a retailer has no permanent place of business in the city, or more than one place of business, the place or places at which the retail sales are consummated for the purpose of this sales tax shall be determined by the provisions of Article 26 of Title 39, CRS 1973, and by the rules and regulations promulgated by the Department of Revenue. (Ord. 333 §4.5, 1978)

3.08.090 Exemption for property already taxed. All sales of personal property on which a specific ownership tax has been paid or is payable shall be exempt from the city sales tax when such sales meet both of the following conditions:

A. The purchaser is a nonresident of, or has its principal place of business outside of, the city;

B. Such personal property is registered or required to be registered outside the limits of the city under the laws of the state. (Ord. 333 §4.6, 1978)

3.08.100 No additional license. No license requirement shall be imposed upon the vendor (retailer) by this chapter except for the license required by the state of Colorado. (Ord. 333 §9, 1978)

3.08.110 Termination by county action. In the event that the county of Yuma passes a resolution and subsequent referendum for the imposition of a county-wide sales-use tax in the amount of one percent or greater after the effective date of the city of Wray sales-use tax, and which provides for the distribution to the city of all county sales and use tax as collected in the city, the sales-use tax made effective by this chapter shall terminate at the time the county-wide sales-use tax becomes effective. (Ord. 333 §11, 1978)

ARTICLE II. SALES TAX

3.08.120 Imposed--Rate. A. There is imposed on all sales of tangible personal property at retail and the furnishing of services as provided in 39-26-104, CRS 1973, as amended, a tax equal to one percent of the gross receipts. The tangible personal property and services taxable by this chapter shall be the same as the tangible personal property and services taxable pursuant to 39-26-104, CRS 1973, as amended. The imposition of the tax on individual sales shall be in accordance with schedules set forth in the rules and regulations promulgated by the Department of Revenue or by separate ordinance of the city. If any vendor, during any reporting period, collects as a tax an amount in excess of one percent of his total taxable sales, he shall remit to the Director of Revenue the full amount of tax imposed in this chapter and also such excess.

B. Pursuant to voter approval of the registered electors of the city of Wray, Colorado on November 4, 1997, the city of Wray shall impose an additional one percent sales and use tax in addition to the sales and use tax set forth in Ordinance No. 333. This one percent sales and use tax is an indefinite extension of the one percent additional tax that was previously approved by the voters November 7, 1995, to expire December 31, 1997. (Ord. 448, 1997; Ord. 333 §5.1, 1978)

3.08.130 Administration by state. The collection, administration and enforcement of this sales tax shall be performed by the Executive Director of Revenue of the state of Colorado in the same manner as the collection, administration and enforcement of the Colorado state sales tax. The provisions of Article 26, Title 39, CRS 1973, as amended after the adoption of the ordinance codified in this chapter, and all rules and regulations promulgated by the Director of Revenue, shall govern the collections, adminis-

tration and enforcement of the sales tax imposed by this chapter. (Ord. 333 §5.2, 1978)

## ARTICLE III. USE TAX

3.08.140 Imposed--Rate. A. There is imposed a use tax of one percent of the retail cost thereof, only for the privilege of storing, using or consuming in the city any construction and building materials, and motor and other vehicles on which registration is required, purchased at retail.

B. Pursuant to voter approval of the registered electors of the city of Wray, Colorado on November 4, 1997, the city of Wray shall impose an additional one percent sales and use tax in addition to the sales and use tax set forth in Ordinance No. 333. This one percent sales and use tax is an indefinite extension of the one percent additional tax that was previously approved by the voters November 7, 1995, to expire December 31, 1997. (Ord. 448, 1997; Ord. 333 §6.1, 1978)

3.08.150 Exemptions. A. In no event shall the use tax imposed by this chapter extend or apply:

1. To the storage, use or consumption of any tangible personal property, the sale of which is subject to a retail sales tax imposed by the city;

2. To the storage, use or consumption of any tangible 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 any tangible personal property brought into the city by a nonresident thereof for his own storage, use or consumption while temporarily within the city; however, this exemption does not apply to the storage, use or consumption of tangible personal property brought into this state by a nonresident to be used in the conduct of a business in this state;

4. To the storage, use or consumption of tangible personal property by the United States Government or the state of Colorado, or its institutions or political subdivisions, in their governmental capacities only, or by religious or charitable functions;

5. To the storage, use or consumption of tangible personal property by a person engaged in the business of manufacturing or compounding for sale, profit or use any article, substance or commodity, which tangible personal property enters into the process 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 cases thereof;

6. To the storage, use or consumption of tangible personal property the sale or use of which has already been subjected to a sales or use tax of another town, city or county equal to or in excess of that imposed by this article. A credit shall be granted against the use tax imposed by such town, city or county on tangible personal property purchased by him elsewhere. The amount of the credit shall be equal to the tax paid by him by reason of the imposition of a sales or use tax of another town, city or county on his purchase or use of the property. The amount of the credit shall not exceed the tax imposed by this article;

7. To the storage, use or consumption of tangible personal property and household effects acquired outside of the city and brought into it by a nonresident acquiring residency;

8. To the storage or use of a motor vehicle if the owner is or was, at the time of purchase, a nonresident of the city and he purchased the vehicle outside of 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, titled and licensed the motor vehicle outside of the city;

9. To the storage, use or consumption of any construction and building materials and motor or other vehicles in which registration is required if a written contract for the purchase thereof was entered into prior to the effective date of such use tax;

10. To the storage, use or consumption of any construction and building materials required or made necessary in the performance of any construction contract bid, let or entered into at any time prior to the effective date of the use tax ordinance codified in this chapter.

B. Notwithstanding any other provision of this chapter, the value of construction and building materials in which a use tax has previously been collected by an incorporated town, city or county shall be exempt from the town, city or county sales tax if the materials are delivered by the retailer or his agent to a site within the limits of such town, city or county. (Ord. 333 §6.2, 1978)

3.08.160 Vehicles--No certification or registration unless paid. The one percent use tax provided for in this chapter shall be applicable to every motor vehicle for which registration is required by the laws of the state of Colorado, and no registration shall be made for any motor or other vehicle for which registration is required, and no certificate of title shall be issued for such vehicle by the Department of Revenue or its authorized agents until any tax due upon the use, storage or consumption thereof pursuant to this chapter has been paid. (Ord. 333 §7.1, 1978)

3.08.170 Vehicles--Collection agent. The use tax imposed by this chapter shall be collected by the authorized agent of the Department of Revenue in this county. (Ord. 333 §7.2, 1978)

3.08.180 Vehicles--Payment to city. The proceeds of the use tax shall be paid to the city periodically in accordance with an agreement entered into by and between the city and the authorized county agent of the Department of Revenue. (Ord. 333 §7.3, 1978)

3.08.190 Building materials--Administration. The collection of the use tax for construction and building materials shall be administered by the city council of Wray or its authorized representative. (Ord. 333 §8.1, 1978)

3.08.200 Building materials--Estimation. The use tax may be paid by estimate through the payment of the tax at the time permits are issued for building and construction.

For purposes of this section, fifty percent of the current replacement cost of the project shall be deemed to be the sale value of the construction and building materials stored, used or consumed therein. Once paid, the tax shall not be subject to refund in whole or in part. (Ord. 333 §8.2, 1978)

3.08.210 Building materials--Affidavit. As an alternative to the estimate procedure provided in Section 3.08-.200, payment of the use tax may be made by the filing by the applicant for a building permit of an affidavit stating that the applicant intends to purchase all building or construction materials necessary for the project described in the building application from a licensed retailer located within the city of Wray. (Ord. 333 §8.3, 1978)

3.08.220 Building materials--Records. Every applicant for a building permit who utilized the alternative procedure provided in Section 3.08.210 shall maintain and preserve detailed purchase and receipt records which shall be subject to inspection and audit by the city council of Wray or its authorized representative, and any unpaid taxes due shall be subject to collection. (Ord. 333 §8.4, 1978)

3.08.230 Building materials--Manner of administration. The collection and administration of the use tax imposed by this chapter shall be performed by the city council or its authorized representative in substantially the same manner as the collection, administration and enforcement of the Colorado sales and use tax. (Ord. 333 §8.5, 1978)

## Chapter 3.12

## TELEPHONE UTILITY OCCUPATION TAX

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3.12.020 Payment.
3.12.030 Right to inspect records.
3.12.040 Local purposes.
3.12.050 Failure to pay or file statements.
3.12.060 Continuation of liabilities and offenses.
3.12.070 In lieu of other occupation taxes.

3.12.010 Levied. There is levied against every telephone utility which is engaged in the business of furnishing local exchange telephone service within the city, a tax on the privilege of engaging in such business. The amount of such tax for 1977 shall be six dollars for each telephone

account for which local exchange telephone service is provided within the city on January 1, 1977, and, for years subsequent to 1977, three dollars annually for each account, as provided in Section 3.12.020. (Ord. 320 §1, 1976)

3.12.020 Payment. A. The tax levied by this chapter for 1977 shall be due on March 31st, 1977, and fifty percent on October 31, 1977, and for years subsequent to 1977 in twelve equal monthly installments, each installment to be payable on the last business day of each calendar month.

B. Within fifteen days after the effective date of the ordinance codified in this chapter, each telephone utility subject to the tax imposed in this chapter shall file with the clerk, in such forms as the clerk may require, a statement showing the total number of telephone accounts for which local exchange telephone service was provided within the city on January 1, 1977. Such statement shall be filed in each subsequent year within fifteen days after January 1st, showing the total number of such accounts on January 1st. (Ord. 320 §2, 1976)

3.12.030 Right to inspect records. The city of Wray, its officers, agents or representatives shall have the right, at any reasonable time, to examine the books and records of any telephone utility which is subject to the tax imposed by this chapter, and to make copies of the entries or contents thereof. (Ord. 320 §3, 1976)

3.12.040 Local purposes. The tax provided for in this chapter is upon the affected occupations and businesses in their performance of local functions and is not a tax upon those functions relating to interstate commerce. (Ord. 320 §4, 1976)

3.12.050 Failure to pay or file statements. A. If any telephone utility subject to this chapter fails to pay the taxes as provided in this chapter, the full amount thereof shall be due and collected from such company, and the same, together with an addition of ten percent of the amount of taxes due, shall be and is declared to be a debt due and owing from such utility to the city.

B. If any officer, agent or manager fails, neglects or refuses to file any statement required by this chapter within the time prescribed, such officer, agent or manager shall be punished, on conviction thereof, by a fine of not less than twenty-five dollars nor more than three hundred dollars; provided, that each day after such statement becomes delinquent during which the officer, agent or manager so fails, neglects or refuses to file such statement shall be considered a separate offense. (Ord. 320 §5, 1976)

3.12.060 Continuation of liabilities and offenses. All offenses committed and all liabilities incurred prior to the effective date of the ordinance codified in this chapter shall be treated as though all prior applicable ordinances and amendments thereto were in full force and effect for the purpose of sustaining any proper suit, action or prosecution with respect to such offenses and liabilities. All taxes, the liability for which has been accrued under the terms and provisions of Ordinance No. 278 on or before the effective date of the ordinance codified in this chapter, shall be and remain unconditionally due and payable, and shall constitute a debt to the city, payable in conformity with the terms and provisions of Ordinance No. 278 prior to the adoption of the ordinance codified in this chapter, and all of the terms and provisions of Ordinance No. 278 shall be and remain in full force and effect for the purpose of the collection and payment of any and all such taxes due and payable thereunder, notwithstanding the provisions of this chapter. (Ord. 320 §6, 1976)

3.12.070 In lieu of other occupation taxes. The tax provided for in this chapter shall be in lieu of all other occupation taxes, or taxes on the privilege of doing business within the city, on any telephone utility subject to the provisions of this chapter. (Ord. 320 §7, 1976)

## Title 4

(RESERVED)

# Title 5

## BUSINESS LICENSES AND REGULATIONS

Chapters:


5.04 Business Licenses

5.08 Bowling Alleys

5.12 Dancehalls

5.16 Jukeboxes and Other Amusement Machines

5.20 Peddlers

5.24 Pool and Billiard Halls

5.26 Retail Liquor Stores

5.28 Shooting Galleries

5.32 Stables


## Chapter 5.04

## BUSINESS LICENSES

Sections:


5.04.010 Required--Fee.
5.04.020 Selling from vehicles.
5.04.030 Street shows, entertainments or sales.
5.04.040 Free and home-talent shows.
5.04.050 Issuance.
5.04.060 Register.
5.04.070 Revocation.
5.04.080 Violation--Penalty.


### 5.04.010 Required--Fee.

No person, persons, firm, copartnership or corporation shall carry on or engage in any occupation, or business, as set forth in this section, within the city of Wray without first obtaining a license therefor and shall pay for such license such sum as is specified as follows:

A. For the sale of a stock of merchandise for a temporary period, either by retail or auction, the sum of fifty dollars for the first week and the sum of twenty-five dollars for each succeeding week or fraction thereof thereafter;

B. For a circus, carnival or big show of any kind, fifty dollars per day;

C. For theatrical, stock company, exhibition, concert or other small shows, five dollars per day;

D. Picture shows, fifty dollars per year;

E. Picture shows, itinerant or temporary, five dollars per day, schools and churches excepted. (Ord. 94 §1, 1929)

5.04.020 Selling from vehicles.

The selling by retail of merchandise, or provisions of any kind, from wagons, trucks or any vehicle in or on any street or alley within the fire limits in the city is prohibited. (Ord. 94 §2, 1929)

5.04.030 Street shows, entertainments or sales.

Any show or entertainment or sales of any kind by retail in and on any street within the fire limits in the city is prohibited. (Ord. 94 §3, 1929)

5.04.040 Free and home-talent shows.

Any and all free shows, or entertainments, that would otherwise be required to take out a license by this chapter, are exempt therefrom; provided the same are not used in connection with the sale of goods, merchandise or other articles; provided further, that for all home-talent exhibitions or concerts of any kind, given exclusively by the citizens of the city, no license fee should be required. (Ord. 94 §4, 1929)

5.04.050 Issuance.

The license shall be issued by the city clerk and all fees shall be paid in advance to the city clerk and prior to the issuing of such license. (Ord. 94 §5, 1929)

5.04.060 Register.

The city clerk shall keep a license register in which shall be entered the name of each person licensed, the date thereof, the purpose and the sum paid for such license. (Ord. 94 §6, 1929)

5.04.070 Revocation.

All licenses may be revoked, in the discretion of the city council, when it appears that the licensee has not complied with the ordinance regulating his vocation, or when it appears that the licensee has practiced, under his

license, fraud, misrepresentation, or imposture or extortion. (Ord. 94 §7, 1929)

5.04.080 Violation--Penalty.

Any person who violates any provision of this chapter is guilty of an offense, and is subject to a fine in any amount not exceeding fifty dollars. (Ord. 94 §8, 1929)

## Chapter 5.08

## BOWLING ALLEYS

Sections:

5.08.010 License required--Application.
5.08.020 Fee.

5.08.030 Minors.
5.08.040 Violation--Penalty.

5.08.010 License required--Application. No person, firm or corporation shall operate or maintain a bowling alley open to the public without having first secured a license therefor as is required in this chapter. Applications for such licenses shall be made to the clerk and shall be in writing and state thereon the intended location of the place of business and the number of alleys to be used. (Ord. 208 §1, 1959)

5.08.020 Fee. The annual fee for such licenses shall be ten dollars for each alley. (Ord. 208 §2, 1959)

5.08.030 Minors. Minors under the age of eighteen years shall under no circumstances frequent, loiter, go or remain in any hall licensed as a bowling alley except with the knowledge and consent of the parent or guardian of such child; and it is unlawful for the proprietor of any bowling alley to allow or permit any such minor to frequent, loiter or remain within such place of business in violation of the provisions of this section. (Ord. 208 §3, 1959)

5.08.040 Violation--Penalty. Any person, firm or corporation violating any provision of this chapter shall be fined not less than five dollars nor more than one hundred dollars for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 208 §5, 1959)

## Chapter 5.12

## DANCEHALLS

Sections:

5.12.010 License required.
5.12.020 Nontransferability--Dance hours.
5.12.030 Revocation or cancellation.
5.12.040 Floor men required.
5.12.050 Bond.
5.12.060 Violation--Penalty.

5.12.010 License required. A. No person, partnership or corporation shall operate, conduct, carry on or maintain a public dancehall, booth, pavilion or other place where public dances are had without first obtaining a license therefor.

B. Any person, firm or corporation desiring such license shall make application therefor in writing to the city council and such application shall state:

1. The name and address of the applicant, if a person; the name and addresses of all the persons composing the partnership, if a partnership; all the names and addresses of the officers and directors of the corporation, if a corporation; and

2. A full description of the place and premises at which it is proposed to conduct and carry on such public dances; and

3. The term for which such license is desired.

C. The city council shall have the authority, within its discretion, to grant such license to such applicant for the current fiscal year or part thereof unexpired, upon the payment by the applicant of a fee of one hundred dollars to the city clerk. Such license shall authorize the person, firm or corporation receiving it to operate, conduct and carry on a public dancehall, booth or pavilion at such place, for the term from date of its issue to the end of the current fiscal year for which it is issued. (Ord. 153 §1, 1947)

5.12.020 Nontransferability--Dance hours. No license issued under the provisions of this chapter shall be assigned or transferred by the person, firm or corporation to whom it was issued, no license shall be available or used for more than one particular place, building or premises described in the application in such license, and licensee shall not conduct a dance during the hours from twelve midnight Saturday to twelve midnight Sunday. (Ord. 153 §2, 1947)

5.12.030 Revocation or cancellation. The city council issuing such licenses shall have full power and authority, at its discretion, to revoke and cancel any license issued by such council under this chapter whenever the council determines that the public safety or public health of the community require such revocation or cancellation. (Ord. 153 §3, 1947)

5.12.040 Floor men required. The recipient of a license under this chapter shall at all dances employ such floor men as are necessary for good order for the dancehall and surrounding premises at the licensee's own expense. (Ord. 153 §4, 1947)

5.12.050 Bond. The city council may at its discretion require a licensee under this chapter to post with the city clerk a bond in the penal sum of not to exceed five hundred dollars, with sufficient sureties of not less than two, to

be approved by the city council, to insure proper conduct on the part of the licensee. (Ord. 153 §5, 1947)

5.12.060 Violation--Penalty. Any person, firm or corporation violating any of the provisions of this chapter shall be subject to a fine upon conviction of not less than ten dollars nor more than two hundred dollars and court costs. (Ord. 153 §6, 1947)

## Chapter 5.16

## JUKEBOXES AND OTHER AMUSEMENT MACHINES

Sections:

5.16.010 Definitions.
5.16.020 License required.
5.16.030 Term of license.
5.16.040 Nontransferability.
5.16.050 Confiscation of unlicensed machines.
5.16.060 License fees.
5.16.070 Revocation of licenses.

5.16.010 Definitions. As used in this chapter:

A. "Coin-operated device" includes those machines which operate by coins or an insertion of a coin, token or similar object and which by application of the element of chance or skill may deliver or entitle the person playing or operating the machine to receive amusement facilities of any type.

B. "Gaming device" includes any and all devices and/or materials used in a public place for the purpose of amusement and includes any game which depends upon skill, chance or otherwise.

C. "Jukebox" means any music vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening, or by payment of any price, operates or may be operated for the emission of songs, music or similar amusement. (Ord. 162 §1, 1950)

5.16.020 License required. From and after April 1, 1950, it is unlawful for any person, firm or corporation to display, let or otherwise permit to be used within the city a jukebox, gaming device or coin-operated device without having procured the license or licenses required by this chapter. (Ord. 162 §2, 1950)

5.16.030 Term of license. Licenses shall be issued for each machine for one year from date of issuance of the

license and the city clerk shall issue a sticker for each machine, jukebox, gaming device and coin-operated device which shall state the date of issuance and the premises for which the machine is licensed. Such license shall be good for the location in which the machine is licensed and removal of the machine will require application for a new license for the newly placed premises. There shall be no refund due for non-use of any license issued and no license shall be issued for less than one year. (Ord. 162 §3, 1950)

5.16.040 Nontransferability. Licenses provided for in this chapter shall be for the jukebox, gaming device or coin-operated device upon one location only and shall not be transferable. (Ord. 162 §4, 1950)

5.16.050 Confiscation of unlicensed machines. The policemen of the city are authorized to confiscate and sell any jukebox, gaming device or coin-operated device for which a permit has not been obtained and which is on location and in use within the city as provided in this chapter. (Ord. 162 §5, 1962)

5.16.060 License fees. Licenses shall be issued at the following rates:

A. Pinball machines $150.00 each;
B. Jukeboxes 10.00 each;
C. Shuffleboards 50.00 each;
second, $25; each additional, $12.50;
whether coin-operated or otherwise;
D. Other amusement machines or devices 50.00 each.

(Ord. 163, 1950: Ord. 162 §6, 1950)

5.16.070 Revocation of licenses. Any licenses or permits issued under the provisions of this chapter shall be subject to revocation without notice by the mayor and city council of the city of Wray, and the mayor and city council shall revoke such permit or license when it appears from competent evidence introduced that any firm, person or corporation is not competent to carry on the amusement device or place of amusement for which he paid the tax. (Ord. 162 §7, 1950)

## Chapter 5.20

## PEDDLERS

Sections:

5.20.010 Declared nuisance.
5.20.020 Violation--Penalty.

5.20.010 Declared nuisance. The practice of going in and upon private residences and premises in the city of Wray, by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise (including vendors of magazines, pamphlets and catalogs) not having been requested or invited to do so by the owner or owners, occupant or occupants of the private residences and premises, for the purpose of soliciting orders for the sale of goods, wares and merchandise, or for the purpose of disposing of or peddling or hawking the same (including magazines, catalogs and pamphlets), is declared to be a nuisance, and punishable as such nuisance as a misdemeanor. (Ord. 231 §1, 1962)

5.20.020 Violation--Penalty. Any person convicted of perpetrating a nuisance as described and prohibited in Section 5.20.010, upon conviction thereof, shall be punished by a fine in the sum of not more than one hundred dollars for each offense. (Ord. 231 §2, 1962)

## Chapter 5.24

## POOL AND BILLIARD HALLS

Sections:

5.24.010 License required.
5.24.020 Application--Fee.
5.24.030 Term of license.
5.24.040 Proration of fee.
5.24.050 Full license month defined.
5.24.060 Hours.
5.24.070 Visibility from streets.
5.24.080 Alcohol and gambling.
5.24.090 Minors.
5.24.100 Private rooms or cardrooms.
5.24.110 Revocation of license.
5.24.120 Violation--Penalty.

5.24.010 License required. All persons are prohibited from keeping or operating any pool or billiard hall within the corporate limits of the city of Wray, for his or her gain or profit, unless the person or persons first obtain a license therefor, as provided in this chapter. (Ord. 2 §1, 1907)

5.24.020 Application--Fee. The city council may, in its discretion, grant a license or permit to run a pool and billiard hall in the city to any person or persons for his or their gain or profit, upon the written application of the person or persons, and the payment to the city clerk of a license fee of ten dollars for each table, such license fee

to become effective January 1st, 1960. (Ord. 209 §1, 1959: Ord. 2 §2, 1907)

5.24.030 Term of license. All licenses or permits to run a pool or billiard hall shall expire at the same time that the term of office of the council expires which granted the same and no license or permit shall be granted for a longer period than one year. (Ord. 2 §3, 1907)

5.24.040 Proration of fee. Licenses issued under Sections 5.24.020 and 5.24.030 for any period less than one year shall be prorated on a monthly basis as regards cost to the licensee. (Ord. 161 §1, 1950)

5.24.050 Full license month defined. Licenses issued any time up to the fifteenth day of any month shall be deemed issued for a full month in which the license was issued. (Ord. 161 §2, 1950)

5.24.060 Hours. All pool and billiard halls in the city shall be closed at the hour of ten p.m. and remain closed until the hour of six a.m. the next succeeding day, and when the succeeding day is the first day of the week, commonly called Sunday, the hall shall remain closed until six a.m. the following morning. (Ord. 2 §4, 1907)

5.24.070 Visibility from streets. No pool or billiard hall licensed as provided in this chapter shall be permitted to have any screens upon or blinds over the windows of the hall or halls so as to obstruct the view of any persons passing the hall or halls in the public streets. (Ord. 2 §5, 1907)

5.24.080 Alcohol and gambling. The owners or operators of any pool and billiard halls licensed as mentioned in this chapter shall not keep any drinks of any nature or description, other than water, tea, coffee, milk or any nonalcoholic drinks in the pool or billiard hall or permit the same to be kept there by any other person, and shall not allow any gambling of any description, but paying the usual price for games shall not be deemed gambling. (Ord. 2 §6, 1907)

5.24.090 Minors. No person under eighteen years of age shall be permitted to enter or remain about the hall or halls except if the minor has the written consent of his parent or guardian. (Ord. 10, 1906; Ord. 2 §7, 1907)

5.24.100 Private rooms or cardrooms. The owners or operators of any pool or billiard hall shall not have any private rooms in connection with the pool or billiard hall or any cardrooms or permit games of cards in the hall. (Ord. 2 §8, 1907)

5.24.110 Revocation of license.

The license provided for in this chapter shall be subject to revocation at any time when, in the judgment of the city council, the hall is not run in a quiet and orderly manner. (Ord. 2 §9, 1907)

5.24.120 Violation--Penalty.

Anyone violating any of the provisions of this chapter shall, upon conviction thereof, be fined in the sum of not less than ten dollars nor more than fifty dollars and costs of suit and shall stand committed to jail until the fine and costs are paid, and in the discretion of the city council have his license revoked. (Ord. 2 §10, 1907)

## Chapter 5.26

## RETAIL LIQUOR STORES

5.26.010 Alcoholic beverage tastings permitted.

5.26.010 Alcoholic beverage tastings permitted.

Pursuant to Colorado Revised Statues § 12-47-301(10)(a), the City of Wray, Colorado hereby authorizes alcoholic beverage tastings for licensed retail liquor stores within the City of Wray subject to the limitations contained in C.R.S. § 12-47-301(10) and subject to the approval by the Local Licensing Authority of a liquor tastings permit application in a form approved by the city clerk.
(Ord. No. 536, § 1, 6-10-2008)

## Chapter 5.28

## SHOOTING GALLERIES*

Sections:

5.28.010 Provisions adopted by reference--Fee.

5.28.010 Provisions adopted by reference Fee.

The provisions relating to bowling alleys of Section 1, save the proviso contained in Section 1, and the provi-

* Editor's Note: Ord. 29, whose provisions are made applicable in this chapter to shooting galleries, was repealed by Ord. 208.

sions of Sections 2 through ten of Ordinance No. 29 of the city, entitled, "An Ordinance concerning Bowling Alleys in the town of Wray," is made applicable also to shooting galleries in the city, save and except that in Section 3 of that ordinance the amounts of license required by the city for maintaining and operating a shooting gallery in the city shall be thirty dollars per year for each and every shooting gallery main- tained; provided, that for the purposes of this chapter any place is a shooting gallery where any target, object or thing is exposed as a mark at which one may for hire shoot for practice, pastime or amusement. (Ord. 32, 1907)

## Chapter 5.32

## STABLES

Sections:

5.32.010 Permit required.
5.32.020 Veto of proximate owners.

### 5.32.010 Permit required.

No livery stable, or stable for boarding horses, shall be erected, established or carried on upon any lot or lots or other parcel of land in the city (unless the same is in operation at the time of the passing of the ordinance codified in this chapter) without a permit from the city council. (Ord. 48(part), 1911)

### 5.32.020 Veto of proximate owners.

The city council shall not grant a permit for the erection or carrying on of any of the establishments named in Section 5.32.010 on any lot or lots or other parcels of land on any block in the city, when two-thirds in number of the owners of the lots or parcels of land, or the owner or owners of two-thirds of the area of all the land composing any such block, shall remonstrate in writing before such is granted, against the erection of the building or buildings or the carrying on of any such establishment. (Ord. 48(part), 1911)

# Title 6

## ANIMALS*

Chapters:

6.04 Dogs--Running at Large
6.06 Dogs--Registration; Licensing; Inoculation; Impoundment
6.08 Dogs--Causing Injury or Damage
6.12 Poultry Keeping
6.16 Stock Running at Large
6.20 Stables and Feed Yards
6.24 Venomous Reptiles
6.28 Domestic Animals
6.32 Animal Waste Dumping
6.36 Dangerous Dogs

* For provisions on cruelty to and neglect of animals, see Ch. 9.16 of this code.

## Chapter 6.04

## DOGS--RUNNING AT LARGE

Sections:

6.04.010 Defined.
6.04.020 Prohibited.
6.04.030 Violation--Penalty.

6.04.010 Defined. To "run at large" means to be not under control of the owner, a member of his immediate family, or one having the care of the dog, either by voice command, leash or fence; provided, that a dog is not "running at large" if accompanied by the owner, a member of his immediate family, or one having the care of the dog on his or her premises, or in his or her automobile; provided further, that a dog is "running at large" when such dog inflicts damage or injury by biting, jumping upon, pollution of vegetation, or by other means whatsoever to the person or property of anyone other than the owner, except

in defense of the owner, his family or property. (Ord. 265 § 2, 1970)

6.04.020 Prohibited. A. Every person owning or having charge, care, custody or control of any dog shall keep the dog exclusively upon his own premises except that the dog may be off the premises if it is under the effective control of a person. The dog shall be construed to be under the effective control of a person as follows:

1. Confinement within a vehicle, fencing or other adequate enclosure where the dog has no access to passersby; or

2. Attachment to a leash not over six feet in length and held by a person of sufficient size and strength to restrain the dog.

B. Notwithstanding the provisions of subsection A of this section, a dog shall be deemed to be not under effective control of a person as follows:

1. Every female dog in pre-estrus, estrus or post-estrus (in heat or in season) shall be confined in a building or secure enclosure in such a manner that the female dog cannot come into contact with another male dog except for planned breeding; or

2. The dog inflicts damage or injury to the person or property of someone other than its owner, custodian or possessor.

C. Nothing in this section shall restrict the ordinary uses of seeing-eye dogs or handicap helper dogs. (Ord. 393 § 1, 1987: Ord. 265 § 1, 1970)

6.04.030 Violation--Penalty. Any person found guilty of violating this chapter or any part thereof shall be punished, upon a first conviction, by a fine of not less than thirty dollars or more than fifty dollars, and on a second conviction, shall be punished by a fine of not less than sixty dollars or more than one hundred dollars, and, upon a third conviction or subsequent convictions, shall be punished by a fine of not less than one hundred or more than the maximum fine allowed by the municipal court of the city of Wray. (Ord. 471 (part), 2001; Ord. 265 § 5, 1970)

# Chapter 6.06

## DOGS--REGISTRATION; LICENSING; INOCULATION; IMPOUNDMENT

Sections:

6.06.010 Registration and licensing required--Fees.
6.06.020 Licenses and tags.
6.06.030 Inoculation and licensing--Required.
6.06.040 Inoculation and licensing--Tags--Inspection.
6.06.050 Inoculation and licensing--Period of validity.
6.06.060 Inoculation and licensing--Unlawful possession--Lost tags.
6.06.070 Rabies--Quarantine.
6.06.080 Inoculation and licensing--Imported dogs.
6.06.090 Impoundment--Poundmaster duties.
6.06.100 Police chief duties.
6.06.110 Impoundment--Notice--Redemption.
6.06.120 Disposition of unclaimed or infected dogs.

6.06.010 Registration and licensing required--Fees. Every person owning or harboring any dog or dogs four months of age or older within the city shall cause the animal or animals to be registered and licensed and shall supply all the information requested by the city clerk concerning the dog(s), and shall pay the city clerk, at the time of registration and licensing of the dog, a license fee of five dollars for each male or spayed female dog, and eight dollars for the first unspayed female and fifty dollars for each additional unspayed female dog, for the calendar year in which the license is issued. (Ord. 471 (part), 2001; Ord. 393 §3, 1987)

6.06.020 Licenses and tags. A. The city clerk shall provide for the issuance of a license to the owner or harborer of each dog licensed under the provisions of this chapter, containing the following information:

1. The name and address of the owner or harborer of an inoculated and licensed dog;
2. The year and series number of the dog tag;
3. The date of inoculation and date of license;
4. The sex of the dog.

B. The tags shall be made of durable material suitable to be attached to the collar or harness of the inoculated dog. The tag shall state the year of which it is issued and the series number of the license and tag. The tags shall be prepared and distributed by the city clerk and shall of a different color or shape each year. (Ord. 393 §4, 1987)

6.06.030 Inoculation and licensing--Required. From and after January 1, 1988, it shall be the duty of every person who owns or harbors any dog or dogs in the city to have such inoculated by the regularly licensed veterinarian of the state, to obtain a certificate from the veterinarian setting out the fact of the vaccination, and also to obtain from the city clerk a license for each dog. The vaccination and licensing shall be performed during the months of January and February of each calendar year; provided, however, that persons who acquire or harbor any dogs between March 1st and December 31st of any calendar year shall, immediately following such acquisition or upon such harboring, have the dog or dogs inoculated and licensed for the remaining portion of that calendar year. (Ord. 393 §5, 1987)

6.06.040 Inoculation and licensing--Tags--Inspection. A. Every owner or harborer of a dog shall attach the tag evidencing the licensing and inoculation with antirabies vaccine to the collar or harness of the inoculated and licensed dog. The collar or harness shall be worn by the dog at all times.

B. The license shall be retained by the owner or harborer of the inoculated and licensed dog for inspection by any member of the police department at any time. (Ord. 393 §6, 1987)

6.06.050 Inoculation and licensing--Period of validity. The licensing as designated in this chapter shall be valid for each calendar year and for January and February of the following year. The inoculation is valid for a three-year period. (Ord. 393 §7, 1987)

6.06.060 Inoculation and licensing--Unlawful possession--Lost tags. A. Only those persons who own or harbor a dog duly vaccinated and licensed in accordance with the provisions of this chapter shall be permitted to possess the licenses and tags provided for in this chapter. No person may affix a tag evidencing vaccination and licensing to the collar or harness of any dog, except the tag issued for that dog at the time of licensing.

B. Lost tags shall be replaced by the city clerk upon payment of a fee of one dollar for each replacement. (Ord. 393 §8, 1987)

6.06.070 Rabies--Quarantine. A. Any dog which is known to have bitten or injured any person as to cause an abrasion of the skin, or a dog which, in the opinion of a member of the police department or of any licensed veterinarian of the state, appears to be afflicted with rabies shall be confined by the city of Wray animal control

officer for a period of ten days. The confinement will be at the expense of the owner or keeper of the dog.

B. It is unlawful for any person knowing or suspecting a dog has rabies to allow the dog to be taken off his premises or beyond the limits of the city without the written permission of the poundmaster. Every owner, or other person, upon ascertaining a dog is rabid, shall immediately notify the poundmaster or a policeman, who shall either remove the dog to the pound or summarily destroy it.

C. If the owner of the dog or dogs referred to in this section cannot be determined or located, then a member of the police department shall otherwise confine the dog or dogs for a period of not fewer than ten days. If the owner of the dog is not determined or located, or the dog claimed within ten days, then the chief of police may order the dog destroyed. All costs incurred for the confinement of a dog under this section shall be paid by the owner or owners of the dog. If the dog is determined to be suffering from rabies, it shall be destroyed forthwith, and handled according to regulations of the State Health Department. (Ord. 471 (part), 2001; Ord. 393 §9, 1987)

6.06.080 Inoculation and licensing--Imported dogs. A. All dogs which are brought into the city shall be in compliance with the laws and rules and regulations of the state regarding the handling of the animals, and shall have been vaccinated no fewer than thirty days nor more than twelve months prior to importation, except for pups less than three months of age. Such dogs shall be vaccinated upon reaching the age of three months. The metal tag denoting vaccination shall be firmly affixed to the collar or harness of the dog and shall be evidence of compliance with this chapter. Production of vaccination certificate shall suffice if the tag is lost.

B. If the imported dog remains in the city more than thirty days, the dog shall be licensed in accordance with the provisions of this chapter. A certificate of vaccination issued by the licensed veterinarian to the owner or harborer of a dog within the current year by any municipality, county or state shall be presented to the city clerk and license tag of the city and a transfer fee of one dollar for a male or spayed female and three dollars for an unspayed female shall be imposed thereon. (Ord. 393 §10, 1987)

6.06.090 Impoundment--Poundmaster duties. It shall be the duty of every police officer or poundmaster to apprehend, take into custody and impound, either with or without complaint, any stray dog, unlicensed dog, dog not under reasonable control of the owner and any dog found running at large contrary to the provisions of this chapter, and to confine and keep such dog in the city pound or other suitable place. The poundmaster, or some other des-

ignated official, upon receiving any dog, shall make a complete registry of the breed, color and sex of the dog and whether it is licensed. If it is licensed, he shall enter the name and address of the owner and the number of the license tag. (Ord. 393 §11, 1987)

6.06.100 Police chief duties. The police chief shall provide a place, either within or without the city limits, where dogs taken up under the provisions of this chapter may be confined and kept, as provided in this chapter, and shall appoint some person to have general charge of such animals. (Ord. 393 §12, 1987)

6.06.110 Impoundment--Notice--Redemption. A. Not later then two days after the impounding of any dog, the owner shall be notified, or, if the owner of the dog is unknown, written notice shall be posted for three days at two or more conspicuous places in the city describing the dog and the place and time of taking.

B. The owner of any dog impounded may reclaim such dog upon payment of the license fee, if unpaid, and all court costs, and ten dollars per day to the city for the impounding and maintenance of the dog. If the dog is impounded, a summons and complaint shall be issued and the owner shall be tried before the municipal court of the city. (Ord. 471 (part), 2001; Ord. 393 §13, 1987)

6.06.120 Disposition of unclaimed or infected dogs. It is the duty of the poundmaster to keep all licensed dogs impounded pursuant to this chapter for a period of three days. If, at the expiration of four days from the date of notice to the owner or the posting of such notice, the dog has not been redeemed, it may be destroyed. Any unlicensed dog will be impounded and kept for a period of three days, after which time it will be disposed of or destroyed. Any dog which appears to be suffering from or affected with mange or other infections or dangerous disease shall not be released but may be forthwith destroyed. (Ord. 393 §14, 1987)

# Chapter 6.08

## DOGS--CAUSING INJURY OR DAMAGE

Sections:

6.08.010 Complaint--Nuisance declaration.
6.08.020 Summary destruction--Factors determining.

6.08.010 Complaint--Nuisance declaration. After the effective date of the ordinance codified in this chapter, any person, upon filing a complaint form, to be furnished and available at the office of the Wray city clerk, may request the city council to declare any dog which has inflicted bodily harm on any person or has damaged real or personal property to be a public nuisance and abated as such. (Ord. 293 §1, 1974)

6.08.020 Summary destruction--Factors determining. The city shall have the power to order the summary destruction of any dog which the city council deems to be a public nuisance. In determining if a dog is a public nuisance the council shall consider the following factors:

A. If the dog has caused physical bodily harm to any individual;

B. If the dog has had more than one instance of causing bodily harm to any individual;

C. Any circumstances which may have provoked the dog so as to absolve it from blame;

D. All harm done by the dog to personal and real property and all past harm done by the dog to personal and real property;

E. The relative harm done by the animal considering the relative worth of the animal, including breeding;

F. Any other circumstances deemed relevant to its decision. (Ord. 293 §2, 1974)

## Chapter 6.12

## POULTRY KEEPING

Sections:

6.12.010 Keeper to prevent nuisances.
6.12.020 Violation--Penalty.

6.12.010 Keeper to prevent nuisances. Any person within the limits of the city who keeps chickens, turkeys or other fowls, shall keep the same upon their own premises and shall not permit the same to go upon the premises of others and injure or damage any plants, flowers or other property thereon, or to commit any nuisance thereon. (Ord. 47(part), 1911)

6.12.020 Violation--Penalty. Any person violating the provisions of this chapter is guilty of an offense, and upon conviction thereof, shall be fined in a sum not exceeding ten dollars and costs. (Ord. 47(part), 1911)

## Chapter 6.16

## STOCK RUNNING AT LARGE

Sections:

6.16.010 Impoundment.

6.16.010 Impoundment. Any person or persons owning stock, who allow the same to run at large or upon any public property within the corporate limits of the city of Wray, shall be liable to have the same impounded and the chief of police shall have power to so impound such stock, and such animal or animals impounded shall not be released to the owners of such stock without the owner or owners having first paid into the city treasury the sum of one dollar per day for each animal so detained. (Ord. 9, 1906)

# Chapter 6.20

## STABLES AND FEED YARDS

Sections:

6.20.010 Prohibited location.
6.20.020 Feed yard establishment.
6.20.030 Sanitation.
6.20.040 Construction within fire limits.
6.20.050 Detached vehicles.

6.20.010 Prohibited location. A. It is unlawful to erect, or cause to be erected, any livery, feed or sale stable, or establish or maintain any feed yard for the purpose of feeding horses, mules, cattle, sheep or swine in that part of the city bounded as follows:

On the north by Kiowa St., on the east by South Elk St., on the south by School St., and on the west by South Arickaree St., such territory containing blocks numbered 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22 and 23.

B. A violation of this section by any person or persons will subject them to a fine of not less than ten nor more than one hundred dollars or an imprisonment in the city jail for a period of not more than ninety days, or both, for each and every offense, at the discretion of the court. (Ord. 40 §1, 1910)

6.20.020 Feed yard establishment. A. It is unlawful to establish or maintain a feed yard for the purpose of feeding any herd of horses, mules, cattle, sheep or swine inside of the corporate limits of the city, when it will in any way interfere with the health or comfort of any person or persons, or the same become obnoxious to the general public.

B. Any person or company found guilty of violating any portion of this section shall be fined in a sum not less than ten dollars, nor more than one hundred dollars, or be imprisoned in the city jail not to exceed ninety days, or both, at the discretion of the court. (Ord. 40 §2, 1910)

6.20.030 Sanitation. All livery or feed stables existing as of the effective date of the ordinance codified in this chapter, or thereafter built, anywhere within the corporate limits of the city, shall be kept in a sanitary condition so far as it is practicable. (Ord. 40 §3, 1910)

6.20.040 Construction within fire limits. Any livery, feed or sale stable that may be built within that portion of the fire limits not mentioned in Section 6.20.010, after the effective date of the ordinance codified in this chapter,

shall be built of brick, cement blocks, concrete or stone. An application for a building permit must be accompanied by plans and specifications to be approved by the city council. (Ord. 40 §4, 1910)

6.20.050 Detached vehicles. It is unlawful for owners, proprietors or lessees of livery, feed or sale stables to leave or allow their patrons to leave any vehicle detached from teams, or to let such vehicles remain in or upon any street or alley in the vicinity of such livery, feed or sale stable in the city. (Ord. 40 §5, 1910)

## Chapter 6.24

## VENOMOUS REPTILES

Sections:

6.24.010 Prohibited.
6.24.020 Abatement as nuisance.
6.24.030 Violation--Penalty.
6.24.040 Retroactive effect.

6.24.010 Prohibited. The ownership and/or dominion and control of venomous snakes and venomous lizards within the city of Wray is prohibited and is a public nuisance as a matter of law. All snakes of the pit viper family are included in the definition of "venomous." (Ord. 335 §1, 1978)

6.24.020 Abatement as nuisance. Upon notice that any person is keeping such snakes or lizards within the city, the city shall have the power to abate such nuisance summarily and without notice to the owner or person with dominion or control. (Ord. 335 §2, 1978)

6.24.030 Violation--Penalty. Any person violating Section 6.24.010 shall upon conviction pay a fine of not less than twenty-five and not more than three hundred dollars. Each day or part thereof during which any person violates this chapter after notice of violation hereof constitutes a separate offense. (Ord. 335 §3, 1978)

6.24.040 Retroactive effect. The ordinance codified in this chapter shall be retrospective in its operation and shall apply to all persons insofar as it allows abatement of the nuisance. The penalties imposed shall only apply to violations occurring after the date of enactment of the ordinance codified in this chapter. (Ord. 335 §4, 1978)

## Chapter 6.28

## DOMESTIC ANIMALS

Sections:

6.28.010 Application.
6.28.020 Prohibited acts designated.
6.28.030 Violations--Penalties.

6.28.010 Application. This chapter shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. (Ord. 452 (part), 1998)

6.28.020 Prohibited acts designated. It is a public nuisance to kill, slaughter and dress out domestic animals within the city limits of the city. (Ord. 452 (part), 1998)

6.28.030 Violations--Penalties. The following penalties, herewith set forth in full, shall apply to this chapter:

A. It is unlawful for any person to violate any of the provisions adopted in this chapter.

B. Every person convicted of a violation of any provision adopted in this chapter shall be punished by a fine not exceeding three hundred dollars. (Ord. 452 (part), 1998)

## Chapter 6.32

## ANIMAL WASTE DUMPING

Sections:

6.32.010 Prohibited.

6.32.010 Prohibited. No person shall cause to be deposited upon any street or highway within the city any

animal waste from any truck trailer waste trap. (Ord. 473 § 1, 2001)

## Chapter 6.36

## DANGEROUS DOGS

Sections:

6.36.010 Definitions.
6.36.020 Impounding.
6.36.030 Vaccination--Required.
6.36.040 Dangerous and potentially dangerous dogs.
6.36.050 Affirmative defenses.
6.36.060 Running at large or dog without proper restraint--Prohibited.
6.36.070 Barking--Prohibited.
6.36.080 Violations of this chapter.

6.36.010 Definitions. As used in this chapter:

"Bite" means to be seized with the teeth or jaws so that a person or animal has been nipped, gripped, wounded or the skin pierced.

"Control" means physical restraint or influence over a dog by means of a leash, cord or chain not more than six feet in length and sufficient in strength to regulate the dog. A dog shall be considered under control if it is "at heel" or under voice command and the owner can exhibit the same to the satisfaction of the peace officer.

"Dangerous dog" means any dog that:

1. Has bitten or inflicted serious bodily injury upon a human being without provocation on public or private property;

2. Has killed a domestic animal without provocation while off the owner's property; or

3. Has been previously found to be potentially dangerous, the owner having received notice of such and the dog again bites, attacks or endangers the safety of humans or domestic animals' provided, however, that dogs shall not be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, was abusing or assaulting

the dog, or was committing or attempting to commit a crime.

"Dog" refers to any animal of the canine species regardless of sex, including dogs of wild extraction, and a dog that is of any hereditary part related to wild canines, such as but not limited to the wolf family and the coyote family.

"Dog without proper restraint" means a potentially dangerous dog or a dangerous dog in violation of proper restraint as all terms are defined above.

"Owner" is any person, firm, association or corporation owning, keeping or harboring a dog.

"Potentially dangerous dog" means any dog that when unprovoked:

1. Attempts to bite, snap at, growl or cause injury on a human or a domestic animal, either on public or private property; or

2. Has demonstrated tendencies that would cause a reasonable person to believe that a dog may inflict injury upon or cause the death of any person or domestic animal; or

3. Chases or approaches a person upon the public streets, sidewalks or any public grounds or upon private property other than the owner's in a menacing/terrorizing fashion or apparent attitude of attack.

"Proper enclosure" a/k/a "escape-proof enclosure" for a dangerous and/or potentially dangerous dog means, while on the owner's property, the dog shall be securely confined indoors or in a securely enclosed locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. There shall be "BEWARE OF DOG" signs posted at each entrance and/or exit of the enclosure, which are legible to passers-by, warning of the dog's presence.

"Proper restraint" means of:

1. A potentially dangerous dog while on the owner's property shall be in a "proper enclosure" and while off the owner's property the dog shall be under the physical restraint of the owner by way of leash and must be muzzled at all times after a second violation of Section 6.36.040(B).

2. A dangerous dog while on the owner's property shall be in a "proper enclosure" and while off the owner's property the dog shall be under the physical restraint of

the owner by way of leash and must be muzzled at all times. Any dangerous dog found in violation of Section 6.36.040(A) constitutes a mandatory court appearance in which the court may order the dog destroyed.

"Running at large" means when a dog is on or off the premises of the dog's owner and not within a vehicle, a dog run, a fenced area or other confinement or not accompanied by and under the immediate control of the owner, or a member of the immediate family of the owner, an agent or employee, either by leash, cord or chain not to exceed six feet in length and sufficient in strength to control the dog. Dogs "at heel" or under voice control command only will not be considered to be running at large provided that the owner can exhibit to the charging officer sufficient control over the dog. A dog shall not be deemed to be running at large if it is on private property with the permission of the owner of the property. (Ord. 513 § 1, 2006)

6.36.020 Impounding. A. Any peace officer may place in the pound any dog found running at large or unlicensed. In the alternative, if the officer knows the owner(s) of the dog, the officer may return the dog to the owner(s) and issue a citation to appear in municipal court to answer for the offense.

B. If the dog is impounded, the officer shall send by regular mail a written notice of such impoundment to the owner, possessor or keeper of the dog if the address of such person be known. If the owner, possessor or keeper of such dog is not known or if his address cannot be determined, the officer shall cause to be posted in the police department in a conspicuous place for at least forty-eight hours a notice of impoundment. Whether the notice herein provided be mailed or posted, it shall describe the dog, set forth the date of impoundment and set forth the location from which the dog was taken up. It shall further notify the owner to redeem the dog within a special time which shall be not less than seventy-two hours in the case of mailing or ninety-six hours in the case of posting.

C. If the owner does not redeem the dog within the time specified in the notice, the city's agent may destroy the dog, give it away, sell it for cash with the proceeds to be the property of the city. (Ord. 513 § 2, 2006)

6.36.030 Vaccination--Required. It shall be the duty of every person who owns, keeps or harbors any dog in the city over six months of age to have the dog vaccinated for rabies by or under the direction of a doctor of veterinary medicine at least once every two years. Proof of current vaccination must be shown to obtain a license or to an animal control and/or peace officer on demand. (Ord. 513 § 3, 2006)

6.36.040 Dangerous and potentially dangerous dogs.

A. Dangerous Dogs.

1. Any dangerous dog (as defined in Section 6.36.010) that has been found running at large or running without proper restraint shall be impounded and the owner shall be subject to a mandatory court appearance. If the dangerous dog injures a human or domestic animal, the peace officer has the authority to impound the dog at the owner's expense, until the owner appears on a mandatory court appearance. If found guilty, the court may order the dog to be destroyed and assess the full costs of the impoundment and/or euthanasia against the owner in addition to any other penalty imposed.

2. It shall be unlawful for any dog owner who keeps a dangerous dog (as defined in Section 6.36.010) to keep the same unless confined in a locked enclosure, as indicated in Section 6.36.010, so as not to interfere with the public thoroughfares, including sidewalks, bike paths, alleys or public easements. The enclosure must be sufficiently constructed to contain said dog and must be posted at each entrance and/or exit of the enclosure "Beware of Dog" or similar advisement.

B. Potentially Dangerous Dogs.

1. Any potentially dangerous dog that has caused no human injury or domestic animal injury and has been found running at large may be impounded, and if, found guilty, the owner shall be fined an amount approved by the city council pursuant to Section 6.36.080 for the first offense, second offense and third offense. The second offense and subsequent shall result in a mandatory court appearance of the dog's owner.

2. It shall be unlawful to allow any potentially dangerous dog to run at large or to run without proper restraint and it is the responsibility of the dog

owner to keep such a dog confined in a proper enclosure as defined in Section 6.36.010 at all times.

C. Any dog that has been previously deemed dangerous by appropriate notification and while in violation of Section 6.36.040 is found to have caused bodily injury to a person or animal, and repeats such incident or commits another violation of this chapter, shall automatically constitute a directive for impoundment and the peace officer shall make a request for the destruction of the dog at the court hearing.

D. The city council, any of its employees or agents or any law enforcement officer or law enforcement officer with assistance of a law enforcement service dog or other person authorized to enforce this chapter shall not be held liable for the destruction of or injuries to a dog while carrying out the provisions of this chapter so long as said person was acting in good faith. (Ord. 513 § 4, 2006)

6.36.050 Affirmative defenses. An affirmative defense to the violation of a dangerous dog or potentially dangerous dog attacking shall be:

A. That, at the time of said attack by subject dog which causes injury or death of a domestic animal, such domestic animal was running at large, and entered upon the property of the owner of subject dog where referenced attack began, but did not necessarily end;

B. That, at the time of said attack by subject dog which causes injury or death of a domestic animal, said domestic animal was biting or otherwise attacking subject dog or its owner or responsible companion and subject dog was otherwise conforming to the requirements of law as pertains to control;

C. If a dog is provoked into biting or inflicting bodily injury or damage to the person or property of anyone other than the owner, such provocation shall constitute an affirmative defense that may be pled by an owner who is in violation of this article on account of said biting;

D. That the person who was victim of the attack by the dangerous dog tormented, provoked, abused, or inflicted injury upon the dog in such an extreme manner that it resulted in the attack. (Ord. 513 § 5, 2006)

6.36.060 Running at large or dog without proper restraint--Prohibited. It is unlawful for any owner of any dog in the city to permit the same to run at large within the city as that phrase is defined in this chapter. It is also unlawful for any owner of a dangerous or potentially dangerous dog to allow the dog to be without proper restraint as the same is defined in this chapter. (Ord. 513 § 6, 2006)

6.36.070 Barking--Prohibited. A. It is unlawful for any person owning, possessing, or keeping custodial or supervisory authority or control over any dog to permit the dog by loud and persistent or habitual barking, howling, yelping, or by making any other persistent or habitual noise, to disturb or tend to disturb, the peace of any other person.

B. Whenever a person is charged with a violation of subsection A of this section, he shall not be convicted thereof, unless he has, within the twelve-month period immediately preceding the date of issuance of the summons and complaint charging a violation of subsection A of this section, received at least one warning by a peace officer. (Ord. 513 § 7, 2006)

6.36.080 Violations of this chapter. Any person found guilty of violating this chapter shall be punished for each violation by a fine or not more than one thousand dollars. The following minimum fines shall apply:

A. Failure to vaccinate or wear licensing:

1. First offense thirty dollars;
2. Second offense sixty dollars;
3. Third offense mandatory court appearance.

B. Violation of running at large:

1. First offense thirty-five dollars;
2. Second offense seventy dollars;
3. Third offense mandatory court appearance.

C. Violation of Section 6.36.040(A) (Dangerous dogs): a mandatory court appearance with a minimum fine of:

1. One hundred dollars for first offense plus keep in locked enclosure and muzzled;
2. Two hundred dollars for second offense plus keep in locked enclosure and muzzled;

3. Three hundred dollars for third offense plus keep in locked enclosure and muzzled.

D. Violation of Section 6.36.040(B) (Potentially dangerous dogs):

1. First offense thirty-five dollars;

2. Second offense minimum fine of seventy dollars plus mandatory court appearance, plus keep confined in proper enclosure and leashed and muzzled;

3. Third offense mandatory court appearance.

In addition to any other fines, the court may order that restitution be made to the victim or victims including any injured animal. Said restitution should include reasonable and necessary medical expense incurred by the injured party or its animal and may also include the replacement value of any property damaged by the defendant's dog. (Ord. 513 § 8, 2006)

## Title 7

(RESERVED)

# Title 8

## HEALTH AND SAFETY

Chapters:

8.04 Burial Regulations
8.08 Noxious Weeds and Weed Abatement
8.12 Garbage and Rubbish Disposal
8.16 Nuisances
8.20 Disposal of Inflammable Waste
8.24 Burning Trash
8.28 Inflammable Liquids
8.32 Fire Inspections
8.36 Obstructing Drainageways
8.40 Littering
8.44 Junkyards
8.48 Public Hazards
8.52 Fireworks
8.56 Explosives
8.60 Emergency Response to Hazardous Substance Incidents
8.64 Trees
8.70 Property Nuisances

## Chapter 8.04

## BURIAL REGULATIONS

Sections:

8.04.010 Underground burial required.

8.04.010 Underground burial required. All bodies to be interred in Grandview Cemetery of the city of Wray shall be properly buried below ground, and aboveground or uncovered vaults or mausoleums are prohibited for the interment of bodies. (Ord. 253 §1, 1967)

# Chapter 8.08

## NOXIOUS WEEDS AND WEED ABATEMENT

Sections:

8.08.010 Definitions.
8.08.020 Nuisance declared.
8.08.030 Prohibited accumulations designated.
8.08.040 Notice to abate.
8.08.050 Violation.
8.08.060 Penalty.

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

"Brush" means volunteer growth of bushes, shrubs and trees such as those growing wild and without care and includes all cuttings from trees, shrubs and bushes and high and rank shrubbery growth which may conceal filthy deposits.

"Dandelions" mean the weed taraxacum officinale Weber.

"Refuse" means all wastes, including garbage, ashes, rubbish, toxic or inflammable substances, street cleanings, dead animals, abandoned automobiles, solid market and industrial wastes and shrubbery, trees and lawn trimmings.

"Rubbish" means solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

"Weeds" mean:

1. Those noxious and prohibited and restricted noxious weeds as defined and set forth in Colorado Revised Statutes 35-27-101. Said weeds are enumerated as follows:

a. Field bindweed/convolvulus arvensis L.;

b. Canada thistle/cirsium arvense (L.) Scop.;

c. Musk thistle/carduus nutans L.;

d. Silverleafed povertyweed/ambrosia tomentosa Nutt.;

e. Woolyleafed povertyweed/ambrosia grayi (A.Nels.) Shiners;

f. Jointed goatgrass/aegilops cylindrical Host;

g. Leafy spurge/euphorbia esula L.;

h. Diffuse knapweed/centaurea diffusa Lam.;

i. Spotted knapweed/centaurea maculosa Lam.;

j. Russian knapweed/acroptilon repens (L.) DC.;

k. Saltcedar (tamarisk)/tamaricaceae family;

l. Hoary cress (whitetop)/cardaria draba (L.) Desv.;

m. Dalmation toadflax/linaria genistifolia ssp. dalmatica.

2. In addition to the foregoing list, "weeds" include brush, whether noxious or not, which is in excess of six inches in height and which meets the definition of "brush" stated in this section.

3. The foregoing enumeration is not intended to be exclusive, but rather is intended to be indicative of those types of plants which are considered a detriment to the public health, safety and welfare, and does not include flower gardens, plots of shrubbery, vegetable gardens and small grain plots (wheat, barley, oats and rye). (Ord. 504 §2, 2005)

8.08.020 Nuisance declared. Any unauthorized accumulation of weeds, brush, refuse or rubbish on any premises is declared to be a nuisance and a health hazard and is prohibited. (Ord. 504 §3, 2005)

8.08.030 Prohibited accumulations designated.

A. It is unlawful for any owner, lessee, agent, occupant or person in possession or control of any occupied or unoccupied lot or tract of land or any part thereof in the city of Wray to permit or maintain on any such lot or tract of land, or on or along the sidewalk, street or alleyway adjacent to the same, any growth of weeds to a height greater than six inches, or any accumulation of weeds, brush, refuse or rubbish.

B. It is unlawful for any owner, lessee, agent, occupant or person in possession or control of any occupied

or unoccupied lot or tract of land or any part thereof in the city of Wray to permit or maintain on any such tract of land, or on or along the sidewalk, street or alleyway adjacent to the same, any growth of dandelions exceeding ten dandelions per any square yard of land area. (Ord. 504 §4, 2005)

8.08.040 Notice to abate. If weeds exist on any property to a height greater than six inches or dandelions exist as described in this chapter, a notice of violation will be issued to the owner of the property which shall contain a description of the property and state that, if the weed and brush condition is not corrected within seven days, a citation may be issued as provided herein. (Ord. 504 §5, 2005)

8.08.050 Violation. In the event the landowner and/or tenant does not abate the nuisance prior to the time allowed by this chapter, the chief of police or his designee may serve upon the landlord and/or tenant a summons and complaint for violation of this chapter. (Ord. 504 §6, 2005)

8.08.060 Penalty. Any person found guilty of violation of this chapter shall be fined up to three hundred dollars for each offense. Each day the offense remains uncorrected after notice shall be considered a separate offense. (Ord. 504 §7, 2005)

## Chapter 8.12

## GARBAGE AND RUBBISH DISPOSAL

Sections:

8.12.010 Definitions.
8.12.020 Periodic disposal required.
8.12.030 Garbage cans.
8.12.040 Deposit of garbage in cans.
8.12.050 Placement of cans.
8.12.060 Garbage collection--Permit required.
8.12.070 Garbage collection--Application-Bidding.
8.12.080 Violation--Penalty.

8.12.010 Definitions. As used in this chapter:

"Garbage" means and includes only organic refuse resulting from the preparation of food, and decayed and spoiled food from any source, excluding fish bones and coffee grounds.

"Rubbish" means and includes all inorganic refuse matter such as tin cans, glass, paper, ashes, sweepings, etc. (Ord. 154 §2, 1947)

8.12.020 Periodic disposal required. It is unlawful for any person, firm or corporation to fail to dispose of garbage or rubbish which may be or may accumulate upon

property owned or occupied by him or them in a sanitary manner at least one time semiweekly for garbage, and at least once a month for rubbish. (Ord. 154 §1, 1947)

8.12.030 Garbage cans. Every householder or occupant of any dwelling house, boardinghouse, restaurant or any place of business, having garbage to dispose of, who does not otherwise provide for the disposal of such garbage in a sanitary manner, shall provide himself with one or more fly-tight metal cans sufficient to receive all garbage which may accumulate between the times of collection. Each can shall have a capacity of not to exceed ten gallons and shall be provided with a bail or handles and a tight-fitting cover. (Ord. 154 §3, 1947)

8.12.040 Deposit of garbage in cans. All garbage accumulating between the times of collection shall be placed in the cans provided for in Section 8.12.030, and it is unlawful for any person to deposit any rubbish or any substance other than garbage in such cans. Garbage shall not be wrapped. All surplus water shall be drained off the garbage before it is placed in the can and coffee grounds and fish bones removed. (Ord. 154 §4, 1947)

8.12.050 Placement of cans. Garbage cans shall be kept near the alley on private property, and shall be accessible to collectors at all reasonable times; provided, however, if there is no alley adjacent to the disposer's property, the can shall be kept on private property near the street, and shall be kept accessible to the collector at all reasonable times. (Ord. 154 §5, 1947)

8.12.060 Garbage collection--Permit required. It is unlawful for any person, firm or corporation to collect garbage without first having secured from the city council, a written contract or permission to do so. (Ord. 154 §6, 1947)

8.12.070 Garbage collection--Application--Bidding. A. Any person, firm or corporation desiring to collect garbage shall make application to the city clerk, the application to be in writing and to set forth:

1. The name and addresses of the applicant;
2. A list of equipment which he proposes to use in such collection;
3. The place or places to which the garbage is to be hauled;
4. The manner in which the garbage is to be disposed of; and
5. A statement guaranteeing collection for the entire town.

B. If the health officer finds that the applicant is responsible and has proper equipment for such collection and that no nuisance is liable to be created by the prospective applicant, he shall endorse his approval on the application.

C. Before any contract or permission to haul garbage may be issued, the city council shall receive sealed bids for annual fee for garbage collection for the entire city, and may award the contract to a bidding applicant complying with the standards set out in this chapter, who in the opinion of the city council will perform the contract in a proper manner, for a term not to exceed three years and may, if the city council so desires, require the garbage collector to post bond in the penal sum of not to exceed five hundred dollars to insure for the full performance of his contract. The city may reject any and all bids and may provide for collection of garbage and rubbish by city employees and with city equipment. (Ord. 154 §7, 1947)

8.12.080 Violation--Penalty. Any person, firm or corporation violating any of the provisions of this chapter is guilty of a misdemeanor and punished by a fine of not less than two dollars nor more than one hundred dollars and court costs. (Ord. 154 §8, 1947)

## Chapter 8.16

## NUISANCES

Sections:

8.16.010 Keeping of stock.
8.16.020 Keeping of rabbits and fowls.
8.16.030 Trespassing fowls.
8.16.040 Refuse or garbage disposal.
8.16.050 Rubbish or ashes.
8.16.060 Abatement by city.
8.16.070 Violation--Penalty.

8.16.010 Keeping of stock. The keeping of any horse or horses, hog or hogs, cow or cows, or other livestock of any kind is prohibited within the limits of the city of Wray, unless the animal or animals are kept in such a way, and the premises in such condition, as not to be offensive or obnoxious, or injurious to the health of any neighborhood or part of the city. (Ord. 150 §1, 1945)

8.16.020 Keeping of rabbits and fowls. The keeping of rabbits, chickens, turkeys, geese or other fowls is prohibited within the limits of the city, unless such fowl or animals are kept within an enclosure on the premises of the

owner or keeper thereof, and in such a way and the premises in such condition as not to be offensive or obnoxious or injurious to the health of any neighborhood or part of the city. (Ord. 150 §2, 1945)

8.16.030 Trespassing fowls. Any fowl or fowls trespassing and damaging the property or premises of another may be killed without liability for damage to the owner. (Ord. 150 §3, 1945)

8.16.040 Refuse or garbage disposal. Any and all refuse or garbage of any kind shall be disposed of by removal, burying or burning, or otherwise taken care of so that the same shall not be offensive, obnoxious or injurious to the health of any neighborhood or part of the city. (Ord. 150 §4, 1945)

8.16.050 Rubbish or ashes. Tin cans, bottles and jars shall be deposited in some kind of a container, box or basket and kept at or near the rear of the lot. No such articles, or other rubbish, or ashes shall be put in any street, alley or vacant lot or lots. (Ord. 150 §5, 1945)

8.16.060 Abatement by city. Any place or premises that is allowed to get in such shape as to become a nuisance and menace to public health shall be cleaned up or abated by the city health officer, and he is hereby authorized to use such force as may be necessary to clean up such premises or to make such abatement. The cost thereof shall be assessed against the lot or premises and collected as other taxes. (Ord. 150 §6, 1945)

8.16.070 Violation--Penalty. Any person violating any of the provisions of this chapter is guilty of an offense, and shall be liable to a fine of not less than five dollars nor more than fifty dollars. Each day shall be considered a separate offense. (Ord. 150 §7, 1945)

## Chapter 8.20

## DISPOSAL OF INFLAMMABLE WASTE

Sections:

8.20.010 Proper storage.
8.20.020 Ashes.
8.20.030 Rubbish accumulations.
8.20.040 Growths or weeds.
8.20.050 Violation--Penalty.

8.20.010 Proper storage. It is unlawful to deposit, or allow to be deposited or placed, any waste matter such as shavings, excelsior, paper, paper boxes, hay, straw, and such other matter of a light weight or easily ignitable combustible material in a loose or dangerous way or place so that it will endanger any building or other structure, or be allowed to be blown about by wind or scattered over the premises of private individuals or public lots, streets or alleys. Such material shall be packed in some good receptacle of wood, metal, brick, stone or cement and such receptacle shall be placed separate and apart from any and all wooden buildings. (Ord. 38 §1, 1909)

8.20.020 Ashes. It is unlawful to dump or deposit ashes from stoves, or furnaces, in or upon the streets or alleys in the fire limits. When deposited on private grounds, caution should be had that all fire is extinguished, if the ashes are not placed in a metal receptacle. (Ord. 38 §4, 1909)

8.20.030 Rubbish accumulations. It is unlawful to deposit any rubbish such as brick, stone, cast-off clothing, boxes, crates, barrels or other matter of whatsoever kind in or upon any street, sidewalk or alley inside of the fire limits. Such accumulations, if any, of such matter are to be kept together on the owner's or lessee's property until it becomes necessary to remove the same from the fire limits. (Ord. 38 §5, 1909)

8.20.040 Growths or weeds. A. It is the duty of owners or lessees of property in the fire limits to keep cut and removed rank growths of weeds from inside the fire limits. If that duty is neglected and upon personal notice being given by the city council to remove the same, the street commissioner may cut and remove the same and assess the expense against the property, the same to be collected with other taxes against such property.

B. It is ordered by the city council that all property owners or any other person shall not use or make as a dumping ground for waste matter or offal any street, sidewalk or alley in any part of the corporate limits of the city.

C. It is ordered and made the duty of all property owners within the corporate limits of the city to cut and remove all rank growths of weeds from their lots and from one-half of streets and alleys bordering on their respective properties, said cutting and removal to be done at least two times a year, once during the month of June and once during the month of August. If the weeds are not cut and removed, or caused to be removed, by the property owners, then the street commissioner may cut and remove the weeds, and the expense occasioned thereby will be assessed against the property and collected as other taxes. (Ord. 38 §6, 1909)

8.20.050 Violation--Penalty. A violation of any portion of this chapter will subject the offender to a fine of not less than one dollar nor more than ten dollars for each offense, at the discretion of the court. (Ord. 38 §7, 1909)

## Chapter 8.24

## BURNING TRASH

Sections:

8.24.010 Prohibited in fire districts.
8.24.020 Permits.
8.24.030 Penalties.

8.24.010 Prohibited in fire districts. It is unlawful for any person to burn any sweeping, trash, lumber, leaves, straw, papers, grass or other combustible material in any street, alley, yard, or upon any lot within the city limits of the city. (Ord. 475 §1, 2001; Ord. 182 §1, 1954)

8.24.020 Permits. Upon application to the city, the city manager or fire chief may issue a permit to allow trash burning within the city for a permit fee of five dollars, or as set from time to time by council resolution. Said permit will provide for notification to the fire department of the time and place of any permitted burning. (Ord. 475 §2, 2001)

8.24.030 Penalties. Any person or entity who violates this chapter will be punished by a minimum fine of fifty dollars, up to the maximum statutory allowable fine for violation of a municipal code. (Ord. 475 §3, 2001)

## Chapter 8.28

## INFLAMMABLE LIQUIDS

Sections:

8.28.010 Applicability.
8.28.020 Permit for storage.
8.28.030 Application for permit.

8.28.040 Inspection of permitted installations.
8.28.050 Underground tanks--Required.
8.28.060 Underground tanks--Construction.
8.28.070 Underground tanks--Installation.
8.28.080 Underground tanks--Venting.
8.28.090 Underground tanks--Filling pipes.
8.28.100 Underground piping.
8.28.110 Aboveground storage tanks.
8.28.120 Tank car emptying.
8.28.130 Smoking where present.
8.28.140 Running engines--Proximate fire or flame.
8.28.150 Dry cleaning establishments.
8.28.160 Tank wagons or trucks.
8.28.170 Oil burners.
8.28.180 Other occupancies in same building.
8.28.190 Violation--Penalty.

8.28.010 Applicability. This chapter shall apply to all plants, systems, equipment or devices, constructed or installed within the corporate limits of the city after the effective date of the ordinance codified in this chapter, for the use, handling, storage or sale of gasoline or other inflammable liquids, and to plants, systems, equipment or devices existing as of the adoption of the ordinance codified in this chapter when, in the judgment of the city council, the same constitutes a menace to life or property. (Ord. 119 §1, 1934)

8.28.020 Permit for storage. It is unlawful for any person, firm or corporation to keep or have in excess of five gallons of gasoline or other inflammable liquids on any premises within the corporate limits of Wray without first obtaining a permit from the city clerk, except as provided in this chapter. The fee for the permit to install any tank, pump or apparatus for the storage or handling of gasoline or other inflammable liquids shall be five dollars for each permit. (Ord. 119 §2, 1934)

8.28.030 Application for permit. Every application for a permit to sell or store gasoline or other inflammable liquids must be made in writing to the city clerk, who upon receipt of the application and fee shall forthwith make an inspection of the premises proposed to be used for such sale or storage, and the means or distribution, and if the conditions, surroundings and arrangements are such that the intent of this chapter can be observed, then he shall issue a permit for the installation of the system or equipment, subject to his final inspection. (Ord. 119 §3, 1934)

8.28.040 Inspection of permitted installations. Before any installation is covered from sight, a notification in writing shall be given the city manager, who shall inspect the installation within forty-eight hours after the receipt of such notification and give his written approval or disapproval. Upon failure of the city manager to inspect within the specified time, the installation may be covered, but shall then be subject to inspection by the city manager at the expense of the city. (Ord. 119 §4, 1934)

8.28.050 Underground tanks--Required. It is unlawful for any person, firm or corporation to have or keep more than five gallons of gasoline or other inflammable liquids on his premises at any one time unless the same is contained in an underground storage tank approved by and bearing the label of the Underwriters' Laboratory and constructed,

installed and maintained in accordance with the following rules and requirements or in pumps, measuring devices or portable tanks constructed under the supervision of and bearing the label of the Underwriters' Laboratory and used as prescribed by them, or in the reservoirs of automobiles, except that not to exceed sixty gallons of inflammable liquids having a flash point of not less than one hundred degrees Fahrenheit may be kept in auxiliary tanks of approved oil-burning systems as provided in Section 8.28.170. (Ord. 119 §5, 1934)

8.28.060 Underground tanks--Construction. A. Tanks must be constructed of galvanized steel, basic open hearth steel or wrought iron of a minimum gauge, depending upon the capacity, as indicated by the following table:

| Capacity (gallons) | Minimum Thickness of Metal |
|---|---|
| 1 to 560 | 14 gauge |
| 561 to 1,100 | 12 gauge |
| 1,101 to 4,000 | 7 gauge |
| 4,001 to 10,500 | 1/4 inch. |

B. Tanks constructed of 12-gauge and 14-gauge metal must be well galvanized; tanks constructed of 7-gauge of heavier metal must be galvanized or thoroughly coated on the outside with tar asphaltum or other suitable rust-resisting material. (Ord. 119 §6, 1934)

8.28.070 Underground tanks--Installation. A. Tanks shall have tops at least three feet below the surface of the ground, and below the lowest part of every pipe used in connection therewith in the building to be supplied. Tanks may be permitted underneath a building only if buried at least three feet below the lowest floor. Tanks shall be set on a firm foundation and surrounded with soft earth or sand, well tamped into place and encased in concrete. Tanks may have a test well, provided the test well extends to near the bottom of the tank, and the upper end shall be hermetically sealed and locked except when necessarily open. When the tank is located underneath a building the test well shall extend at least twelve feet above the top of the fill pipe.

B. The storage capacity permitted in one tank shall depend upon the location of the tank with respect to the building to be supplied and adjacent buildings and property as follows:

1. Ten thousand five hundred gallons if the tank is over thirty feet from any property line which may be built upon or if lower than any floor, basement, cellar or pit in any buildings within thirty feet;

2. Four thousand gallons if the tank is over twenty feet from any property line which may be built upon or if

lower than any floor, basement, cellar or pit in any building within twenty feet;

3. One thousand one hundred gallons if the tank is over ten feet from any property line which may built upon or if lower than any floor, basement, cellar or pit in any building within ten feet;

4. Five hundred sixty gallons if the tank is within ten feet of any property line which may be built upon or if not lower than every floor, basement, cellar or pit in any building within ten feet, in which case it must be entirely encased in six inches of concrete.

C. No storage tank shall be installed in the public streets, avenues or alleys of the city, except by special permission of the city council. (Ord. 119 §7, 1934)

8.28.080 Underground tanks--Venting. All underground storage systems which may contain volatile inflammable liquids shall have a vent pipe, at least one inch in diameter, run from the top of the tank to a point outside of the building at least twelve feet above the level of the fill pipe and in a location remote from fire escapes and not less than three feet, measuring horizontally and vertically, from any window or other opening; the tank vent pipe shall terminate in a goose neck protected at the outer end by a 30x30 mesh or equivalent brass wire screen. The vent pipes from two or more tanks may be connected to one upright, provided they are connected at a point at least one foot above the level of the top of the fill pipe. (Ord. 119 §8, 1934)

8.28.090 Underground tanks--Filling pipes. Ends of filling pipes for all underground storage tanks shall be carried to an approved location outside of any building, but not within five feet of any entrance, door, or cellar opening, and shall be set in an approved metal box with a cover which shall be kept locked except during filling operations. Filling pipes shall be closed by a screw or hinged cap. A 30x30 mesh or equivalent brass screen strainer shall be placed in the supply end of the filling pipe. (Ord. 119 §9, 1934)

8.28.100 Underground piping. The piping of gasoline or other inflammable liquids in the streets or alleys of the city, for any distance exceeding fifty feet, shall not be permitted except in outlying districts, where such piping shall be buried below frost line, kept clear of other piping and sewers, and where in the judgment of the city manager such piping can be maintained so as not to create a hazard to life and property. (Ord. 119 §10, 1934)

8.28.110 Aboveground storage tanks. By special permission of the city council, aboveground storage tanks may be permitted in sparsely built-up sections of the city,

but not within two hundred feet of any buildings except those used in connection therewith. (Ord. 119 §11, 1934)

8.28.120 Tank car emptying. The drawing of gasoline or other inflammable liquids from tank cars shall not be permitted at any location where in the judgment of the city manager such operations would be unsafe to life and property. The piping, pumps or other equipment used for the emptying of such tank cars must be of sufficient size and so arranged to permit the emptying or withdrawing of the gasoline or other inflammable liquids within a period of twelve hours. The person or firm to whom such tank cars are consigned shall be required to complete the emptying of the same within a period of twenty-four hours from the time the tank car is placed in position for unloading. (Ord. 119 §12, 1934)

8.28.130 Smoking where present. In all rooms or parts of buildings used for commercial purposes which contain gasoline or other inflammable liquids in open containers or in which vapors from gasoline or other inflammable liquids are present, smoking is a misdemeanor. Suitable signs lettered "SMOKING PROHIBITED BY ORDER OF CITY COUNCIL" shall be displayed. (Ord. 119 §13, 1934)

8.28.140 Running engines--Proximate fire or flame. It is expressly prohibited to open or fill any gasoline tank of an automobile, motorcycle or other internal combustion engine while the engine or motor is running. No inflammable liquids shall be stored, drawn or handled in dangerous proximity to fire or open flame. (Ord. 119 §14, 1934)

8.28.150 Dry cleaning establishments. This chapter shall not be construed as applying to gasoline or other inflammable liquids while contained in washers used in connection with dry cleaning establishments when located outside the fire limits of the city as established as of the effective date of the ordinance codified in this chapter or thereafter extended, or when inside the fire limits, provided the building used for dry cleaning purposes is constructed wholly of noncombustible material, not used for other occupancy and located at least ten feet from other buildings and/or a public thoroughfare. (Ord. 119 §15, 1934)

8.28.160 Tank wagons or trucks. All tank wagons or trucks, and wagons or trucks containing tanks with faucets, when used for the distribution of gasoline or other inflammable liquids, shall be of a substantial, workmanlike construction and shall be subject to the approval of the city manager, who shall inspect and keep a record of such wagons or vehicles, which shall be plainly marked with their record

number. All faucets connected to such trucks or wagons shall be kept locked or have handles removed when not in actual use, such handles to be so constructed that they many not be removed except when the faucet is tightly closed, and all measures and faucets shall be covered or otherwise protected. (Ord. 119 §16, 1934)

8.28.170 Oil burners. Oil burners and systems for domestic heating in stoves and furnaces shall not be used or installed unless approved by the Underwriters' Laboratory and installed in accordance with the standards of the National Board or Fire Underwriters, and such standards are made a part of the requirements of this chapter. This section shall not apply to oil burners using a wick. (Ord. 119 §17, 1934)

8.28.180 Other occupancies in same building. No dry cleaning establishment or automobile garage, repair shop or other business using or keeping on hand at any one time gasoline or other highly volatile inflammable liquids in quantities exceeding five gallons shall, after the effective date of the ordinance codified in this chapter, be allowed in any building which is occupied above the first floor as a place of public assemblage, or as a factory employing over five persons, or as a hotel, roominghouse or for dwelling purposes. (Ord. 119 §18, 1934)

8.28.190 Violation--Penalty. Any person, firm or corporation who violates any provision of this chapter shall, upon conviction, be fined in a sum of not less than ten or more than three hundred dollars for each offense. (Ord. 119 §19, 1934)

## Chapter 8.32

## FIRE INSPECTIONS

Sections:

8.32.010 Duty of fire chief.
8.32.020 Order to remedy conditions.
8.32.030 Violation--Penalty.

8.32.010 Duty of fire chief. It is the duty of the chief of the fire department to inspect or cause to be inspected by the fire department officers or members, as often as may be necessary, but not less than twice a year in outlying district and four times a year in the closely built portions of the city, all buildings, premises and public thoroughfares, except the interiors of private dwellings,

for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of any ordinance of the city affecting the fire hazard. (Ord. 120 §1(part), 1934)

8.32.020 Order to remedy conditions. A. Whenever any officer or member of the fire department finds in any building, or upon any premises or other place, combustible or explosive matter or dangerous accumulation of rubbish or unnecessary accumulation of waste paper, boxes, shavings or any other highly inflammable materials especially liable to fire, and which is so situated as to endanger property, or finds obstructions to or on fire escapes, stairs, passageways, doors or windows liable to interfere with the operations of the fire department or egress of occupants in case of fire, or finds any other conditions dangerous to life or property by reason of the fire hazard, he shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings, subject to appeal within twenty-four hours to the mayor, who shall within ten days review such order and file his decision thereon, and unless the order is revoked or modified it shall remain in full force and be obeyed by such owner or occupant.

B. Any owner or occupant failing to comply with such order within ten days after the appeal has been determined, or if no appeal is taken, then within ten days after the service of the order, shall be liable to a penalty as stated in Section 8.32.030. (Ord. 120 §1(part), 1934)

8.32.030 Violation--Penalty. Any person or persons, firm or corporation, violating any of the provisions of this chapter or any of its sections shall, upon conviction, forfeit and pay a fine of not more than twenty-five dollars for every day thereafter so long as the violation exists, and a fine of not more than one hundred dollars for subsequent violations. (Ord. 120 §2, 1934)

## Chapter 8.36

## OBSTRUCTING DRAINAGEWAYS

Sections:

8.36.010 Unlawful.
8.36.020 Violation--Penalties.

8.36.010 Unlawful. A. It is unlawful for any person or persons without written permission from the city of Wray, to:

1. Place, or cause to be placed, any article, object, obstacle or obstruction of any kind whatsoever in any drainage ditch, channel, canal or waterway; or

2. Narrow or constrict, or cause to be narrowed or constricted, any such drainage ditch, channel, canal or waterway; or

3. Do, or cause to be done, any act of any kind whatsoever which will obstruct or interfere with the flow of water through such ditch, channel, canal or waterway; or

4. Reduce or cause to be reduced in any manner whatsoever the carrying capacity, at any point whatsoever, of such ditch, channel, canal or waterway.

B. The violation of each subdivision of subsection A of this section is a separate offense. (Ord. 201 §1, 1958)

8.36.020 Violation--Penalties. A. Any person or persons violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall, for each offense, be punished by a fine of not more than one hundred dollars, nor less than five dollars.

B. Further, if any person or persons shall in violation of this chapter place of cause to be placed any article, object, obstacle or obstruction in any such ditch, channel, canal or waterway, the head of the department of public works of the city may cause the necessary work to be performed to accomplish the removal of such article, object, obstacle or obstruction from such ditch, channel, canal or waterway, and in such case the city may by proper legal action recover from the offending person or persons all costs and expenses incurred by the city in removing such article, object, obstacle or obstruction, along with reasonable attorney's fees to be fixed by the court for such action or proceeding. (Ord. 201 §2, 1958)

## Chapter 8.40

## LITTERING

Sections:

8.40.010 Definitions.
8.40.020 On private property.
8.40.030 On public property.
8.40.040 Affirmative defenses.
8.40.050 Fine suspension for pickup.
8.40.060 Presumption regarding motor vehicle operators.
8.40.070 Violation--Penalty.

8.40.010 Definitions. As used in this chapter:

A. "Litter" means all rubbish, waste material, refuse, garbage, trash, debris or other foreign substances, solid or liquid, of every form, size, kind and description.

B. "Public or private property" includes, but is not limited to, the right-of-way of any road or highway, any body of water or watercourse, including frozen areas or the shores or beaches thereof, any park, playground or building, any refuge, conservation or recreation area, and any residential, farm or ranch properties or timberlands. (Ord. 340 §4, 1979)

8.40.020 On private property. Any person who deposits, throws or leaves any litter on any public or private property commits the offense of littering. (Ord. 340 §1, 1979)

8.40.030 On public property. Any person who throws or deposits upon any public street or alley in the city of Wray, any glass bottle, glass, stones, or other substance likely to injure any person or vehicle upon such highway commits the offense of littering. Said offense shall include, without limitation, any animal waste from any truck trailer waste trap. (Ord. 479, 2001; Ord. 340 §2, 1979)

8.40.040 Affirmative defenses. It is an affirmative defense that:

A. Such property is an area designated by law for the disposal of such material and the person is authorized by the proper public authority to so use the property; or

B. The litter is placed in a receptacle or container installed on such property for that purpose; or

C. Such person is the owner or tenant in lawful possession of such property, or he has first obtained written consent of the owner or tenant in lawful possession, or the act is done under the personal direction of the owner or tenant. (Ord. 340 §3, 1979)

8.40.050 Fine suspension for pickup. It is in the discretion of the court, upon the conviction of any person and the imposition of a fine under this chapter, to suspend the fine upon the condition that the convicted person gather and remove from specified public property or specified private property, with prior permission of the owner or tenant in lawful possession thereof, any litter found thereon. (Ord. 340 §5, 1979)

8.40.060 Presumption regarding motor vehicle operators. Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle in violation of this chapter, the operator of the motor vehicle is presumed to have caused or permitted the litter to be so thrown, deposited, dropped or dumped therefrom. (Ord. 340 §6, 1979)

8.40.070 Violation--Penalty. Any person, firm or corporation who is convicted of a violation of any section of this chapter shall, for each separate offense, be fined a sum of not more than three hundred dollars or imprisoned not to exceed ninety days, or both so fined and imprisoned. (Ord. 340 §7, 1979)

## Chapter 8.44

## JUNKYARDS

Sections:

8.44.010 Restricted district designated.
8.44.020 Prohibited--Declared nuisance.
8.44.030 Automobile dealers excepted.
8.44.040 Owner of property liable.
8.44.050 Violation--Penalty.

8.44.010 Restricted district designated. The area within the city of Wray described in this section shall be a restricted district as to the uses and purposes set forth in this chapter:

All that part of the city lying west of Ash Street, and between Third and Seventh Streets, and for one hundred feet on the north side of Third Street and one hundred feet on the south side of Seventh Street; all that part of the city east of Ash Street between Third Street and Fifth Street, and one hundred feet on the north side of Third Street and one hundred feet on the south side of Fifth Street, and also between Elm and Filbert Streets, and one hundred feet on the west side of Elm Street and one hundred feet on the east side of Filbert Street. (Ord. 129 §1, 1939)

8.44.020 Prohibited--Declared nuisance. The maintenance of any junkyard, auto wrecking station or place where

automobiles, motor vehicles or machinery is sold at second hand is prohibited within the restricted area of the city, as described in Section 8.44.010, and any such junkyard, or similar place, that may now exist within the restricted area is declared to be a nuisance, and shall be abated within ninety days from the date the ordinance codified in this chapter becomes effective. (Ord. 129 §2, 1939)

8.44.030 Automobile dealers excepted. This chapter shall not apply to any automobile dealer who may take in secondhand cars who may sell or dispose of the same in the course of business, but it shall be held to include and to apply only to secondhand junkyards in which automobiles and

motor vehicles, or machinery, is stripped or sold in parts and parcels, and shall constitute an unsightly appearance within the city. (Ord. 129 §3, 1939)

8.44.040 Owner of property liable. Should any nuisance be maintained, as provided in this chapter, by anyone not the owner of the lot or lots upon which located, that any fine or fines imposed upon such party and not paid may be assessed against the owner of the lot or lots, and collected as taxes. (Ord. 129 §5, 1939)

8.44.050 Violation--Penalty. Any person or persons violating the provisions of this chapter shall be liable to a fine of not less than five dollars or more than fifty dollars for each day any such nuisance as described in this chapter is permitted to remain within the restricted area, and the city shall have the further right to abate any such junkyard as a nuisance if the city council desires so to do, after the refusal or failure of the owner to abate the nuisance. (Ord. 129 §4, 1939)

## Chapter 8.48

## PUBLIC HAZARDS

Sections:

8.48.010 Depositing dangerous substances on public ways.
8.48.020 Containers hazardous to children.
8.48.030 Cellar doors and other subterranean openings.
8.48.040 Excavation safety measures.

8.48.010 Depositing dangerous substances on public ways. A. It is unlawful for any person to throw or deposit or cause to be thrown or deposited on any street, alley, sidewalk or other public way, any broken glass, broken crockery, nails or any other dangerous substances.

B. Violation of this section shall be punished by a fine up to and including three hundred dollars for each violation, but no jail sentence or other form of imprisonment may be imposed, a fine being the exclusive punishment and no imprisonment shall be allowed under Section 9.44.020; however, failure to pay a fine may result in imprisonment pursuant to 13-10-113, CRS 1973. (Ord. 354(part), 1981; Ord. 272 Art. 2 §1, 1971)

8.48.020 Containers hazardous to children. It is unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure, or within any

unoccupied or abandoned buildings, structure or dwelling under his control, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has a door or lid, snap lock or other locking device which may not be released from the inside without first removing the door or lid, snap lock or other locking device. (Ord. 272 Art. 2 §2, 1971)

8.48.030 Cellar doors and other subterranean openings. It shall be unlawful for any person, firm or corporation to have or keep open any cellar door, pit or vault, or other subterranean opening on any street, highway or sidewalk or suffer the same to be left or kept open, or to be kept in an unsafe or insecure condition likely to endanger the public or to allow or suffer any sidewalk in front of or beside the premises owned or occupied to become or continue in a hazardous condition likely to endanger life or limb. (Ord. 272 Art. 2 §3, 1971)

8.48.040 Excavation safety measures. It is unlawful for any person, firm or corporation to make any excavation, or dig any hole, drain or ditch in, under or upon any street, highway, sidewalk or thoroughfare, without providing a temporary place or suitable obstruction and light around the excavation, hole, drain or ditch. (Ord. 272 Art. 2 §4, 1971)

## Chapter 8.52

## FIREWORKS

Sections:

8.52.010 Defined.
8.52.020 Retail sales license--Required.
8.52.030 Retail sales license--Requirements.
8.52.040 Retail sales license--Term--Fee.
8.52.050 Unlawful sale or possession.
8.52.060 Public displays--Permit.
8.52.070 Public displays--Bond.
8.52.080 Public displays--Unfired fireworks.
8.52.090 Seizure.
8.52.100 Permitted activities.
8.52.110 Violation--Penalty.

8.52.010 Defined. A. "Fireworks" means and includes any article, device or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration or detonation, including, without limitation, the following articles and devices commonly known and used as fireworks: toy cannons, toy canes

in which explosive are used, blank cartridges, the type of balloon which requires fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles and dago bombs.

B. "Fireworks" does not include fountains, pinwheels, toy pistols, toy guns, sparklers or torches which do not contain explosive charges or other devices in which paper caps manufactured in accordance with United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps are used and toy pistol paper caps manufactured as provided above. (Ord. 272 Art. 2 §5(a), 1971)

8.52.020 Retail sales license--Required. No person shall sell at retail any type of fireworks including fountains, pinwheels, sparklers or torches until he has obtained a license from the city council. 53-5-6, CRS 1963, as amended. (Ord. 272 Art. 2 §5(b), 1971)

8.52.030 Retail sales license--Requirements. A license to sell fireworks in this city shall issue only for such sales as are permitted under this chapter and the state statutes, and only when the city council has determined that the vendor meets the following requirements:

A. That the applicant, or if a corporation, its officers and directors, are of a good moral character and reputation;

B. That the applicant has no plan, intent or scheme to make sales which are prohibited by this chapter or the state statutes. (Ord. 272 Art. 2 §5(c), 1971)

8.52.040 Retail sales license--Term--Fee. Such license shall be valid for a period of twelve months from the date of issuance and a fee of five dollars for a retail license shall be payable for the issuance or renewal of such license. (Ord. 272 Art. 2 §5(d), 1971)

8.52.050 Unlawful sale or possession. Except as otherwise provided in this chapter, it is unlawful for any person to offer for sale, expose for sale, sell or have in his possession with intent to offer for sale, sell or to use any fireworks within the city. (Ord. 272 Art. 2 §5(e), 1971)

8.52.060 Public displays--Permit. A. The city council shall have the power to grant permits within the city for supervised public displays or fireworks by the municipality, amusement parks, and other organizations and groups, and to adopt reasonable rules and regulations for the granting of such permits.

B. Application for a permit shall be made in writing at least fifteen days in advance of the date of display.

Every display shall be handled by a competent operator and shall be of such character and so located, discharged and fired as not to be hazardous to property or endanger any person. Before a permit is granted, the operator and the location and handling of the display shall be approved after investigation by the chief of the fire department of the city, or his authorized agent. No permit shall be transferable or assignable. (Ord. 272 Art. 2 §5(f), 1971)

8.52.070 Public displays--Bond. A satisfactory bond shall be required of each permittee in the sum of not less than five hundred dollars conditioned for the payment of all damages which may be caused either to persons or property by reason of the licensed display and arising from the acts of the permittee, his agents, employees or subcontractors. The aggregate liability of the surety on each bond for all damages in no event shall exceed the sum of such bond. (Ord. 272 Art. 2 §5(g), 1971)

8.52.080 Public displays--Unfired fireworks. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of by the fire department in a method which is safe for the discharge of that or those particular types of fireworks. (Ord. 272 Art. 2 §5(h), 1971)

8.52.090 Seizure. The police department of the city shall seize, take and remove, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this chapter. (Ord. 272 Art. 2 §5(i), 1971)

8.52.100 Permitted activities. This section shall not be construed to prohibit any person from:

A. Offering for sale, exposing for sale, selling or having in his possession with intent to offer for sale or sell, fireworks to any municipality, fair association, amusement park, or other organization or group holding a permit issued as provided in this chapter, or to the governing body of any county or district fair, organized under the laws of the state;

B. Using or exploding fireworks in accordance with the provisions in this chapter or as a part of a supervised public display at any county or district fair organized under the laws of the state;

C. Offering for sale, exposing for sale, selling or having in his possession with intent to offer for sale or sell, any fireworks which are to be sold and are shipped directly out of the state;

D. Offering for sale, exposing for sale, selling or having in his possession with intent to offer for sale or sell, or using or exploding any article, device or substance

for a purpose other than display, exhibition, noise, amusement or entertainment;

E. Offering for sale, exposing for sale, selling, or having in his possession with intent to offer for sale or sell, or using or exploding, blank cartridges for a show or theater, or for signal or ceremonial purposes in organized athletics or sports;

F. Offering for sale, exposing for sale, selling or having in his possession with intent to offer for sale or sell, or using or firing, toy pistols, toy guns, sparklers or torches which do not contain explosive charges or other devices in which paper caps manufactured in accordance with United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps are used and toy pistol paper caps manufactured as provided in this chapter. (Ord. 272 Art. 2 §5(j), 1971)

8.52.110 Violation--Penalty. Violation of this chapter shall be punished by a fine up to and including three hundred dollars for each violation, but no jail sentence or other form of imprisonment may be imposed, a fine being the exclusive punishment, and no imprisonment shall be allowed under Section 9.44.020; however, failure to pay a fine may result in imprisonment pursuant to 13-10-113, CRS 1973. (Ord. 354(part), 1981; Ord. 272 Art. 2 §5(part), 1971)

## Chapter 8.56

## EXPLOSIVES

Sections:

8.56.010 Unlawful storage.

8.56.010 Unlawful storage. It is unlawful for any person to store within the city limits or within one mile thereof any amount of gunpowder, blasting powder, nitroglycerine, dynamite or other high explosive in excess of one fifty-pound box or in excess of five hundred caps or other devices used for the detonation of such high explosives. (Ord. 272 Art. 2 §6, 1971)

## Chapter 8.60

## EMERGENCY RESPONSE TO HAZARDOUS SUBSTANCE INCIDENTS

Sections:

8.60.010 Statutory authority to designate emergency response authorities.

8.60.010 Statutory authority to designate emergency response authorities. Pursuant to CRS 29-22-101 et seq. the city council designates the police department as No. 1 responder, and the fire department as No. 2 responder for emergency response authorities for hazardous substance incidents occurring within the corporate limits of the city. (Ord. 374, 1984)

## Chapter 8.64

## TREES

Sections:

8.64.010 Definitions.
8.64.020 Creation and establishment of a city tree committee.
8.64.030 Term of office.
8.64.040 Compensation.
8.64.050 Duties and responsibilities.
8.64.060 Operation.
8.64.070 Street tree species to be planted.
8.64.080 Spacing.
8.64.090 Distance from curb and sidewalk.
8.64.100 Distance from street corners and fireplugs.
8.64.110 Utilities.
8.64.120 Public tree care.
8.64.130 Suggested procedures for tree grooming.
8.64.140 Pruning, corner clearance.
8.64.150 Dead or diseased tree removal on private property.
8.64.160 Removal of stumps.
8.64.170 Interference with city tree committee.
8.64.180 Arborist's license and bond.
8.64.190 Review by city council.
8.64.200 Violation--Penalty.

8.64.010 Definitions. As used in this chapter, the following terms shall have the meanings as set forth below:

"Park trees" are defined as trees, shrubs, bushes and all other woody vegetation in public parks having individu-

al names, and all areas owned by the city, or to which the public has free access as a park.

"Street trees" are defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the city. (Ord. 427 §1, 1993)

8.64.020 Creation and establishment of a city tree committee. There is created and established a city tree committee for the city which shall consist of five or more members, citizens and residents of this city who shall be appointed by the mayor with the approval of the council. (Ord. 427 §2, 1993)

8.64.030 Term of office. The term of the members to be appointed by the mayor shall be three years, except that to develop stagger, the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. (Ord. 427 §3, 1993)

8.64.040 Compensation. Members of the tree committee shall serve without compensation. (Ord. 427 §4, 1993)

8.64.050 Duties and responsibilities. It shall be the responsibility of the committee to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the city council and upon their acceptance and approval shall constitute the official comprehensive town tree plan for the city. The committee, when requested by the city council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work. (Ord. 427 §5, 1993)

8.64.060 Operation. The committee shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. (Ord. 427 §6, 1993)

8.64.070 Street tree species to be planted. The following list constitutes the official street tree species list for Wray, Colorado. No species other than those included in this list should be planted as street trees without written permission of the city tree committee.

## Official Street Tree Species List

### Small Trees

Flowering Crab Apple
Rocky Mountain Juniper
Chinese Catalpa
Eastern Red Bud
Hedge Maple
Lilac
Oak Leaf Mountain Ash
Panicled Golden Raintree
Golden Raintree
Dwarf Fruit Trees
Columnar Buckthorn
Russian Olive
Chinese Chestnut
European Mountain Ash
Hickory
Little Leaf Linden
Ohio Buckeye
Paul's Scarlet Thorn
London Plane Tree

### Medium Trees

Basswood or Linden
English Oak
Japanese Pagoda Tree
River Birch
Persimmon
Sassafras
Red Mulberry, (Fuitless Male)
Red Oak
Pecan
Osage Orange (Male Thornless)
Poplar, White

### Large Trees

American Elm
Black Walnut
Common Hackberry
Cottonless Cottonwood
English Elm
Green Ash
Norway Maple
Plain Tree Maple
Schwedler Maple
Soft Maple - Silver Maple
Thornless Honey Locust
Yellow Buckeye
White Ash
Ponderosa Pine
Pinon Pine
American Linden
Bur Oak
Common Horse Chestnut
Cutleaf Weeping Maple
European Linden
Kentucky Coffee Tree
Pin Oak
Red Oak
Syberian Elm
Sycamore
Western Catalpa
Scarlet Oak
Austrian Pine
Colorado Blue Spruce

(Ord. 427 §7, 1993)

8.64.080 Spacing. The spacing of street trees will be in accordance with the three species size classes listed in Section 8.64.070 of this chapter, and no trees may be planted closer together than the following:

Small trees -- thirty feet;
Medium trees -- forty feet;
Large trees -- fifty feet;

except in special plantings designed or approved by a landscape architect or as approved by the tree committee. In addition, no tree shall be planted within forty feet from

the center of all forty-foot town streets nor within sixty feet from the center of all eighty-foot town streets. (Ord. 427 §8, 1993)

8.64.090 Distance from curb and sidewalk. The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in the street tree species list set out in Section 8.64.070 and no trees may be planted closer to any curb or sidewalk than the following:

Small trees -- four feet;
Medium trees -- six feet;
Large trees -- eight feet.

Trees shall be planted at least eight feet from the edge of any concrete installation. (Ord. 427 §9, 1993)

8.64.100 Distance from street corners and fireplugs. No deciduous street tree shall be planted closer than thirty feet nor any evergreen street tree shall be planted closer than fifty feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten feet of any fire plug. (Ord. 427 §10, 1993)

8.64.110 Utilities. No street trees other than those species listed as small trees in the street tree species list set out in Section 8.64.070 may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility. (Ord. 427 §11, 1993)

8.64.120 Public tree care. The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The city tree committee may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest. (Ord. 427 §12, 1993)

8.64.130 Suggested procedures for tree grooming. Tree grooming is the regular maintenance of trees and/or shrubs to promote health and beauty along with safety. It shall be a regular practice of trimmers to remove all dead wood unless the dead is entirely out of reach and the tree is not being topped. The correct method of trimming a tree is "lateral trimming" and should be practiced whenever doing any cutting on a tree. Lateral trimming is when

limbs are trimmed back to a leader and cut at a minimum of forty-five degrees opposite the leader. This allows the sap to go up the leader, preventing scabbing and death of the limb. Stubs should not be cut back flush with the bark and trunk of the trees, again to avoid scabbing and promote a more appealing appearance. Large limbs should be undercut (a cut above and below the limb) to avoid stripping the bark. Any stripped bark should be cut back to a leader. When topping (lowering the height of a tree), a maximum of twenty-five percent of the tree's total height is allowed unless otherwise approved by the city tree committee. Trees suffering disease or storm damage or other extenuating circumstances may require "heavier" trimming, but all cuts must go to a leader as maintained above. Such cases will be determined by the city tree committee. In the matter of electrical wires, the following clearances are required:

four feet from coated secondaries;
six feet from uncoated secondaries;
six feet from neutral wires;
eight feet from all phase wires. (Ord. 427 §13, 1993)

8.64.140 Pruning, corner clearance. Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign. (Ord. 427 §14, 1993)

8.64.150 Dead or diseased tree removal on private property. The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The city tree committee will notify, in writing, the owners of such trees and will tag said trees to avoid confusion. A twenty-five dollar fine will be imposed if the tags have been unlawfully removed. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. Wood from such trees will be destroyed (it may be taken to the dump), not stored, to avoid further infestations. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of

removal on the owners' property tax notice. (Ord. 427 §15, 1993)

8.64.160 Removal of stumps. All stumps of street and park trees shall be removed flush with the surface of the ground. (Ord. 427 §16, 1993)

8.64.170 Interference with city tree committee. It shall be unlawful for any person to prevent, delay or interfere with the city tree committee, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees or trees on private grounds, as authorized in this chapter. (Ord. 427 §17, 1993)

8.64.180 Arborist's license and bond. It shall be unlawful for any person or firm to engage in the business or occupation of pruning or removing street or park trees within the city, without first obtaining a license from the city. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of one hundred thousand dollars for occurrence and two hundred thousand dollars aggregate, indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described. However, no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. (Ord. 427 §18, 1993)

8.64.190 Review by city council. The city council shall have the right to review the conduct, acts and decisions of the city tree committee. Any person may appeal from any ruling or order of the city tree committee to the city council who may hear the matter and make final decision. (Ord. 427 §19, 1993)

8.64.200 Violation--Penalty. Any person violating any provision of this chapter shall be, upon conviction or a plea of guilty, subject to a fine not to exceed three hundred dollars, with the exception of Section 8.64.130 which shall not be subject to a fine. (Ord. 427 §20, 1993)

# Chapter 8.70

## PROPERTY NUISANCES

Sections:

8.70.010 Application.
8.70.020 Definitions.
8.70.030 Unlawful acts designated.
8.70.040 Civil enforcement to abate nuisance.
8.70.050 Violations--Penalties.

8.70.010 Application. This chapter shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way, highway or public place or public parking area and private property, either within the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. (Ord. 451 (part), 1998)

8.70.020 Definitions A. In the interpretation of the definitions of litter, garbage, trash and junk, it is the express intent of the city council that such definitions be liberally construed to include like matters, materials, objects or substances, whether or not the same are specifically identified. It is further the expressed legislative intent of the city council that the definitions not be considered mutually exclusive, and that in the interpretation of such definitions, it is recognized that any substance or material or object may constitute garbage, junk and litter at the same time. Liberal construction of definitions is deemed necessary by the city council in order to fulfill the public purpose, which is to ensure that the city is maintained in a clean, healthy and attractive condition by eliminating all outside storage of garbage, junk, litter and abandoned or junked vehicles and related matters, objects or materials.

B. As used in this chapter, the following terms are defined:

1. "Abandoned motor vehicle" means:

a. Any motor vehicle left unattended on private property for a period of one hundred twenty hours or longer without the consent of the owner, occupant or tenant of such property or his legally authorized agent; or

b. Any motor vehicle left unattended on public property, including any portion of a street or highway right-of-way, within the limits of the city for a period of one hundred twenty hours or longer, unless the owner or driver has conspicuously affixed thereto a dated notice, or otherwise notified the police department of his intention to remove such vehicle within seventy-two hours, or the

vehicle is parked on a public street within fifty feet of the property of the owner; or

c. Any motor vehicle determined to be lost, stolen or unclaimed.

2. "Code enforcement officer" means the chief of police or any other designated agent of the city.

3. "Garbage" means wastes, resulting from the handling, preparation, cooking and consumption of food and wastes from the handling, storage and sale of produce.

4. "Junk" means scrap brass, scrap copper, scrap iron, scrap lead, scrap tin, scrap zinc and all other scrap metals and the alloys; and bones, rags, used cloth, used rope, used rubber, used tinfoil, used bottles, old or used machinery of any type, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates (fabricated of any material), used pipe or pipe fittings, used conduit or conduit fittings, used tires and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

5. "Junked" and "nonoperating vehicle" means any vehicle which is not capable of traveling under its own power in its existing mechanical condition, any vehicle not bearing a valid current registration license plate or any dismantled, partially dismantled, discarded, wrecked, rusted, demolished or partially demolished vehicle.

6. "Litter" means and includes any manmade or man-used waste which, if deposited within the city otherwise than in a litter receptacle, tends to create a danger to public health, safety and welfare or to impair the environment of the people of the city. "Litter" includes any garbage, trash, refuse, confetti, debris, rubbish, grass clippings, or other lawn or garden waste, newspaper, magazine, glass, metal, plastic or paper container, used construction materials, motor vehicles or parts thereof, furniture, appliances such as refrigerators, freezers, ranges, stoves, washers and dryers, carcass of a dead animal, nauseous or offensive (as related to the senses of a person of ordinary intelligence and reasonableness within the community) matter of any kind, or any object which does or may tend to injure any person or create a traffic hazard.

7. "Property" means any real property within the city which is not a street or highway.

8. "Street" or "highway" means the entire width between the boundary lines of every right-of-way publicly maintained where any part thereof is open to the use of the public for purposes of vehicular travel.

9. "Trash" means combustible refuse, including but not limited to, paper, cartons, boxes, barrels, wood (except stacked firewood and stacked construction materials) tree branches, yard trimmings, dead plant material, wood or upholstered furniture or bedding; or similar substance or material; noncombustible refuse, including but not limited

to metals, tin or aluminum cans, metal furniture, dirt, rock, pieces of concrete, glass, crockery, or other minerals or mineral wastes; street rubbish, including but not limited to, street sweepings, dirt, leaves, catch bag dirt, and contents of litter receptacle; provided, however, that such does not include earth and waste from building construction during the period in which a valid building permit issued by the city is active.

10. "Vehicle" means a machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides to transport persons or property or pull machinery and includes, without limitation, automobile, airplane, truck, trailer, motorcycle, motor scooter, tractor, buggy and wagon. "Vehicle" includes any antique vehicles. (Ord. 451 (part), 1998)

8.70.030 Unlawful acts designated. A. Abandoned Vehicles.

1. No person shall abandon any motor vehicle upon public property in the city.

2. It is unlawful for any person to own or have under his control any vehicle which is abandoned. It shall be an affirmative defense to any criminal charge arising under this paragraph that the vehicle was abandoned without knowledge and consent of the person charged.

B. Leaving Vehicles on Street or Highways. It is unlawful for any person to leave any abandoned or junked vehicle not in operating condition on any street or highway within the city.

C. Vehicles on Private Property. It is unlawful for any person who is owner of any vehicle or any person who is in charge or control of property, or any tenant, lessee, occupant, renter or otherwise, to permit or allow any abandoned or junked vehicle or a vehicle not in operating condition to remain on such property for a time period in excess of seventy-two hours, provided that this shall not apply with regard to a vehicle or parts of a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained for impounded vehicles by the city.

D. Motor Vehicle Hobby Repair. It is unlawful for any person to repair, recondition, rebuild or work on any motor vehicle as a hobby, unless such hobby is conducted in and totally contained within a residential or commercial garage, and conducted in such a manner so as not to create a safety, health or fire hazard; except, this shall not apply to minor repair and maintenance activities such as, by way of illustration only, the changing of oil, sparkplugs or tires, so long as such minor work does not exceed a reasonable length of time, such as by illustration, two

days. The sale and/or marketing of more than one each calendar year of any motor vehicle repair, rebuilding, or reconditioning for which a person receives any compensation shall be deemed a business and must be licensed and performed in accordance with all applicable city ordinances.

E. It is unlawful for any person to store upon his property, place upon his property, or allow to remain on his property any garbage, junk, litter and abandoned or junked vehicles.

F. It is unlawful for any person to dump or deposit, or cause to be dumped or deposited, garbage, junk, litter and abandoned or junked vehicles on the property of another, or on property owned by the city, unless such property is clearly marked and designated as a proper dump or receptacle for the deposit of garbage, trash, junk, litter and abandoned or junked vehicles.

G. It is unlawful for any person to place or to permit to remain anywhere in the city any garbage or other material subject to decay other than leaves or grass, except in watertight or airtight cans or containers, which neither creates an odor or stench or is accessible to animals. This shall not apply to vegetable materials in any properly layered, actively working compost pile, pit or trench. (Ord. 451 (part), 1998)

8.70.040 Civil enforcement to abate nuisance. A. A violation of this chapter shall be deemed a public nuisance.

1. In order to enforce the terms and intent of this chapter, the city shall issue a notice of violation to the landowner, as shown by the records of the Yuma County assessor, and tenant advising them of the violation of this chapter. Service of the notice shall be by personal service, by certified mail or by posting on the premises.

2. The notice shall contain a description of the property and state that, if the litter condition is not corrected within twenty days, the property will be cleaned by the city and the owner will be billed for the cleanup cost. Any city employee or contracting agency is expressly authorized to enter upon private property to remove accumulated litter. It is unlawful for any person to interfere, hinder or refuse to allow them to enter upon private property for such purpose and to remove litter in accordance with the provisions of this chapter. Any person owning, occupying, renting, managing, leasing or controlling real property in the city shall have the right to remove litter or have the same removed at his/her own expense any time prior to arrival of the city for such purpose.

B. Assessment of Costs.

1. The city manager shall keep an account of the cost for the city to remove the litter as provided for each separate lot or parcel of land, and shall place such ac-

count in a report and assessment list to be sent to the city council. The report shall identify each separate lot or parcel of land, and shall state the cost proposed to be assessed against it. The report shall be filed with the city clerk. The city clerk shall mail a notice to each name on the assessment list. The notice shall contain the following:

a. The cost of the litter removal;

b. The place and time of the city manager hearing to consider and confirm the assessment report and list;

c. That failure to make any objection to the report and list shall be deemed a waiver; and

d. That, upon confirmation by the city manager, the amount of the assessment shall be payable.

2. The assessments shall be confirmed by resolution of the city council, and the amount shall constitute a lien on the property assessed until paid. (Ord. 451 (part), 1998)

8.70.050 Violations--Penalties. A. Criminal Offense. In the event that the landowner and/or tenant does not abate the nuisance prior to the twenty days allowed by this chapter, the chief of police may serve upon the landlord and/or tenant a summons and complaint for violation of this chapter. This remedy is in addition to the cost of abatement by the city. The Rules of Municipal Court shall apply to hearings on complaints filed pursuant to this chapter.

B. Penalties. The following penalties, herewith set forth in full shall apply to this chapter.

1. It is unlawful for any person to violate any of the provisions adopted in this chapter.

2. Every person convicted of a violation of any provision adopted in this chapter shall be punished by a fine not exceeding three hundred dollars. (Ord. 451 (part), 1998)

# Title 9

## PUBLIC PEACE, MORALS AND WELFARE

Chapters:

9.04 Offenses By or Against Public Officers and Government
9.08 Interfering With Fire Apparatus
9.12 Offenses Against the Person
9.16 Offenses Against Public Decency
9.20 Intoxicating Liquor
9.24 Offenses Against Public Peace
9.28 Offenses Against Property
9.32 Shoplifting
9.36 Curfew for Minors
9.40 Weapons
9.44 Enforcement
9.48 Issuance of a Bad Check

## Chapter 9.04

## OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

Sections:

9.04.010 False alarms.
9.04.020 Resisting officer-Assisting escape.
9.04.030 Aiding officer.
9.04.040 Impersonating police officer.
9.04.050 Impersonating city officer.
9.04.060 Labor of prisoners.

9.04.010 False alarms. A. Any person who, in this city, intentionally makes or gives a false alarm of fire, is guilty of a misdemeanor.

B. Violation of this section shall be punished by fine up to and including three hundred dollars for each violation, but no jail sentence or other form of imprisonment may be imposed, a fine being the exclusive punishment and no imprisonment shall be allowed under Section 9.44.020; however, a failure to pay a fine may result in imprisonment pursuant to 13-10-113, CRS 1973. (Ord. 354(part), 1981; Ord. 272 Art. 2 §7, 1971)

9.04.020 Resisting officer-Assisting escape. A. It is unlawful for any person to resist any police officer, any member of the police department, or any person duly empowered with po-

lice authority, while in the discharge or apparent discharge of his duty, or in any way to interfere with or hinder him in the discharge of his duty.

B. It is unlawful for any person to offer of endeavor to assist any person in the custody of a police officer, a member of the police department or a person duly empowered with police authority to escape or to attempt to escape from such custody.

C. It is unlawful for any person to rescue or to attempt to rescue any person in the custody of a police officer, a member of a police department or a person duly empowered with police authority. (Ord. 272 Art. 4 §6, 1971)

9.04.030 Aiding officer. It is the duty of all persons when called upon by any police officer or any other member of the police department to promptly aid and assist such officer or member in the discharge of his duties. (Ord. 272 Art. 4 §7, 1971)

9.04.040 Impersonating police officer. A. It is unlawful for any person other than an official police officer of the city of Wray to wear the uniform, apparel or any other insignia of office like or similar to, or a colorable imitation of, that adopted and worn by the official police officers.

B. It is unlawful for any person to counterfeit, imitate, or cause to counterfeited, imitated or colorably mitated, the uniform, apparel or insignia of office used by the police department of the city of Wray. (Ord. 272 Art. 4 §8, 1971)

9.04.050 Impersonating city officer. It is unlawful for any person to wilfully, unlawfully or fraudulently represent himself to be a city officer or an employee of the city and purport to perform the duties of any such officer or employee when he is not an authorized officer or employee of the city. (Ord. 272 Art. 4 §9, 1971)

9.04.060 Labor of prisoners. Every person committed to the city jail for the violation of this code or any other ordinance of the city shall be required, when ordered so to do by the chief of police, to work for the city at such labor as may be designated by the mayor, either within or without the jail, not exceeding eight hours a day, as his strength will permit. (Ord. 272 Art. 5 §3, 1971)

# Chapter 9.08

## INTERFERING WITH FIRE APPARATUS

Sections:

9.08.010 Crossing fire hose.
9.08.020 Following fire truck.
9.08.030 Yielding right-of-way to fire truck.
9.08.040 Parking near fire.
9.08.050 Crowding about fire.
9.08.060 Violation--Arrest authority of firemen.
9.08.070 Violation--Penalty.

9.08.010 Crossing fire hose. No automobile, truck or other vehicle shall pass over or across any hose at any fire, whether in the street, alley or other place. (Ord. 91 § 1, 1928)

9.08.020 Following fire truck. No automobile, truck or other vehicle shall drive or follow closer than three hundred feet to the fire truck when the same is responding to a fire alarm or going to any fire. (Ord. 91 § 2, 1928)

9.08.030 Yielding right-of-way to fire truck. The fire truck shall have the right-of-way when responding to a fire alarm, or going to any fire, and any and all vehicles moving on the street at the approach of the fire truck shall pull to one side and in no manner delay or obstruct the progress of the fire truck. (Ord. 91 § 3, 1928)

9.08.040 Parking near fire. No automobile, truck or other vehicle shall be parked, stopped, or left standing within a distance of one block of any fire. (Ord. 91 § 4, 1928)

9.08.050 Crowding about fire. No person or persons shall crowd around or come so close to any fire as to interfere with the firemen, and any person or persons failing to get back or out of the way when directed to do so by the firemen is guilty of an offense. (Ord. 91 § 5, 1928)

9.08.060 Violation--Arrest authority of firemen. All members of the Wray fire department are vested with police powers at any fire with authority to arrest any person violating any provision of this chapter. (Ord. 91 § 6, 1928)

9.08.070 Violation--Penalty. Any person or persons violating any of the provisions of this chapter are guilty of an offense and shall be subject to a fine in any amount not exceeding the sum of fifty dollars. (Ord. 91 § 7, 1928)

## Chapter 9.12

## OFFENSES AGAINST THE PERSON

Sections:

9.12.010 Assault.

9.12.010 Assault. A. An "assault" is an unlawful attempt coupled with a present ability to commit a bodily injury on the person of another.

B. It is unlawful to assault, beat, strike, wound, imprison or inflict violence on another. (Ord. 272 Art. 2 § 8, 1971)

## Chapter 9.16

## OFFENSES AGAINST PUBLIC DECENCY

Sections:

9.16.010 Definitions.
9.16.020 Prostitution offenses.
9.16.030 House of ill fame.
9.16.070 Window peeping.
9.16.090 Cruelty to animals.
9.16.100 Failure to care for animals.
9.16.110 Abandonment of animals.
9.16.120 Keeping place for animal fighting.
9.16.130 Supplying sustenance to neglected animals.
9.16.140 Poisoning domestic animals.

Sections: (Continued)

9.16.150 Killing or molesting birds.
9.16.155 Cruelty to animals--City's right to file charges; state statutes prevail.
9.16.160 Gambling and related devices.
9.16.170 Gambling houses.
9.16.180 Seizure of gambling devices.
9.16.190 Lotteries.
9.16.200 Spitting.
9.16.210 Urination/Defecation in Public.

9.16.010 Definitions. As used in this chapter:

A. "House of prostitution" means any house, building or structure that grants or allows any sexual act to take place within its confines and in return, collects any financial benefit from the action.

B. "Lewd act" means in a public place, any act of sexual intercourse (either actual or simulated), exposure of genitals, including the buttocks (via nudity or through transparent material), any fondling, caressing or touching of genitals (actual or simulated) by any person.

C. "Prostitute" means any person who exchanges in or agrees to engage in any act of prostitution.

D. "Prostitution" means committing or performing any sexual act, behavior or activity in exchange for anything of value with any person who is not their spouse. (Ord. 492 § 1, 2002: Ord. 272 Art. 1 § 1, 1971)

9.16.020 Prostitution offenses. It is unlawful for any person to:

A. Commit or offer or agree to commit a lewd act or an act of prostitution;

B. Secure or offer another for the purpose of committing a lewd act or an act of prostitution;

C. Be in or near any place frequented by the public, or any public place, for the purpose of inducing, enticing or procuring another to commit a lewd act or an act of prostitution;

D. Make a meretricious display in or near any public place, any place frequented by the public, or any place open to the public view;

E. Transport knowingly any person to any place for the purpose of committing a lewd act or an act of prostitution;

F. Receive, or offer, or agree to receive knowingly any person into any place or building for the purpose of performing a lewd act or an act of prostitution or to permit knowingly any person to remain in any place or building for any such purpose;

G. Direct or offer or agree to direct any person to any place or building for the purpose of committing any lewd act or act of prostitution;

H. In any manner aid, abet, suffer, permit or participate in the doing of any of the acts prohibited in subsections A through G of this section. (Ord. 272 Art. 1 § 1, 1971)

9.16.030 House of ill fame. It is unlawful to keep or maintain any house of ill fame or house of assignation where men and women resort for the purpose of prostitution in the corporate limits of the city of Wray. (Ord. 272 Art. 1 § 3, 1971)

9.16.070 Window peeping. A. It is unlawful for any person to trespass upon the property owned or occupied by another in the city for the purpose of looking or peeping into any window, door, skylight or other opening in a house, room or building, or to loiter in a public street, alley, parking lot or other public place for the purpose of wrongfully observing the actions of the occupants of such house, room or building.

B. Violation of this section shall be punished by fine up to and including three hundred dollars for each violation, but no jail sentence or other form of imprisonment may be imposed, a fine being the exclusive punishment, and no imprisonment shall be allowed under Section 9.44.020; however, a failure to pay a fine may result in imprisonment pursuant to 13-10-113, CRS 1973. (Ord. 354(part), 1981; Ord. 272 Art. 1 § 7, 1971)

9.16.090 Cruelty to animals. It is unlawful for any person, firm or corporation to overdrive, overload, drive when overloaded, overwork, torture, deprive of necessary sustenance, cruelly beat, mutilate or kill needlessly or to carry or transport in any vehicle or otherwise in a cruel and inhuman manner, any animal or to cause any of these acts to be done. (Ord. 272 Art. 3 § 1, 1971)

9.16.100 Failure to care for animals. It is unlawful for any person, firm or corporation having charge or custody of any animal to fail to provide it with proper food, drink and protection from the weather, or to cause any of these acts to be done. (Ord. 272 Art. 3 § 2, 1971)

9.16.110 Abandonment of animals. It is unlawful for any person, firm or corporation to abandon any animal, or to cause such to be done. (Ord. 272 Art. 3 § 3, 1971)

9.16.120 Keeping place for animal fighting. It is unlawful for any person, firm or corporation to keep or cause to be kept any place where any fowls or any animals are suffered to fight upon exhibition, or for sport upon any wager. (Ord. 272 Art. 3 § 4, 1971)

9.16.130 Supplying sustenance to neglected animals. In case any animal or animals shall be at any time enclosed or confined and shall continue to be without necessary food or water more than twelve consecutive hours, it is lawful for any person from time to time and as often as it is necessary, to enter into or upon any such enclosure in which any such animal or animals are confined and supply it or them with necessary food and water so long as it or they remain so confined. Such person shall not be liable to any action for such entry, and the reasonable cost of such feed and water may be collected by him of the owner of such animal. (Ord. 272 Art. 3 § 5, 1971)

9.16.140 Poisoning domestic animals. It is unlawful for any person to poison any dog or dogs or to distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any domesticated animals. (Ord. 272 Art. 3 § 6, 1971)

9.16.150 Killing or molesting birds. A. It is unlawful for any person at any time within the corporate limits of the city to frighten, shoot at, wound, kill, take, capture, ensnare, net, trap or in any other manner molest or injure any robin, lark, whip-poor-will, finch, thrush, wren, martin, swallow, snow-bird, bobolink, red-winged blackbird, crow, raven, oriole, kingbird, mocking bird, song sparrow or other songbird or insectivorous bird; or in any manner molest or injure the nest, eggs or

young of any such bird, or have in possession the nest, eggs, young or body of such bird.

B. Violation of this section shall be punished by fine up to and including three hundred dollars for each violation, but no jail sentence or other form of imprisonment may be imposed, a fine being the exclusive punishment, and no imprisonment shall be allowed under Section 9.44.020; however, a failure to pay a fine may result in imprisonment pursuant to 13-10-113, CRS 1973. (Ord. 354(part), 1981; Ord. 272 Art. 3 § 7, 1971)

9.16.155 Cruelty to animals--City's right to file charges; state statutes prevail. City ordinances dealing with cruelty to animals codified in this chapter are not intended to and do not supercede or preempt state law dealing with cruelty to animals. It is the intent of the city that it have the right to file charges under either the municipal ordinance or the state statute and that in the event that a court should not allow such concurrent jurisdiction the state of Colorado statutes dealing with cruelty to animals shall prevail. (Ord. 390 §§ 1, 2, 1987)

9.16.160 Gambling and related devices. It is unlawful for any person to set up, have, or keep any keno table, faro bank, shuffleboard, bagatelle, playing cards or other instrument, device or thing whatever, whereon or with which any money, liquor or other article is in any manner played for; or to play for money or any valuable thing at any game with cards, dice or with any article, device or thing whatever, which may be used for the purpose of playing or betting upon, or winning or losing money or other property; or to bet on any game others may be playing. (Ord. 272 Art. 4 § 2, 1971)

9.16.170 Gambling houses. It is unlawful for any person to keep a disorderly or gambling house or to permit or suffer any faro bank, keno table or other instrument or device whatsoever, used for playing any game or games of chance, to be set up or used in the city of Wray, whereon or wherewith any game or games of chance may be played for money or other article of value in any room, building or tenement in his possession or under his control. (Ord. 272 Art. 4 § 3, 1971)

9.16.180 Seizure of gambling devices. It is the right of the chief of police, and all members of the police department of the city, to seize and take any cards, tables, checks, balls, wheels or devices of any nature or kind, used or kept for the purpose of gambling or playing at any game of chance, without warrant or complaint, and to convey the same before the municipal court, which court shall order the same destroyed. (Ord. 272 Art. 4 §4, 1971)

9.16.190 Lotteries. It is unlawful for any person or persons to set up, maintain or carry in or on any place occupied by him or them, or under his or their control, any lottery or chance gift distribution. (Ord. 272 Art. 4 §5, 1971)

9.16.200 Spitting. It is unlawful for any person to spit upon the sidewalk or crossings within the city, or upon the steps, stairways, approaches, floors or other portion of any hall, storehouse, railroad station, hotel or eating house, or other public building within the city, and any person so offending shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed the sum of five dollars, within the discretion of the police magistrate of the city. (Ord. 34, 1908)

9.16.210 Urination/Defecation in Public. A. It is unlawful to urinate or defecate in any public place, whether in darkness or daylight, except in a room or area designated and equipped for the purpose of urination or defecation, or to urinate or defecate on private property if by doing so, the person committing the violation is within public view from any road, thoroughfare, alley or other place where the public has lawful access.

B. Violation of this section shall be punishable by a fine of not more than three hundred dollars. (Ord. 490, 2002)

## Chapter 9.20

## INTOXICATING LIQUOR

Sections:

9.20.010 Possession restricted.
9.20.020 Public consumption unlawful.
9.20.030 Public possession of open container unlawful.
9.20.040 Possession of open or closed container in a motor vehicle unlawful.

9.20.050 Minor to possess closed container unlawful.
9.20.060 Variances.
9.20.070 Violation--Penalty.

9.20.010 Possession restricted. No person, association or corporation shall, within the corporate limits of the city, sell or keep for sale, or offer for sale, any intoxicating liquors; and no person, association or corporation shall, within the corporate limits of the city, keep or have in his or its possession, for sale, gift, personal use or otherwise, any intoxicating liquor; provided, however, that intoxicating liquors may be imported into the corporate limits of the city for medicinal and sacramental purposes, only as prescribed by statute. (Ord. 85 §1, 1925)

9.20.020 Public consumption unlawful. It shall be unlawful for any person, to include minors, to consume or serve within the city any vinous or spirituous liquor or any fermented malt beverage upon any street, alley, sidewalk or public or privately owned parking lot that is open to the public, or grounds of any public school. This shall specifically include all streets in or adjacent to public parks and ball fields. (Ord. 410 §1, 1990: Ord. 397 §1, 1988)

9.20.030 Public possession of open container unlawful. It is unlawful for any person, to include minors, to possess or have in his possession or under his control, any open container containing vinous or spirituous liquor or fermented malt beverage, in, about or upon any street, alley, sidewalk or public or private parking lot, or grounds of any public school, within the city. If the container, as sealed for distribution to the public, has been unsealed or undone in any manner, it will be deemed to have been open. (Ord. 410 §2, 1990: Ord. 397 §2, 1988)

9.20.040 Possession of open or closed container in a motor vehicle unlawful. The driver of any motor vehicle, to include minors, shall be deemed in charge of the motor vehicle and all passengers therein and shall be in violation of this chapter if he or any other person in the vehicle which he is driving has an open or closed container or vinous or spirituous liquor, or fermented malt beverage. (Ord. 410 §2.1, 1990: Ord. 397 §2.1, 1988)

9.20.050 Minor to possess closed container unlawful. It shall be unlawful for any minor, being a person under the age of twenty-one years, to possess or have in his possession, or under his control any closed container containing vinous or spirituous

liquor, or fermented malt beverage, in, about or upon any street, alley, sidewalk or public parking lot or private parking lot that is open to the public, or grounds of any public school within the city. (Ord. 410 §2.2, 1990)

9.20.060 Variances. A. Variances from the provisions of this chapter may be granted by the city manager, or in his absence, the acting chief of police, upon written application for variance on form provided by the city. By way of description and not limitation, variances may be granted for social events conducted by recognized organizations within the city.

B. All variances shall be specific as to the time and place of the variance and shall specifically describe the area for which the variance is granted.

C. All applications for variance shall be made not less than ten working days prior to the date applied for. The decision on the variance application shall be made within two working days of the submission of the application. (Ord. 410 §3, 1990: Ord. 397 §3, 1988)

9.20.070 Violation--Penalty. Violation of this chapter shall be punished by a fine up to and including three hundred dollars for each violation, but no jail sentence or other form of imprisonment may be imposed, a fine being the exclusive punishment. (Ord. 410 §4, 1990: Ord. 397 §4, 1988: Ord. 85 §2, 1925)

## Chapter 9.24

## OFFENSES AGAINST PUBLIC PEACE

Sections:

9.24.010 Disturbing the peace.
9.24.020 Drunk or disorderly.
9.24.030 Vagrancy.
9.24.040 Unlawful assembly.
9.24.050 Disturbing religious worship.
9.24.060 Loitering.
9.24.070 Material promoting hatred or violence.
9.24.080 Noise.
9.24.090 Loudspeakers on vehicles.
9.24.100 Mufflers.
9.24.110 Sirens and red lights.
9.24.120 Noisy animals.
9.24.130 Obstructing traffic.

9.24.140 Interfering with use of streets or sidewalks.
9.24.150 Parades and processions.
9.24.160 Aiding and abetting.

9.24.010 Disturbing the peace. A. It is unlawful for any person to disturb or to tend to disturb the peace of others by violent, tumultuous, offensive or obstreperous conduct, or by loud or unusual noises, or by unseemly, profane, obscene or offensive language, calculated to provoke a breach of the peace; or by assaulting, striking or fighting another, or for any person to permit any such conduct in any house or upon any premises owned or possessed by him or under his management or control, when within his power to prevent, so that others in the vicinity are or may be disturbed thereby.

B. Violation of this section shall be punished by fine up to and including three hundred dollars for each violation, but no jail sentence or other form of imprisonment may be imposed, a fine being the exclusive punishment and no imprisonment shall be allowed under Section 9.44.020; however, failure to pay a fine may result in imprisonment pursuant to 13-10-113, CRS 1973. (Ord. 354(part), 1981; Ord. 272 Art. 2 §9, 1971)

9.24.020 Drunk or disorderly. It is unlawful for any person to be drunk or disorderly in any highways, streets, thoroughfares or other public places, or in any private house or place, within the city, to such an extent as to be obnoxious to public morals or to jeopardize or to be injurious to person or property. (Ord. 272 Art. 2 §10, 1971)

9.24.030 Vagrancy. It is unlawful for any person to be deemed a vagrant in the city. The following persons shall be deemed vagrants:

A. Any person found loitering or strolling in, about or upon any street, lane, avenue, alley or any other public way or public place, or at any public gathering or assembly, or on any private property or place without lawful business and conducting himself in a lewd, wanton or lascivious manner in speech or behavior;

B. Any person upon whose person or in whose possession shall be found any instrument, tool or other implement for picking locks or pockets or any implement that is usually employed or that reasonably may be inferred to be designed to be employed in the commission of any felony, misdemeanor or in the violation of any ordinance;

C. Any person wandering abroad and occupying, lodging or sleeping in any vacant or unoccupied barn, garage, shed, shop or other building or structure, or in any automobile, truck, railroad car or other vehicle, without owning the same or without permission of the owner or person entitled to the possession of the same, or sleeping in any vacant lot during the hours of darkness;

D. Any person wandering abroad and begging; or any person who goes about from door to door of private homes or commercial and business establishments, or places himself in or upon, any public way or public place to beg or receive alms for himself;

E. Any person who asks or receives any compensation, gratuity or reward for practicing fortunetelling, palmistry or clairvoyance;

F. Any person who knowingly keeps a place where lost or stolen property is concealed;

G. Any person who is the keeper, proprietor, exhibitor or user of any gambling table or device, or who assists or attends at any gambling table or device, or any person who, for the purposes of gambling or gaming, travels about from place to place or frequents places where alcoholic beverages are sold, railroad cars, trains or depots, or buildings or structures, whether occupied or vacant;

H. Any person who is found trespassing in the night-time upon the private premises of others. (Ord. 272 Art. 2 §12, 1971)

9.24.040 Unlawful assembly. A. It is unlawful for any three or more persons to assemble together in this city with an intent to do any unlawful act; or, being assembled, mutually to agree or act in concert, to do an unlawful act with force or violence against the property of the city or the person or property of another or against the peace and to the terror of others; or to make any move or preparation therefor; or, being present at such meeting or assembly, to

fail to endeavor to prevent the commission of or perpetration of such unlawful act.

B. Violation of this section shall be punished by fine up to and including three hundred dollars for each violation, but no jail sentence or other form of imprisonment may be imposed, a fine being the exclusive punishment and no imprisonment shall be allowed under Section 9.44.020; however, failure to pay a fine may result in imprisonment pursuant to 13-10-113, CRS 1973. (Ord. 354(part), 1981; Ord. 272 Art. 2 §13, 1971)

9.24.050 Disturbing religious worship. It is unlawful for any person, firm or corporation to disquiet or disturb any congregation or assembly for religious worship by making a noise or by rude or indecent behavior, or profane discourse within their place of worship, or so near the same as to disturb the order or solemnity of the meeting. (Ord. 272 Art. 2 §14, 1971)

9.24.060 Loitering. A. It is unlawful for any persons to be upon any public way or place of public nature in such manner as to interfere with free and unobstructed use of such public way or place of public nature by any other person or persons, or to be profane, lewd or wanton in speech or behavior in such public way or place.

B. Violation of this section shall be punished by fine up to and including three hundred dollars for each violation, but no jail sentence or other form of imprisonment may be imposed, a fine being the exclusive punishment and no imprisonment shall be allowed under Section 9.44.020; however, failure to pay a fine may result in imprisonment pursuant to 13-10-113, CRS 1973. (Ord. 354(part), 1981; Ord. 272 Art. 2 §15, 1971)

9.24.070 Material promoting hatred or violence. It is unlawful for any person to publish or distribute or cause to be published or distributed any circular, pamphlet, card or dodger, whether anonymous or not, which incites, counsels, promotes or advocates hatred, violence or hostility against any person or group of persons residing in the city, by reason of race, color, religion or manner of worship. (Ord. 272 Art. 2 §21, 1971)

9.24.080 Noise. A. The making of unnecessary noises upon, near or adjacent to the streets, highways and other public places in the city is declared to be a public nuisance. The enumeration of the particular offenses particularly defined in this section through Section 9.24.120 shall not be construed as limiting the generality of those sections, or limiting the offenses thereunder to the particular offense therein enumerated.

B. It is unlawful for any person to make, continue or cause to be made or continue any unnecessary or unusual noise between the hours of nine p.m. and six a.m. which either annoys, injures or endangers the comfort, repose, health or safety of others, or to make, continue to cause or be made or continued between the hours of nine p.m. and six a.m. whether in the operation of any machine or the exercise of any trade or calling or otherwise, any noise which either annoys, injures or endangers the comfort, repose, health or safety of others, unless the making and continuing of the same is necessary for the protection or preservation of property or health, safety, life or limb of some person.

C. Violation of this section shall be punished by fine up to and including three hundred dollars for each violation, but no jail sentence or other form of imprisonment may be imposed, a fine being the exclusive punishment and no imprisonment shall be allowed under Section 9.44.020; however, failure to pay a fine may result in imprisonment pursuant to 13-10-113, CRS 1973. (Ord. 512 § 3, 2006; Ord. 354(part), 1981; Ord. 272 Art. 4 § 1(a), 1971)

9.24.090 Loudspeakers on vehicles. A. It is unlawful to play, operate or use any device known as a sound track, loudspeaker or sound amplifier, radio or phonograph with loudspeaker or sound amplifier or any instrument of any kind or character which emits loud and raucous noises and is attached to and upon any vehicle upon public places unless such person in charge of such vehicle has first applied to and received permission from the mayor or chief of police to operate any such vehicle so equipped.

B. Violation of this section shall be punished by fine up to and including three hundred dollars for each violation, but no jail sentence or other form of imprisonment may be imposed, a fine being the exclusive punishment, and no imprisonment shall be allowed under Section 9.44.020; however, failure to pay a fine may result in imprisonment pursuant to 13-10-113, CRS 1973. (Ord. 354(part), 1981; Ord. 272 Art. 4 § 1(b), 1971)

9.24.100 Mufflers. A. It is unlawful for any person to operate a motor vehicle which is not at all times equipped with a muffler upon the exhaust thereof in good

working order and in constant operation to prevent excessive or unusual noise and it is unlawful for any person operating any motor vehicle to use a cutout, bypass or similar muffler elimination device.

B. Violation of this section shall be punished by fine up to and including three hundred dollars for each violation, but no jail sentence or other form of imprisonment may be imposed, a fine being the exclusive punishment and no imprisonment shall be allowed under Section 9.44.020; however, failure to pay a fine may result in imprisonment pursuant to 13-10-113, CRS 1973. (Ord. 354(part), 1981; Ord. 272 Art. 4 § 1(c), 1971)

9.24.110 Sirens and red lights. A. It is unlawful for any person to carry or use upon any vehicle other than police or fire department vehicles or emergency vehicles for public use, any gong, siren, whistle or red light similar to that used on ambulances or vehicles of the police and fire department.

B. Violation of this section shall be punished by fine up to and including three hundred dollars for each violation, but no jail sentence or other form of imprisonment may be imposed, a fine being the exclusive punishment, and no imprisonment shall be allowed under Section 9.44.020; however, failure to pay a fine may result in imprisonment pursuant to 13-10-113, CRS 1973. (Ord. 354(part), 1981; Ord. 272 Art. 4 § 1(d), 1971)

9.24.120 Noisy animals. It is unlawful for any person to own, keep, have in his possession or harbor any domesticated animals which, by frequent or habitual howling, barking, meowing, squawking or otherwise, cause annoyance or disturbance to persons in the neighborhood; provided, that the provisions of this section shall not apply to hospitals conducted for the treatment of small animals which are approved by the health department or to premises occupied or used by the city pound. (Ord. 272 Art. 4 § 1(e), 1971)

9.24.130 Obstructing traffic. A. It is unlawful for any person to obstruct in any manner any sidewalk, public highway, street or alley in the city, or, for the purpose of annoyance or mischief, to place in any doorway

or driveway, or on any sidewalk, public highway, street or alley in the city any box, barrel, cask or other thing.

B. Violation of this section shall be punished by fine up to and including three hundred dollars for each violation, but no jail sentence or other form of imprisonment may be imposed, a fine being the exclusive punishment, and no imprisonment shall be allowed under Section 9.44.020; however, failure to pay a fine may result in imprisonment pursuant to 13-10-113, CRS 1973. (Ord. 354(part), 1981; Ord. 272 Art. 4 § 10, 1971)

9.24.140 Interfering with use of streets or sidewalks. A. It is unlawful for any person, alone or in a group or assemblage of persons, whose standing, remaining or congregation on any public highway, street, alley or sidewalk, in the city obstructs, interferes with or prevents the free and unobstructed and reasonable use of that public highway, street, alley or sidewalk by any other person, to fail or refuse to yield to the reasonable use or passage of any

other person on that public highway, street, alley or sidewalk, or to fail or refuse to move on, disperse or cease such obstruction or interference immediately upon being so ordered by any police officer of the city or other authorized peace officer.

B. Violation of this section shall be punished by fine up to and including three hundred dollars for each violation, but no jail sentence or other form of imprisonment may be imposed, a fine being the exclusive punishment and no imprisonment shall be allowed under Section 9.44.020; however, failure to pay a fine may result in imprisonment pursuant to 13-10-113, CRS 1973. (Ord. 354(part), 1981; Ord. 272 Art. 4 §11, 1971)

9.24.150 Parades and processions. No funeral, procession or parade, excepting the forces of the United States armed services, the military forces of this state, and the forces of the police and fire departments shall occupy, march or proceed along any street or roadway except in accordance with a permit issued by the chief of police and such other regulations set forth in this code which may apply. (Ord. 272 Art. 4 §12, 1971)

9.24.160 Aiding and abetting. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared herein to be in violation of the ordinances of this municipality, whether individually, or in connection with one or more persons as a principal, agent or accessory, is guilty of such offense, and every person who fraudulently, forcibly or wilfully induces, causes, coerces, requires, permits or directs another to violate any ordinance of this municipality is likewise guilty of such offense. (Ord. 272 Art. 4 §13, 1971)

## Chapter 9.28

## OFFENSES AGAINST PROPERTY

Sections:

9.28.010 Animals, vehicles and toys on sidewalks.
9.28.020 Tampering with fire hydrants.

Sections: (Continued)

9.28.030 Damaging property.
9.28.040 Damaging public property.
9.28.050 Damaging private property.
9.28.060 Taking down fence or opening gates.
9.28.070 Street signs.
9.28.080 Posters and bills.
9.28.090 Depositing offensive matter--Pollution of waters.
9.28.100 Violation of certain provisions--Penalty.
9.28.110 Trespass on city property.
9.28.120 Petty theft.

9.28.010 Animals, vehicles and toys on sidewalks. A. It is unlawful for any person to lead, ride or drive any horse or other animal, except dogs and cats, along, over or upon any sidewalk within the city.

B. It is unlawful for any person to ride or drive any self-propelled vehicle along, over or upon any sidewalk within the city.

C. It is unlawful for any person to use or ride any bicycle, tricycle, roller skates or other vehicle along, over, or upon any sidewalk within the city, where posted as being prohibited.

D. It is unlawful to operate any motorized bicycle, skateboard, scooter, minibike or any other motorized vehicle which does not conform to the equipment, registration, insurance and operator's license requirements set forth in the Model Traffic Code upon any sidewalk within the city limits of the city of Wray.

E. As used in this section, "motorized" means propelled by an electric or combustion engine or any method of propulsion other than self-propelled.

F. Any violation of this section is punishable pursuant to Chapter 9.44 of the Wray Municipal Code. (Ord. 506 §4, 2005; Ord. 272 Art. 2 §22, 1971)

9.28.020 Tampering with fire hydrants. A. It is unlawful for any person to tamper with, open so as to allow water to flow, without authority, or damage any fire hydrant within the city.

B. Violation of this section shall be punished by fine up to and including three hundred dollars for each

violation, but no jail sentence or other form of imprisonment may be imposed, a fine being the exclusive punishment, and no imprisonment shall be allowed under Section 9.44.020; however, failure to pay a fine may result in imprisonment pursuant to 13-10-113, CRS 1973. (Ord. 354 (part), 1981; Ord. 272 Art. 2 §23, 1971)

9.28.030 Damaging property. A. It is unlawful for any person to knowingly damage the real or personal property of any natural or unnatural person or public entity.

B. Violation of this section shall be punished by fine up to and including three hundred dollars for each violation, but no jail sentence or other form of imprisonment may be imposed, a fine being the exclusive punishment, and no imprisonment shall be allowed under Section 9.44.020; however, failure to pay a fine may result in imprisonment pursuant to 13-10-113, CRS 1973. (Ord. 354 (part), 1981; Ord. 272 Art. 2 §23, 1971)

9.28.040 Damaging public property. It is unlawful for any person to either wilfully, maliciously, wantonly, negligently or in any other manner injure or destroy real property of improvement thereto, or movable or personal property, belonging to the city. (Ord. 264 §1, 1969)

9.28.050 Damaging private property. It is unlawful for any person to either wilfully, maliciously or wantonly injure or destroy real property or improvements thereto, or movable or personal property, belonging to any person, persons, corporation, partnership or association. (Ord. 264 §2, 1969)

9.28.060 Taking down fence or opening gates. It is unlawful for any person to take down any fence or let down any bars or to open any gate in or on the property of another without the consent of the owner, occupant or person in charge thereof. (Ord. 264 §3, 1969)

9.28.070 Street signs. It is unlawful for any person without proper authorization to remove, deface, injure or destroy any street sign, or sign erected or placed in or adjacent to any street indicating the name of such street. (Ord. 264 §4, 1969)

9.28.080 Posters and bills. It is unlawful for any person to either wilfully, maliciously, wantonly, negligently or in any other manner tear down, deface or cover up any posted advertisement or bill of any person, firm or corporation when the same is posted or put in harmony with the provisions of Sections 9.28.040 through 9.28.100 and ordinances of the city. (Ord. 264 §5, 1969)

9.28.090 Depositing offensive matter--Pollution of waters. It is unlawful to throw or deposit, or cause or permit to be thrown or deposited, any offal composed of animal or vegetable substance, or both, any dead animal, excrement, garbage or other offensive matter whatever, upon any street, avenue, alley, sidewalk or public grounds. No person shall in this city throw or deposit or cause or permit to be thrown or deposited, anything specified in any foregoing part of this section, or any other substance that would tend to have a polluting effect, into the water of any stream, ditch, pond, well, cistern, trough or other body of water, whether artificially or naturally created, or so near such place as to be liable to pollute the water. (Ord. 264 §6, 1969)

9.28.100 Violation of certain provisions--Penalty. Any person or persons violating any of the provisions of Sections 9.28.040 through 9.28.090 is guilty of a misdemeanor, and upon conviction for each offense shall be punished by a fine of not more than three hundred dollars nor less than five dollars. (Ord. 264 §7, 1969)

9.28.110 Trespass on city property. A. A person commits an offense of trespass under this section if he unlawfully enters or remains upon premises that are enclosed or posted in a manner designed to exclude uninvited intruders.

B. Any person violating this section may be punished by fine in an amount up to the maximum amount allowed by Colorado Statute. There shall be no jail penalty for violation of this section.

C. This section dealing with trespass is not intended to and does not supersede or preempt state law dealing with this subject.

D. It is the intent of the city that the city have the right to file charges under either the municipal ordinance or the state statute. In the event that a court should not allow such concurrent jurisdiction, the state of Colorado Statutes dealing with trespass shall prevail. (Ord. 411 §§1--4, 1990: Ord. 242 §§1, 2, 1965)

9.28.120 Petty theft. A. Unlawful Acts Designated. It is unlawful for any person knowingly to obtain or exercise control over anything of the value of less than two hundred dollars of another without authorization or by threat or deception, or knowing the thing of such value to have been stolen, when the person who so obtained or exercises control over such thing of such value:

1. Intends to deprive such other person permanently of the use or benefit of such thing of value; or

2. 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

3. Demands any consideration to which such person is not legally entitled as a condition of restoring such thing of value to such other.

B. Violation--Penalty. Any person or persons found guilty of violating this section shall be deemed guilty of a petty offense and upon conviction for each offense be punished by a fine of not more than three hundred dollars nor less than five dollars. (Ord. 368 §§1, 2, 1982)

## Chapter 9.32

## SHOPLIFTING

Sections:

9.32.010 Purpose.
9.32.020 Acts constituting.
9.32.030 Concealment as evidence.
9.32.040 Questioning of suspects.
9.32.050 Violation--Penalty.

9.32.010 Purpose. The purpose of this chapter is to make it a misdemeanor for any person to be convicted of shoplifting within the city of Wray, and to provide a penalty upon conviction of such crime. (Ord. 336 §A, 1979)

9.32.020 Acts constituting. Any person who wilfully and unlawfully takes possession of any goods, wares or

merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment, where the price of such goods, wares or merchandise is under the value of two hundred dollars, with the intention to unlawfully convert such goods, wares or merchandise to his own use, without paying the purchase price therefor, is guilty of the crime of shoplifting. (Ord. 336 §B, 1979)

9.32.030 Concealment as evidence. If any person wilfully conceals unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment, where the price of such goods, wares or merchandise is under the value of two hundred dollars, whether such concealment is on his person or otherwise, and whether on or off the premises of the store or mercantile establishment, such concealment shall constitute prima facie evidence that such person intended to convert the same to his own use without paying the purchase price therefor within the meaning of Section 9.32.020. (Ord. 336 §C, 1979)

9.32.040 Questioning of suspects. If any person commits the offense of shoplifting, as defined in Section 9.32.020, or if any person wilfully conceals upon his person or otherwise any unpurchased goods, wares or merchandise held or owned by any store or mercantile establishment, the merchant or employee thereof or any peace or police officer,

acting in good faith and upon probable cause based upon reasonable grounds therefor, may question such person in a reasonable manner for the purpose of ascertaining whether or not such person is guilty of shoplifting as defined in Section 9.32.020. Such questioning of a person by a merchant, merchant's employee or peace or police officer shall not render such merchant, merchant's employee or peace or police officer civilly liable for slander, false arrest, false imprisonment, malicious prosecution or unlawful detention. (Ord. 336 §D, 1979)

9.32.050 Violation--Penalty. Upon conviction of the crime of shoplifting, as defined in Section 9.32.020, there shall be imposed a fine in an amount not to exceed three hundred dollars, imprisonment not to exceed ninety days, or both such fine and imprisonment. (Ord. 336 §E, 1979)

## Chapter 9.36

## CURFEW FOR MINORS

Sections:

9.36.010 Short title.
9.36.020 Definitions.
9.36.030 Hours of curfew.
9.36.040 Operators of public places.
9.36.050 Parents or adults in charge.
9.36.060 Special functions or entertainments.
9.36.070 Enforcement procedures.
9.36.080 Violation--Penalty.

9.36.010 Short title. The ordinance codified in this chapter shall be known and may be cited as the "Ordinance Regulating The Presence and Conduct of Minors On Streets And Public Places." (Ord. 321(part), 1976)

9.36.020 Definitions. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number, the plural number. "Shall" is always mandatory and not merely directory.

A. "City" means the city of Wray.

B. "Custodian" means any person over the age of eighteen who is in loco parentis to a juvenile.

C. "Guardian" means any person other than a parent who has legal guardianship of a minor.

D. "Minor" means any person under the age of eighteen.

E. "Parent" means the natural or adoptive parent of a minor.

F. "Public place" means any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose. "Public place" includes but is not limited to any store, shop, restaurant, tavern, bowling alley, cafe, theater, drugstore, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above. (Ord. 321(part), 1976)

9.36.030 Hours of curfew. It is unlawful for any minor to remain, idle, wander, stroll or play at any public place, either on foot or to cruise about without a set destination in any vehicle in, about or upon any place in the city between the hours of ten p.m. and five a.m., Sunday through Thursday, and between the hours of eleven p.m. and five a.m., Friday through Saturday, unless accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor or unless the minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian or other adult person having the care and custody of the minor or where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation. (Ord. 321(part), 1976)

9.36.040 Operators of public places. It is unlawful for any person, firm or corporation operating or having charge of any public place to knowingly permit or suffer the presence of minors under the age of eighteen between the hours of ten p.m. and five a.m. Sunday through Thursday and between the hours of eleven p.m. and five a.m. Friday through Saturday. (Ord. 321(part), 1976)

9.36.050 Parents or adults in charge. It is unlawful for the parent, guardian or other adult person having custody or control of any minor under the age of eighteen to suffer or permit or by inefficient control to allow such person to be on the streets or sidewalks or on or in any public property or public place within the city between the hours of ten p.m. and five a.m. Sunday through Thursday and between the hours of eleven p.m. and five a.m. Friday through Saturday. However, the provisions of this section do not apply to a minor accompanied by his parent, guardian, custodian or other adult person having the care, custody or control of the minor, or if the minor is on an emergency errand or specific business or activity directed by his parent, guardian, custodian or other adult having the care and custody of the minor or if the parent, guardian or other adult

person herein has made a missing person notification to the police department. (Ord. 321(part), 1976)

9.36.060 Special functions or entertainments. Any minor attending a special function or entertainment of any church, school, club or other organization that requires such minor to be out at a later hour than that called for in this chapter shall be exempt from the provisions of this chapter and the minors who attend the function shall be required to be in their homes or usual places of abode within one-half hour after the function is ended. (Ord. 321(part), 1976)

9.36.070 Enforcement procedures. A. Any police officer upon finding a minor in violation of this chapter shall ascertain the name and address of such minor and warn the minor that he is in violation of curfew and shall direct the minor to proceed at once to his or her home or usual place of abode. The police officer shall report such action to the parents, guardian or person having custody or control of such minor.

B. If such minor refuses to heed such warning or direction by any police officer or refuses to give such officer his correct name and address, or if the minor has been warned on a previous occasion that he or she is in violation of curfew, he or she shall be taken to the police department and the parent, guardian or other adult person having the care and custody of such minor shall be notified to come and take charge of the minor. If the parent, guardian or other adult person abovementioned cannot be located or fails to come and take charge of the minor, the minor shall be released to the juvenile authorities. (Ord. 321(part), 1976)

9.36.080 Violation--Penalty. Any minor violating the provisions of this chapter shall be dealt with in accordance with the juvenile court law and procedure. Any parent, guardian or other adult person having the care and custody of a minor violating this chapter shall, after having been previously notified under procedures set out in Section 9.36.070, be fined not more than three hundred dollars for each offense. (Ord. 321(part), 1976)

## Chapter 9.40

## WEAPONS

Sections:

9.40.050 Throwing missiles.

9.40.050 Throwing missiles. A. No person shall throw or shoot any stone or other missile at or upon any person, animal, public or private property, building, structure, tree or shrub.

B. Violation of this section shall be punished by fine up to and including three hundred dollars for each violation, but no jail sentence or other form or imprisonment may be imposed, a fine being the exclusive punishment, and no imprisonment shall be allowed under Section 9.44.020; however, a failure to pay a fine may result in imprisonment pursuant to 13-10-113, CRS 1973. (Ord. 354(part), 1981; Ord. 272 Art. 2 § 20, 1971)

## Chapter 9.44

## ENFORCEMENT

Sections:

9.44.010 Violation--Penalty.
9.44.020 Jailing for nonpayment of fines.

9.44.010 Violation--Penalty. Except as otherwise specifically provided, any person, firm or corporation who is convicted of a violation of any section of this title shall for each offense be fined in a sum of not more than five hundred dollars or imprisoned not to exceed ninety days, or both so fined and imprisoned. (Ord. 354(part), 1981: Ord. 272 Art. 5 § 1, 1971)

9.44.020 Jailing for nonpayment of fines. Every person against whom any fine or penalty is assessed under the laws of the city, who refuses or neglects to pay the same when demanded, may be committed in default thereof to the city or county jail or such other enclosure as may

from time to time be designated by the city council as a lawful place for the detention of city prisoners, under the direction of the proper officers, until the fine and penalty is fully paid and the satisfaction is to be allowed at the rate of three dollars per day of twenty-four hours, or as in accordance with state law. Any such person may be required to do any reasonable amount of work; provided, however, that no single term of imprisonment shall exceed ninety days. The municipal court shall discharge such person from further imprisonment for such fine when it is made satisfactorily to appear to the judge that such person has no estate whatever to pay such fine. (Ord. 272 Art. 5 § 2, 1971)

## Chapter 9.48

## ISSUANCE OF A BAD CHECK

Sections:

9.48.010 Purpose.
9.48.020 Definition.
9.48.030 Exceptions.
9.48.040 Penalty.

9.48.010 Purpose. The Council declares as a matter of policy that the issuance and delivery of a known bad check by any person is in itself not only harmful to the person to whom it is given but also injurious to the community at large and is therefore a proper subject for sanction without regard to the purpose for which the check is given. (Ord. 494 § 1, 2003)

9.48.020 Definition. "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 issuance. (Ord. 494 § 2, 2003)

9.48.030 Exceptions. The issuer's knowledge of insufficient funds is presumed, except in the case of a postdated check or order if:

A. He has no account with the bank or other drawee at the time he issues the check or order; or

B. He has sufficient funds upon deposit with the bank or other drawee to pay the check or order, on presentation within thirty days after issue. (Ord. 494 § 3, 2003)

9.48.040 Penalty. Issuance of a bad check shall be punishable by a fine of not more than three hundred dollars. (Ord. 494 § 4, 2003)

# Title 10

## VEHICLES AND TRAFFIC

Chapters:

10.04 Model Traffic Code
10.08 Parking
10.12 Use of Streets
10.16 Intersection Visibility
10.20 Abandoned Vehicles
10.24 Parking of Oversized and Commercial Vehicles
10.28 Dynamic Braking
10.29 Off-Road Unlicensed Vehicles

## Chapter 10.04

## MODEL TRAFFIC CODE

Sections:

10.04.010 Adoption.
10.04.020 Penalties.
10.04.030 Application.
10.04.040 Validity.
10.04.050 Repeal.
10.04.060 Interpretation.
10.04.070 Certification.

10.04.010 Adoption. Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is hereby adopted by reference Articles I and II, inclusive of the 2003 Edition of the "Model Traffic Code for Colorado," promulgated and published as such by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Ave., Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the city. The purpose of this chapter and the code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three copies of the Model Traffic Code

adopted herein are now filed in the office of the clerk of the city of Wray, Colorado, and may be inspected during regular business hours. (Ord. 498 § 1, 2003)

10.04.020 Penalties. The following penalties, herewith set forth in full, shall apply to this chapter:

A. It is unlawful for any person to violate any of the provisions adopted in this chapter.

B. Every person convicted of a violation of any provision adopted in this chapter shall be punished by a fine not exceeding nine hundred dollars. (Ord. 498 § 2, 2003)

10.04.030 Application. This chapter shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of Section 1401, 1402 and 1413 and Part 16 of the adopted Model Traffic Code respectively concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout this municipality. (Ord. 498 § 3, 2003)

10.04.040 Validity. If any part or parts of this chapter are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have passed this chapter and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid. (Ord. 498 § 4, 2003)

10.04.050 Repeal. Existing or parts of ordinances covering the same matters as embraced in this chapter are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this chapter are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for act done or committed in violation of an ordinance hereby repealed prior to the taking effect of the ordinance codified in this chapter. (Ord. 498 § 5, 2003)

10.04.060 Interpretation. This chapter shall be so interpreted and construed as to effectuate its general purpose to conform with the state's uniform system for the regulation of vehicles and traffic. Article and section headings of the ordinance and adopted Model Traffic Code 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 hereof. (Ord. 498 §6, 2003)

10.04.070 Certification. The city clerk shall certify to the passage of the ordinance codified in this chapter and make not less than three copies of the adopted code available for inspection by the public during regular business hours. (Ord. 498 §7, 2003)

# Chapter 10.08

## PARKING

Sections:

10.08.010 Definitions.
10.08.020 Traffic district designated.
10.08.030 State and county jurisdiction unimpaired.
10.08.040 Parking signs--Angle parking--Alleys.
10.08.050 Commercial vehicle parking restricted--Parallel parking.
10.08.060 Parking longer than twenty-four hours.
10.08.070 Parking farm machinery--Selling from vehicles.
10.08.080 Parking on Main Street.
10.08.100 Two-hour daytime parking.
10.08.110 Violation--Penalty.

10.08.010 Definitions. As used in this chapter:

A. The "parking" of a vehicle shall be construed to be the leaving of such vehicle for any indefinite time, unattended and not accessible to instant moving, or attended and so as to be a potential traffic obstruction.

B. "Vehicle," includes automobiles, motor trucks, tractors, trailers, semitrailers, pickup trucks, buses, motorcycles, motor scooters, bicycles, and tricycles and all of their various combinations and all motor-driven contrivances and horse-drawn vehicles, unless specifically specified in any foregoing document. (Ord. 159 §1, 1949)

10.08.020 Traffic district designated. A traffic district is created and shall include: Starting at Main and North R.R. Street extending east to Ash Street and west to Adams, 2nd Street east to Ash Street, all of Main Street from North R.R. Street, south to 7th Street, 3rd Street east to Birch Street then west to Blake Street, 5th Street east to Ash then west to Blake Street, 6th Street from Main west to Blake, 7th Street from Main west to Hale Street, and shall include all parking areas in the named streets. The remaining portions of the city shall be termed residence districts. (Ord. 159 §2, 1949)

10.08.030 State and county jurisdiction unimpaired. Any ordinances made shall not be intended to monitor or interfere with any state or county law which may have prior jurisdiction of streets that are designated highways within the corporate limits of the city. (Ord. 159 §3, 1949)

10.08.040 Parking signs--Angle parking--Alleys. A. The regulation of parking of vehicles shall be defined by appropriate signs applying to regulation for each and every block concerned within the traffic district. Forty-five degree angle parking will be designated by traffic paint, restricted areas designated by traffic paint, and fire plug areas designated by traffic paint.

B. All alleys shall be marked by stop signs within the traffic districts; regular traffic rules will apply to all other alleys. (Ord. 159 §13, 1949)

10.08.050 Commercial vehicle parking restricted--Parallel parking. The parking of any commercial vehicle is prohibited in any forty-five-degree angle parking area except Adams Street between 3rd and 4th. A "commercial vehicle" shall be in accordance with state licensing law, and all out-of-state vehicles shall be classified using the same rule.

B. Parallel parking shall be the practice on all streets within the city limits not otherwise marked. (Ord. 159 §14, 1949)

10.08.060 Parking longer than twenty-four hours. A. The continued parking of a vehicle within the traffic district for a period of twenty-four hours or more is prohibited. The city shall proceed against the owner for a violation of this chapter.

B. The vehicle shall be removed and by stored either in a building or in the open, and a charge of one dollar per twelve-hour period or fraction thereof and also an assessed towing or removal charge. All charges shall be collected by the city clerk before the vehicle is returned to the licensed owner; provided further, that if the vehicle is not claimed within a period of thirty days, and the licensed owner cannot be found, the vehicle shall be sold in accordance with state statutes in such cases. (Ord. 159 §15, 1949)

10.08.070 Parking farm machinery--Selling from vehicles. It is unlawful to park any vehicle or tractor or farm machine or any barter merchandise on any street, alley or sidewalk in the traffic district and offer the barter merchandise for sale or trade to any person or persons. Violation of this section is punishable by a twenty-five-dollar fine for each and every succeeding offense or jail sentence of ten days or both. (Ord. 159 §16, 1949)

10.08.080 Parking on Main Street. Parking on Main Street between 3rd and 5th Streets for a period of time in excess of two hours, with the exception of Sundays and holidays, is

prohibited between the hours of nine a.m. and six p.m. (Ord. 159 § 27, 1949)

10.08.100 Two-hour daytime parking. A. The parking of motor vehicles on Third Street of the city, between the east line of Adams Street and the west line of Ash Street, is limited to two hours between the hours of nine a.m. and six p.m., Sundays excepted.

B. Any person violating any of the provisions of this section is guilty of an offense and shall be liable to a fine of not less than two dollars or more than ten dollars for each and every offense. (Ord. 204 §§ 1, 3, 1959)

10.08.110 Violation--Penalty. Any person violating any provisions of this chapter is guilty of an offense and shall be liable to a fine of not less than five dollars or more than fifty dollars for each and every offense, with the exception of specific sections of this chapter. (Ord. 159 § 21, 1949)

## Chapter 10.12

## USE OF STREETS*

Sections:

10.12.010 Contrivances damaging to streets prohibited.
10.12.020 Nonconforming motorized vehicles prohibited.

* Editor's Note: The general and penalty provisions of Ch. 10.08 of this code apply to this chapter.

10.12.010 Contrivances damaging to streets prohibited. It is unlawful to drive, tow, skid or transport any vehicle, farm tractor, industrial tractor, farm machine, implement or contrivance with lugs, flanges, wheels, tracks or skids that are injurious to street or alley surface within the city limits. Any violation is punishable by a fine and all costs of repairing damages incurred. (Ord. 159 § 17, 1949)

10.12.020 Nonconforming motorized vehicles prohibited. A. It is unlawful to operate any motorized bicycle, skateboard, scooter, minibike or any other motorized vehicle which does not conform to the equipment, registration, insurance and operator's license requirements set forth in the Model Traffic Code upon any street, paved and unpaved, or alleyway within the city limits of the city of Wray.

B. As used in this section, "motorized" means propelled by an electric or combustion engine or any method of propulsion other than self-propelled.

C. Any violation of this section is punishable pursuant to Section 10.04.060 of the Wray Municipal Code. (Ord. 506 § 2, 2005)

# Chapter 10.16

## INTERSECTION VISIBILITY

Sections:

10.16.010 Obstruction prohibited.
10.16.020 Violation--Penalty.
10.16.030 Violation--Removal by city.

10.16.010 Obstruction prohibited. It is unlawful for any person or persons, without written permission from the city of Wray, to cause, create or maintain, either on or off any property owned, occupied or used by such person or persons, any obstruction which will constitute a traffic hazard at or near any intersection of public streets within the city. (Ord. 222 §1, 1960)

10.16.020 Violation--Penalty. Any person or persons violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction for each offense shall be punished by a fine of not more than one hundred dollars nor les than five dollars, and each day that such obstruction is continued after notice by the city to remove the same, shall constitute a separate offense. (Ord. 222 §2, 1960)

10.16.030 Violation--Removal by city. If any such person or persons in violation of this chapter causes or maintains any such obstruction, the head of the department of public works of the city may cause the necessary work to be performed to accomplish the removal of such obstruction and in such case the city may, by proper legal action, recover from the offending person or persons all costs and expenses incurred by the city removing such obstruction, along with a reasonable attorney's fee to be fixed by the court for such action or proceeding. (Ord. 222 §3, 1960)

# Chapter 10.20

## ABANDONED VEHICLES

Sections:

10.20.010 Leaving vehicles prohibited.
10.20.020 Forty-eight-hour limit.
10.20.030 Violation--Penalty.
10.20.040 Violation--Removal of vehicle.
10.20.050 Authority to remove obstructions.
10.20.060 Notice of removal.
10.20.070 Sale by city after sixty days.
10.20.080 Notice before sale--Required.
10.20.090 Notice before sale--Mailing.
10.20.100 Notice before sale--Publication.
10.20.110 Proceeds of sale.

10.20.010 Leaving vehicles prohibited. No person shall park or leave standing any vehicle unattended, or abandoned, on any public right-of-way within the city of Wray. (Ord. 243 §1, 1965)

10.20.020 Forty-eight-hour limit. Any vehicle parked, or left standing, or abandoned as provided in Section 10.20-.010 for a period of longer than forty-eight hours shall be presumed to be unlawfully parked or left standing, unattended or abandoned in violation of Section 10.20.010. (Ord. 243 §2, 1965)

10.20.030 Violation--Penalty. Any person or persons violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall for each offense be punished by a fine of not more than one hundred dollars or imprisonment in the city jail for not more than ten days, or by both such fine and imprisonment. (Ord. 243 §3, 1965)

10.20.040 Violation--Removal of vehicle. Any vehicle or vehicle parked or left standing, unattended or abandoned in violation of Section 10.20.010 may be removed and placed in storage in a garage or other place of safety or in a garage designated or maintained by the city, by any official or police officer of the city, and no such official or police officer of the city shall be liable for any damage to such vehicle occasioned by such removal. (Ord. 243 §4, 1965)

10.20.050 Authority to remove obstructions. Whenever any police officer finds any vehicle attended or unattended, standing upon any portion of a public right-of-way in such a manner as to constitute an obstruction to traffic or public

right-of-way maintenance, such officer is authorized to cause the vehicle to be moved to eliminate any such obstruction, and neither the officer nor any person operating under his direction shall be liable for any damage to such vehicle occasioned by such removal. (Ord. 243 §5, 1965)

10.20.060 Notice of removal. As soon as practical, either before or after the removal and placing in storage of any vehicle under the provisions of Section 10.20.040 the official or police officer shall mail a notice by registered or certified mail with return receipt requested, addressed to the address of the owner or operator of such vehicle, if known, and if such address can be determined. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the grounds for removal, and the name of the garage or place where the vehicle is stored. (Ord. 243 §6, 1965)

10.20.070 Sale by city after sixty days. In the event that the vehicle is not reclaimed by the owner or operator within a period of sixty days the same may be sold and the proceeds of sale shall be disposed of as provided for in Section 10.20.110. (Ord. 243 §7(a), 1965)

10.20.080 Notice before sale--Required. The city shall, before selling any such vehicle as provided in Section 10.20.070, notify the owner and the lien holder if known, or if the identity of such person or persons can be determined from the public records of the county and state wherein such vehicle is licensed or registered. (Ord. 243 §7(6), 1965)

10.20.090 Notice before sale--Mailing. The posting or mailing by registered or certified mail with a return address marked thereon addressed to the owner or lien holder of the property at their address or addresses, if the same can be determined as provided in Section 10.20.110, stating the time and place of such sale, shall constitute notice as required in this chapter. The notice shall be posted and mailed at least twenty days before the date of sale. The cost of posting and mailing shall be added to the charges. (Ord. 243 §7(c), 1965)

10.20.100 Notice before sale--Publication. If the address of the owner cannot be determined as provided in Section 10.20.090, such notice shall be by publication at least once in a daily or weekly newspaper in the city, such notice to be published at least twenty days before the date of sale. Such notice so published as required in this section shall constitute notice as required in this chapter, if notice cannot be mailed. The cost of publication shall be added to the charges. (Ord. 243 §7(d), 1965)

10.20.110 Proceeds of sale. A. In the event that a vehicle is sold under the provisions of this chapter, the proceeds of sale shall be disposed of in the following manner:

1. First: cost of towing, with a minimum charge of five dollars and a maximum charge of twenty-five dollars, and storage to be charged at the rate of fifty cents per day for uncovered storage and up to one dollar and fifty cents per day for covered storage for a maximum of sixty days;

2. Second: the cost of publication or notice, if any.

B. In the event the proceeds are insufficient to cover such costs, the city may recover any deficiency including court costs against the owner or operator by appropriate civil action for and in connection with the removal of the vehicle from any portion of the public right-of-way within the city. After deducting the foregoing items, the city shall hold the surplus, if any, subject to the order of the owner, and shall immediately thereafter mail to the owner thereof at his address, if known, a notice of the holding of such sale and the amount of the surplus due the owner. At any time within twelve months after such notice, the city shall upon demand by the owner pay to the owner or to his order such surplus. If no such demand is made by the owner within twelve months after the date of sale, then such surplus shall become the property of the city and shall be paid into the general fund of the city. (Ord. 243 §7(e), 1965)

## Chapter 10.24

## PARKING OF OVERSIZED AND COMMERCIAL VEHICLES

Sections:


10.24.010 Parking of oversized vehicles on public right-of-way.
10.24.020 Parking of oversized vehicles on private property.
10.24.030 Obstructing traffic control devices with oversized vehicles.
10.24.040 Detached trailers.

10.24.050 Oversized vehicles.
10.24.060 Prohibited uses.
10.24.070 Measurements.
10.24.080 Violation--Penalty.

10.24.010 Parking of oversized vehicles on public right-of-way. No person shall park any vehicle exceeding eight feet in height in public rights-of-way in such a manner that any part of that vehicle which exceeds ninety-six inches in height shall be:

A. Within thirty feet of an intersection or a crosswalk;

B. Within ten feet of public or private driveway. (Ord. 371 §1, 1983: Ord. 367 §1, 1982)

10.24.020 Parking of oversized vehicles on private property. No person shall park any vehicle exceeding eight feet in height on private property in such a manner that any part of that vehicle which exceeds ninety-six inches in height shall be:

A. Within five feet of the flow-line of public right-of-way;

B. Within eighteen inches of the edge of any attached or detached sidewalk in a public right-of-way. (Ord. 371 §2, 1983: Ord. 367 §2, 1982)

10.24.030 Obstructing traffic control devices with oversized vehicles. No person shall park a vehicle in public rights-of-way in such a manner that any part of the vehicle which exceeds eight feet in height shall be within thirty feet upon the approach of any speed limit sign located at the side of a roadway. Section 11-1(4) of the Model Traffic Code shall control parking in the approach of all other traffic control devices. (Ord. 371 §3, 1983: Ord. 367 §3, 1982)

10.24.040 Detached trailers. Trailers, defined as any wheeled vehicle without motive power and designed to be drawn by a motor vehicle, shall not be parked detached from a towing vehicle in any public right-of-way in the city. (Ord. 371 §4, 1983: Ord. 367 §4, 1982)

10.24.050 Oversized vehicles. Oversized vehicles, defined as any exceeding twenty-four feet in length

(twenty-four feet in combined length for vehicles with trailers) or eight feet in height, or twelve thousand pounds in weight, shall be prohibited from parking on streets within the city with the following exceptions:

A. Oversized vehicles incidental to commercial enterprises shall be permitted on the premises of such commercial enterprise;

B. Loading or unloading of moving vans or similar type vehicles used for moving of personal goods for a period of twenty-four hours or less;

C. Temporary parking for a period of four hours or less;

D. Construction equipment and/or machinery employed in any public works project in the city parked at a site of and for the duration of such construction;

E. Pickup-trailer combinations will be allowed parking during daylight hours;

F. Notwithstanding the specific prohibitions contained herein, the city council reserves the right to designate areas for the parking of oversized vehicles in the city and such designation shall be posted at the designated location. (Ord. 371 § 5, 1983: Ord. 367 § 5, 1982)

10.24.060 Prohibited uses. No bus, trailer coach or mobile home, self-propelled motor home or recreational equipment shall be used for living, sleeping, housekeeping, or preparation of food on any street, traveled roadway or public right-of-way within the city. (Ord. 371 § 6, 1983: Ord. 367 § 6, 1982)

10.24.070 Measurements. Measurements of heights and lengths shall be made as follows:

A. The height of vehicles shall be measured perpendicular to the parking surface to the uppermost portion of the vehicle including loads or any projections attached thereto with the exception of radio antennae, exhaust pipes and vents.

B. The length of vehicles shall be measured parallel to the long axis of the vehicle and shall include any projections permanently or temporarily attached thereto. (Ord. 371 § 7, 1983: Ord. 367 § 7, 1982)

10.24.080 Violation--Penalty. Any person or persons violating any of the provisions of this chapter shall be

deemed guilty of a misdemeanor, and upon conviction for each offense be punished by a fine of not more than three hundred dollars nor less than five dollars. (Ord. 371 § 8, 1983: Ord. 367 § 8, 1982)

## Chapter 10.28

## DYNAMIC BRAKING

Sections:

10.28.010 Unlawful.
10.28.020 Exception.
10.28.030 Penalties.

10.28.010 Unlawful. Except as set forth herein, it is unlawful for a driver of any semitractor vehicle weighing more than ten thousand pounds, and considered or licensed by the state as a commercial tractor unit, to use its engines for purposes of braking by use of "dynamic braking" of the engine so as to slow the speed of the vehicle on any street or highway located within the city. It is unlawful for said driver of said truck described above to "jake brake," "compression brake" or make use of any "dynamic braking." It is sufficient for prosecution and conviction of a violation of this offense if the "jake braking," "compression braking" or "dynamic braking" is overheard, and if the semitractor is observed to be operating in the general proximity of the occurrence of the noise. (Ord. 473 § 2, 2001)

10.28.020 Exception. It shall be an affirmative defense to an alleged violation of this section if the semitractor/trailer vehicle is in an emergency situation and in an effort to avoid collision with any other vehicle, stationary object or moving object, jake brake compression, compression brakes or any dynamic brake, is required for purposes of avoiding said collision. Should the municipal court determine that dynamic braking, compression braking or jake braking was used in conjunction with the avoidance of a collision as anticipated in this section, then the defendant shall be exonerated from any liability. (Ord. 473 § 2.2, 2001)

10.28.030 Penalties. Any person who violates this chapter commits a violation that may be punishable up to the maximum allowed at the time of violation by Colorado Revised Statutes for the enforcement of ordinances, not to include jail term. (Ord. 473 § 3, 2001)

## Chapter 10.29

## OFF-ROAD UNLICENSED VEHICLES

Sections:

10.29.010 Off-road unlicensed vehicles.

10.29.010 Off-road unlicensed vehicles. No individual shall be allowed to operate any vehicle as defined by Section 33-14.5-110, et seq., CRS, as amended, on the streets, avenues, alleys or highways within the city of Wray, except as follows:

A. Pursuant to a permit granted by the Wray police department, individuals shall submit an application to the Wray police department. After careful review of the matter, the permit shall be granted or denied in writing by the chief of police. If granted, said written permit shall state all limitations on use of said vehicles within the city of Wray. Said written permit shall be for a term of no longer than one year, but may be renewed or denied annually by the chief of police, upon an application by the permittee to the Wray police department. Under no circumstances shall any vehicle be allowed access to any street, avenue, alley or highway which is contrary to state law. (Ord. 528 § 1, 2007)

## Title 11

(RESERVED)

# Title 12

## STREETS AND SIDEWALKS

Chapters:

12.04 Sidewalk and Curb Construction
12.08 Clearing Sidewalks of Obstructions
12.12 Filling Device Location
12.16 Curb Service

## Chapter 12.04

## SIDEWALK AND CURB CONSTRUCTION

Sections:

12.04.010 Notice to property owner.
12.04.020 Performance by city and assessment of costs.

12.04.010 Notice to property owner. The city council of the city of Wray may order the construction, reconstruction or repair of sidewalks and curbs either in districts or other than in districts whenever, in the opinion of the council, it is proper because sufficient sidewalks or curbs have been laid in the vicinity to make it reasonable that intervening sidewalk or curb areas should be provided with sidewalks or curbs, or existing sidewalks or curbs should be reconstructed or repaired. In all such cases the council shall notify the owner or his agent to construct, reconstruct or repair such walks or curbs within forty-five days from the date of the service of such notice. The notice shall be in writing and served in person upon the owner if found within the city and, if not, may be served by registered United States registered mail, or by publication in a newspaper of the city. (Ord. 189 §1(part), 1955)

12.04.020 Performance by city and assessment of costs. Whenever the owner is in default, the council may have the work done by day labor or contract and when done shall issue to the person doing the work a certificate therefor stating the just amount due him, which certificate shall draw interest at the rate of six percent per year until paid. Such assessment shall be a lien upon the property until is is paid. In case of failure to pay such assessment within thirty days after the issuance of the certificate, the same may be certified by the city clerk to the county officer having the custody of the tax list at the time such certification is made, to be by him placed upon such tax list for

the current year, to be collected in the same manner as other taxes are collected, with ten percent penalty thereon to defray the cost of collection. All the laws of the state for the assessment and collection of general taxes, including the laws for the sale of property for taxes and their redemption of the same, shall apply and have as full effect for the collection of the assessment for sidewalks and curbs as for general taxes. (Ord. 189 §1(part), 1955)

## Chapter 12.08

## CLEARING SIDEWALKS OF OBSTRUCTIONS

Sections:

12.08.010 Duty of property owners and occupants.
12.08.020 Action by city--Assessment of costs.

12.08.010 Duty of property owners and occupants. It is the duty of any person or persons owning or occupying any lot or tract of land within the city to cause all snow and ice, obstructions, rubbish, offensive or unsightly matter to be removed from the sidewalk area abutted on the property. (Ord. 239 §1, 1964)

12.08.020 Action by city--Assessment of costs. A. In the event that any such snow, ice, obstructions, rubbish, offensive or unsightly matter is or appears upon any such sidewalk it is the duty of the head of the department of public works to notify the owner or occupant of the lot or tract of land abutting upon the sidewalk in writing to remove the same within such time as is stated in the notice.

B. If any such owner or occupant fails to remove such matter within the time specified in such notice then the head of the Department of Public Works shall cause the necessary work to be performed to accomplish such removal and the actual cost of such work plus five percent for inspection and other incidental cost in connection therewith shall be certified by the city council to the county treasurer of the county of Yuma, and such sum shall become and be a lien upon the property abutting on the sidewalk upon which the work was performed and shall be assessed and collected in the manner provided by law. (Ord. 239 §2, 1964)

# Chapter 12.12

## FILLING DEVICE LOCATION

Sections:

12.12.010 Prohibited on streets, sidewalks or alleys.
12.12.020 Replacement or removal of nonconformities,
12.12.030 Supply or storage tanks.
12.12.040 Violation--Penalty.

12.12.010 Prohibited on streets, sidewalks or alleys. The locating or placing of any pump or filling device of any kind, for the sale of gasoline, kerosene or its allied products, upon or in any street, alley or sidewalk in the city of Wray is prohibited from and after February 5, 1929. (Ord. 93 §1, 1929)

12.12.020 Replacement or removal of nonconformities. Any pump or filling device now located upon or in any street, alley or sidewalk in the city that may become worn out shall not be replaced, but shall be removed. (Ord. 93 §2, 1929)

12.12.030 Supply or storage tanks. Supply or storage tanks may be placed in streets, alleys or under sidewalks, provided, the top part of such tank shall be at least three feet beneath the level of the street, alley or sidewalk.* (Ord. 93 §3, 1929)

12.12.040 Violation--Penalty. Anyone violating any of the provisions of this chapter is guilty of an offense and shall be fined any sum not exceeding fifty dollars. Each separate day that any pump, tank or filling device is maintained upon or in any street, alley or sidewalk within the city contrary to the provisions of this chapter constitutes a separate offense and is subject to punishment. (Ord. 93 §4, 1929)

* For other provisions on storage tanks for inflammable liquids, see Ch. 8.28 of this code.

# Chapter 12.16

## CURB SERVICE

Sections:

12.16.010 Unlawful.
12.16.020 Violation--Penalty.

12.16.010 Unlawful. It is unlawful for any person, persons or firm to conduct a business or in connection with a business what is commonly known as "curb service" for the vending and serving at the curb of any of the streets of the city any confections, candies, ice cream, tobacco, fountain drinks, meals or lunches, or similar merchandise. (Ord. 102 §1, 1930)

12.16.020 Violation--Penalty. Any person, persons or firm who is found guilty of a violation of this chapter is guilty of a misdemeanor and upon conviction thereof shall be fined a sum of not less than five dollars or more than fifty dollars for each offense. (Ord. 102 §2, 1930)

# Title 13

## PUBLIC SERVICES

Chapters:

13.04 Sanitary Disposal Requirements
13.08 Privies and Outhouses
13.12 Waterworks
13.16 Flood Damage Prevention
13.20 Nondomestic Pretreatment

## Chapter 13.04

## SANITARY DISPOSAL REQUIREMENTS

Sections:

13.04.010 Applicability.
13.04.020 Privy or flush toilet required.
13.04.030 Toilets cross-connected to water supply.
13.04.040 Privy standards.
13.04.050 Abatement of nonconformities.
13.04.060 Cleanliness.
13.04.070 Right-of-entry--Enforcement.
13.04.080 Violation--Penalty.

13.04.010 Applicability. This chapter shall apply to all territory embraced within the corporate limits of the city of Wray, except as to the area embraced in Sanitary Sewer District No. 1; provided, however, Section 13.04.030 shall apply to all territory embraced within the corporate limits of the city. (Ord. 136 §1, 1941)

13.04.020 Privy or flush toilet required. On and after July 1, 1941, it shall be unlawful to maintain or use any residence, place of business or other buildings or places where persons reside, congregate or are employed which is not provided with means of disposal of human excreta, either by a flush toilet connected with a sewerage system, or a sanitary, fly-tight privy, approved by the Colorado State Board of Health. (Ord. 136 §2, 1941)

13.04.030 Toilets cross-connected to water supply. No toilets which are cross-connected with the municipal water supply shall be allowed, and those now in use shall be disconnected from the municipal water supply within one hundred fifty days from January 7, 1941. (Ord. 136 §3, 1941)

13.04.040 Privy standards. Within the district embraced in this chapter, all domestic sewage shall be disposed of through a sanitary, fly-tight privy as approved by the Colorado State Board of Health. (Ord. 136 §4, 1941)

13.04.050 Abatement of nonconformities. Any privy or private sewer existing or being maintained which does not conform to the requirements of this chapter is a nuisance, dangerous and a menace to the public health, and the city shall have the power and the authority to abate any such nuisance in accordance with law. (Ord. 136 §5, 1941)

13.04.060 Cleanliness. All privies or private buildings shall be kept in a clean condition at all times. (Ord. 136 §6, 1941)

13.04.070 Right-of-entry--Enforcement. It is the duty of the health officer to enforce the provisions of this chapter and in the performance of this duty, the health officer or his duly authorized agent is authorized to enter, at any reasonable hour, any premises as may be necessary in the enforcement of this chapter. The State Board of Health and/or an authorized agent or officer thereof shall have the right to enforce this chapter. (Ord. 136 §7, 1941)

13.04.080 Violation--Penalty. Any person, firm or corporation who violates, or refuses or fails to comply with any of the provisions of this chapter, is guilty of a misdemeanor and shall be punished by a fine of not less than five dollars nor more than one hundred dollars. (Ord. 136 §8, 1941)

# Chapter 13.08

## PRIVIES AND OUTHOUSES

Sections:

13.08.010 Abatement as nuisances.
13.08.020 Erection where sewers available.
13.08.030 Application for sewer connection.
13.08.040 Traps for public-garage wash racks.
13.08.050 Plumbing standards.
13.08.060 Violation--Penalty.

13.08.010 Abatement as nuisances. A. All privies, closets or other outhouses of similar nature within any portion of the city of Wray where public sewers are installed as of or after November 3, 1959 are declared a nuisance and a menace to public health and are ordered abated within the times specified as follows:

1. In those areas where such public sewers are installed as of November 3, 1959, on or before January 1, 1961;

2. In any portions of the city where public sewers are not installed as of November 3, 1959, all of such places shall be abated not later than one year from the date of completion of installation in such areas of such sewer.

B. All sewer connections within such areas shall be made to the public sewer within the times specified in this section. (Ord. 213 §1, 1959)

13.08.020 Erection where sewers available. No privy, closet or other outhouse of similar nature shall be erected or put into use after November 3, 1959 within any area where public sewers are installed. (Ord. 213 §2, 1959)

13.08.030 Application for sewer connection. Written applications must be made to the city before any sewer connection can be made to the public sewer within the city and any connection, after being made, shall not be covered until approved by the city manager or other person duly authorized by him. (Ord. 213 §3, 1959)

13.08.040 Traps for public-garage wash racks. Adequate traps as approved by the city shall be provided for the wash rack in all public garages. (Ord. 213 §4, 1959)

13.08.050 Plumbing standards. All plumbing work and sewer connections shall be installed and made in accordance with the plumbing rules and regulations of the State Board of Health of Colorado. (Ord. 213 §5, 1959)

13.08.060 Violation--Penalty. Anyone violating any of the provisions of this chapter is guilty of an offense and shall be punished by a fine not exceeding three hundred dollars and, where applicable to this chapter, each succeeding day shall constitute a separate offense. In the event that the owner of any nuisance, as provided in the sections of this chapter, does not reside in or near the city, or come within its jurisdiction, the city may abate such nuisance, charging the expense thereof to the property owner to be collected as other taxes against the property. Any such assessments shall be certified by the city to the county assessor. (Ord. 213 §6, 1959)

# Chapter 13.12

## WATERWORKS

Sections:


13.12.010 Definitions.
13.12.020 Application for service.
13.12.030 Connection and meter installation.
13.12.040 Abandoned and obsolete connections.
13.12.050 Delinquency of charges--Payment by tenants.
13.12.060 Disconnection on request.
13.12.070 Interruption of supply.
13.12.080 Right of access for inspection.
13.12.090 Testing meters for accuracy.
13.12.100 Interfering with valves and stopcocks.
13.12.110 Fire hydrant obstruction, operation or injury.
13.12.120 Interference with waterworks.
13.12.130 Pollution of reservoir.
13.12.140 Violation--Penalty.


13.12.010 Definitions. As used in this chapter:

A. "Person" means and includes natural persons of either sex, associations, copartnerships and corporations, whether acting by themselves or by servants, agents or employees. The singular shall be held to include the plural, and the masculine pronoun to include the feminine.

B. "Water superintendent" means the official in charge of the waterworks of the city of Wray, and any act in this chapter required or authorized to be done by the water superintendent may be done on behalf of the water superintendent by any authorized officer or employee of the waterworks department. (Ord. 52 §1, 1913)

13.12.020 Application for service. Any person desiring to have premises connected with the water supply system of the city shall make application to the city clerk upon a printed form to be furnished for that purpose, which application shall contain the description of the premises where such water is desired and shall be signed by the owner of the premises to be served or his authorized agent, and shall be filed in the office of the city clerk. (Ord. 52 §2, 1913)

13.12.030 Connection and meter installation. Upon presentation at the office of the water superintendent of the clerk's receipt for installation charges, the water superintendent shall cause the premises described, if the premises abuts upon a street or alley, to be connected with the city water main by a service pipe to be laid to the

curbline nearest to the water main, including a stopcock placed near the property line. The water superintendent shall also intall a meter in a box near the property line, which meter and connection shall thereafter be maintained by and kept within the exclusive control of the city. Each separate premises supplied by city water must have its own service connection with the city main, but where two or more families or business firms occupy the same premises, then each family or business firm shall pay the minimum and regular rates and charges, and premises so supplied will not be allowed to supply water to any other premises. (Ord. 52 §3, 1913)

13.12.040 Abandoned and obsolete connections. When new buildings are to be erected on the site of old ones, and it is desired to increase the size or change the location of the old service connection, or where a service connection to any premises is abandoned or nor longer used, the water superintendent may cut out or remove such service connection, after which should a service connection be required to the premises, a new service shall be placed only upon the owner making application and paying for a new tap in the regular manner. (Ord. 52 §4, 1913)

13.12.050 Delinquency of charges--Payment by tenants. A. All water rates will be charged against the premises for which the service was installed. In case any charges for water become delinquent and unpaid, the water shall be cut off until such charges are paid in full, together with an additional charge of one dollar for turning off and on.

B. If, however, the property owner desires to have the tenant pay water rentals, he shall so notify the city clerk in writing and in such case the tenant shall deposit with the city clerk a sum of money sufficient to protect the city against any and all charges on account of such service, which sum shall not be less than five dollars. This deposit shall be held intact by the city clerk until the vacation of the premises by the tenant making the deposit, when unpaid charges shall be deducted and the balance returned to the tenant. (Ord. 52 §5, 1913)

13.12.060 Disconnection on request. Should it be desired to discontinue the use of all water supplied to any premises for a period of not less than one month, notice must be given and payment of all arrearages must be made to the city clerk. The water will then be turned off and on again without charge; but no remission of service will be made for a period of less than one month or without the notice prescribed in this section. (Ord. 52 §6, 1913)

13.12.070 Interruption of supply. The city reserves the right at any time without notice to shut off the water

supply for repairs, extensions, nonpayment of rentals or any reason, and the city shall not be responsible for any damage, such as bursting of boilers supplied by direct pressure, the breaking of any pipe or fixtures, or any other damage resulting from the shutting off of the water. (Ord. 52 §7, 1913)

13.12.080 Right of access for inspection. The employees of the waterworks department of the city shall have free access at proper hours of the day to all parts of the premises or buildings to which water is furnished from the city mains, for the purpose of inspecting the conditions of pipe and fixtures, reading meters, or for any other purpose necessary to the conduct of the waterworks. (Ord. 52 §8, 1913)

13.12.090 Testing meters for accuracy. Where the accuracy of a water meter is questioned, the consumer shall deposit with the water superintendent the sum of one dollar, whereupon the water superintendent shall have the meter in question removed and tested in the presence of the consumer in the shop of the water department by means of apparatus there provided, and a report thereon duly made. Both parties to the test must accept the findings as made. If the test discloses an error against the consumer of more than two percent in meter registry, the excess of the the consumption on three previous months shall be credited to the consumer's account and the deposit mentioned in this section returned. If no error is found, the deposit shall be turned into the water fund to pay the cost of the test. (Ord. 52 §9, 1913)

13.12.100 Interfering with valves and stopcocks. It is unlawful for any person, except one duly authorized by the water superintendent or one who is a member of the fire department, to open, close, operate, turn on or off, interfere with, attach any pipe or hose to or connect anything with any fire hydrant, stop valve or stopcock belonging to the city. (Ord. 52 §11, 1913)

13.12.110 Fire hydrant obstruction, operation or injury. It is unlawful for any person to obstruct the access to any fire hydrant by placing around or thereon any stone, brick, lumber, dirt or other material, or to open or to operate any fire hydrant, or draw or attempt to draw water therefrom, or to wilfully or carelessly injure the same. (Ord. 52 §12, 1913)

13.12.120 Interference with waterworks. It is unlawful for any person, unless duly authorized by the water superintendent, to disturb or in any way interfere with any water main, water pipe, machinery, tools, building, improvements, lawn, grass plots, flowers, shrubs or trees belonging

to, connected with or under the control of the waterworks department of the city. (Ord. 52 §13, 1913)

13.12.130 Pollution of reservoir. It is unlawful for any person or persons to deposit, or cause to be deposited or thrown in, any rubbish, carcass or any other matter, into the reservoir of the waterworks of the city that would in any way damage the reservoir or endanger the health of the inhabitants of the city. (Ord. 52 §14, 1913)

13.12.140 Violation--Penalty. Any person violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in a sum not exceeding one hundred dollars and costs. (Ord. 52 §15, 1913)

## Chapter 13.16

## FLOOD DAMAGE PREVENTION

Sections:


ARTICLE I. FINDINGS OF FACT, PURPOSE AND DEFINITIONS

13.16.010 Findings of fact.
13.16.020 Statement of purpose.
13.16.030 Methods of reducing flood losses.
13.16.040 Definitions.

ARTICLE II. GENERAL PROVISIONS

13.16.050 Lands to which this chapter applies.
13.16.060 Basis for establishing the areas of special flood hazard.
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13.16.130 Duties and responsibilities of the city manager.
13.16.140 Variance procedure.
13.16.150 Conditions for variances.

ARTICLE IV. PROVISIONS FOR FLOOD HAZARD REDUCTION

13.16.160 General standards.
13.16.170 Specific standards.
13.16.180 Specific construction criteria.

## ARTICLE I. FINDINGS OF FACT, PURPOSE AND DEFINITION

13.16.010 Findings of fact. A. The flood hazard areas of the city are subject to periodic inundation which result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 404 §1.2, 1989: Ord. 378 §1.2, 1985)

13.16.020 Statement of purpose. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

A. To protect human life and health;

B. To minimize expenditures of public money for costly flood control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard;

G. To insure that potential buyers are notified that property is in an area of special flood hazard; and

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 404 §1.3, 1989: Ord. 378 §1.3, 1985)

13.16.030 Methods of reducing flood losses. In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;

D. Controlling filling, grading, dredging and other development which may increase flood damage; and,

E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 404 §1.4, 1989: Ord. 378 §1.4, 1985)

13.16.040 Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Appeal" means a request for a review of the city manager's interpretation of any provision of this chapter or a request for a variance.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Critical feature" means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by city.

"Expansion to existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters and/or,

B. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood insurance rate map" (FIRM) means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

"Levee" means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Mean sea level" means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood evaluations shown on a community's flood insurance rate map are referenced.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the city.

"Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the NFIP standards in State Statutes 60.3, 60.4, 60.5 or 60.6.

"Recreational vehicle" means a vehicle which is: (1) built on a single chassis; (2) four hundred square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light-duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

"Remedy of violation" means to bring into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include pro-

tecting the structure or other affected development from flood damage, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Structure" means a walled and roofed building or manufactured home that is principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of a "historic structure."

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in NFIP standards, State Statutes 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in

violation until such time as that documentation is provided.

"Water surface evaluation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. 409 (part), 1990; Ord. 404 §2, 1989: Ord. 378 §2, 1985)

## ARTICLE II. GENERAL PROVISIONS

13.16.050 Lands to which this chapter applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city. (Ord. 404 §3.1, 1989: Ord. 378 §3.1, 1985)

13.16.060 Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the City of Wray, Colorado," dated December 19, 1984, with an accompanying flood insurance rate map is adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at the Wray City Hall, 245 W. 4th Street, Wray, Colorado. (Ord. 404 §3.2, 1989: Ord. 378 §3.2, 1985)

13.16.070 Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered with full compliance with the terms of this chapter and other applicable regulations. (Ord. 404 §3.3, 1989: Ord. 378 §3.3, 1985)

13.16.080 Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 404 §3.4, 1989: Ord. 378 §3.4, 1985)

13.16.090 Interpretation. In the interpretation and application of this chapter, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 404 §3.5, 1989: Ord. 378 §3.5, 1985)

13.16.100 Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based

on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that may result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 404 §3.6, 1989: Ord. 378 §3.6, 1985)

## ARTICLE III. ADMINISTRATION

13.16.110 Establishment of development permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 13.16.060. Application for a development permit shall be made on forms furnished by the city manager and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, locations, dimensions and elevations of the area in question; existing or proposed structures, fill storage materials, drainage facilities; and the locations of the foregoing. Specifically, the following information is required:

A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

B. Elevation in relation to mean sea level to which any structure has been floodproofed;

C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 13.16.170(B); and

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 404 §4.1, 1989: Ord. 378 §4.1, 1985)

13.16.120 Designation of the city manager. The city manager is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 404 §4.2, 1989: Ord. 378 §4.2, 1985)

13.16.130 Duties and responsibilities of the city manager. Duties of the city manager shall include, but not be limited to:

A. Permit Review.

1. Review all development permits to determine that the permit requirements of this ordinance have been satisfied;

2. Review all development permits to determine that all necessary permits have been obtained from those

federal, state or local governmental agencies from which prior approval is required;

3. Review all development permits to determine if the proposed development adversely affects the flood-carrying capacity of the area of special flood hazard. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development will not increase the water surface elevation of the base flood more than one foot at any point.

B. Use of Other Base Flood Data. The city manager shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements or other development in Zone A. as required in Article III of this chapter.

C. Information to be Obtained and Maintained.

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;

a. Verify and record the actual elevation (in relation to mean sea level), and

b. Maintain the floodproofing certifications required in Section 13.16.110(C).

2. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alteration of Watercourses.

1. Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the floodcarrying capacity is not diminished.

E. Interpretation of FIRM Boundaries. Make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided by Section 13.16.140. (Ord. 404 §§4.3--4.3-5, 1989: Ord. 378 §§4.3--4.3-5, 1985)

<u>13.16.140 Variance procedure</u>. A. The city planning commission as established by the city shall hear and decide appeals and request for variances from the requirements of this chapter.

B. The planning commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the city manager in the enforcement or administration of this chapter.

C. Those aggrieved by the decision of the city planning commission or any taxpayer may appeal decision to the district court as provided in the Colorado Statutes.

D. In passing upon such applications, the planning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger of life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of water action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

E. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsection (D)(1) through (11) of this section has been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

F. Upon consideration of the factors of subsection D of this section and the purposes of this chapter, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

G. The city manager shall maintain the records of all appeal actions and report any variances to the Federal

Emergency Management Agency upon request. (Ord. 404 §4.4, 1989: Ord. 378 §4.4, 1985)

13.16.150 Conditions for variances. A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, without regard to the procedures set forth in the remainder of this section.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection D of Section 13.16.140 or conflict with existing local laws or ordinances.

E. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 404 §4.4-2, 1989: Ord. 378 §4.4-2, 1985)

ARTICLE IV. PROVISIONS FOR FLOOD HAZARD REDUCTION

13.16.160 General standards. In all areas of special flood hazards, the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and to withstand hydrodynamic loads;

2. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

a. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured

homes less than fifty feet long requiring one additional tie per side;

b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side;

c. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and

d. Any additions to the manufactured home be similarly anchored.

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage;

3. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

2. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters;

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

4. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty lots or five acres (whichever is less).

E. Encroachments. The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point. (Ord. 404 §§5.1--5.1-5, 1989: Ord. 378 §§5.1--5.1-5, 1985)

13.16.170 Specific standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 13.16.060 or subsection B of Section 13.16.130, the following provisions are required:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.

B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3. Provide that where a nonresidential structure is intended to be made watertight below the base flood level: (1) a registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of Article III of this chapter, and (2) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under this section.

C. Manufactured Homes.

1. Manufactured homes shall be anchored in accordance with Section 13.16.160(A)(2).

2. All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or about the base flood elevation and is securely anchored to an adequately anchored foundation system. This subsection applies to manufactured homes to be placed or substantially improved in an expansion to an existing manufactured home park or subdivision. This subsection does not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision except where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.

a. All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system in accordance with provisions of Section 13.16.160(A)(2);

b. Adequate surface drainage and access for a hauler are provided; and

c. In the instance of elevation on pilings, that:

i. Lots are large enough to permit steps,

ii. Piling foundations are placed in stable soil no more than ten feet apart, and

iii. Reinforcement is provided for pilings more than six feet above the ground level. (Ord. 404 §§5.2--5.2-3, 1989: Ord. 378 §§5.2--5.2-3, 1985)

13.16.180 Specific construction criteria. A. Applies to manufactured homes to be placed on a single lot or in a new or expansion to an existing manufactured home park or subdivision:

1. Require that manufactured homes that are placed or substantially improved within zones A1-30, AH and AE on sites: (1) outside of a manufactured home park or subdivision, (2) in a new manufactured home park or

subdivision, (3) in an expansion to an existing manufactured home park or subdivision, or (4) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse and lateral movement.

B. Applies to manufactured homes to be placed in an existing manufactured home park or subdivision prior to the time these regulations are implemented:

1. Require that manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions within zones A1-30, AH and AE that are not subject to the provisions of subsection A of this section be elevated so that either: (1) the lowest floor of the manufactured home is at or above the base flood elevation, or (2) the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than thirty-six inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse and lateral movement. (Ord. 409 (part), 1990)

## Chapter 13.20

## NONDOMESTIC PRETREATMENT

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## ARTICLE I. GENERAL PROVISIONS

13.20.010 Purpose and policy. This chapter sets forth uniform requirements for users of the publicly owned treatment works for the city of Wray and enables the city of Wray to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code Section 1251 et seq.) and the general pretreatment regulations (40 Code of Federal Regulations Part 403).

A. The objectives of this chapter are:

1. To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;

2. To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works;

3. To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

4. To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;

5. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works; and

6. To enable the city of Wray to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject.

B. This chapter shall apply to all users of the publicly owned treatment works. This chapter authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. (Ord. 503 §1(part), 2005)

13.20.020 Administration. Except as otherwise provided herein, the public works director shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the public works director may be delegated by the public works director to other city of Wray personnel, as appropriate. (Ord. 503 §1(part), 2005)

13.20.030 Abbreviations. The following abbreviations, when used in this chapter, shall have the designated meanings:

BOD - Biochemical Oxygen Demand
CFR - Code of Federal Regulations
COD - Chemical Oxygen Demand
EPA - U.S. Environmental Protection Agency
gpd - gallons per day
mg/l - milligrams per liter
NAICS - North American Industry Classification System
NPDES - National Pollutant Discharge Elimination System
POTW - Publicly Owned Treatment Works

RCRA - Resource Conservation and Recovery Act
TSS - Total Suspended Solids
U.S.C. - United States Code

(Ord. 503 §1(part), 2005)

13.20.040 Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

"Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq.

"Authorized representative of the user" means:

1. If the user is a corporation, the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;

2. The manager of one or more manufacturing, production, or operation facilities, covered by this chapter, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures and the written authorization is submitted to the city of Wray;

3. If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively;

4. If the user is a federal, state, or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee; or

5. The individuals described in subsections 1 through 3 of this definition, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city of Wray.

"Biochemical oxygen demand" or "BOD" means the quantity of oxygen utilized in the biochemical oxidation of

organic matter under standard laboratory procedures for five days at twenty degrees centigrade, usually expressed as a concentration (e.g., mg/l).

"Categorical pretreatment standard" or "categorical standard" means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317), as amended.

"City" means the city of Wray or the city council of the city of Wray.

"City code" means the Municipal Code of the city of Wray.

"Environmental protection agency or EPA" means the U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, or other duly authorized official of said agency.

"Existing source" means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

"Grab sample" means a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen minutes.

"Indirect discharge or discharge" means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

"Instantaneous maximum allowable discharge limit" means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

"Interference" means a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and may, as a result thereof, result in or contribute as a cause of a violation of city of Wray's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder,

or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

"Medical waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis waste.

"New source" means any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility, or installation is constructed at a site at which no other source is located;

2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection 2 or 3 of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

Construction of a new source as defined under this section has commenced if the owner or operator has: (1) begun, or caused to begin, as part of a continuous onsite construction, any placement, assembly, or installation of facilities or equipment; or significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or (2) entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.

"Noncontact cooling water" means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

"North American Industry Classification System" means a system developed jointly by the U.S., Canada, and Mexico to provide new comparability in statistics about business activity across North America which replaced Standard Industry Codes (SIC).

"Pass-through" means a discharge, which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, and may as a result thereof, result in or contribute as a cause of a violation of any requirement of the city of Wray's NPDES permit, including an increase in the magnitude or duration of a violation.

"Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

"pH" means a measure of the acidity or alkalinity of a solution, expressed in standard units.

"Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, bio-

logical materials, radioactive material, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

"Pretreatment requirements" means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

"Pretreatment standards" or "standards" means prohibited discharge standards, categorical pretreatment standards, and local limits.

"Prohibited discharge standards" or "prohibited discharges" means absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 13.20.050 of this chapter.

"Publicly owned treatment works" or "POTW" means a "treatment works," as defined by Section 212 of the Act (33 U.S.C. Section 91292) which is owned by the city of Wray. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

"Public works director" means the person designated by the city of Wray to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter, or a duly authorized representative.

"Septic tank waste" means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

"Sewage" means human excrement and gray water (household showers, dishwashing operations, etc.).

"Significant industrial user" means:

1. A user subject to categorical pretreatment standards; or

2. A user that:

a. Discharges an average of twenty-five thousand gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater),

b. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or

c. Is designated as such by the city of Wray on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

Upon a finding that a user meeting the criteria in subsection (2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city of Wray may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

"Slug load" or "slug" means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 13.20.050 of this chapter.

"Stormwater" means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

"Suspended solids" mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

"User" or "industrial user" means a source of indirect discharge.

"Wastewater" means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

"Wastewater treatment plant" or "treatment plant" means that portion of the POTW which is designed to pro-

vide treatment of municipal sewage and industrial waste. (Ord. 503 §1(part), 2005)

ARTICLE II. GENERAL SEWER USE REQUIREMENTS

13.20.050 Prohibited discharge standards. A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (sixty degrees Celsius) using the test methods specified in 40 CFR 261.21;

2. Wastewater having a pH less than 6.5, nor greater than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment;

3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-half inch in any dimension;

4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

5. Wastewater having a temperature greater than one hundred fifty degrees Fahrenheit (65.56 degrees Celsius), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four degrees Fahrenheit (forty degrees Celsius);

6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through;

7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

8. Trucked or hauled pollutants, except at discharge points designated by the public works director in accordance with Section 13.20.130 of this chapter;

9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city of Wray's NPDES permit;

11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

12. Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the public works director;

13. Sludges, screenings, or other residues from the pretreatment of industrial wastes;

14. Medical wastes, except as specifically authorized by the public works director in a wastewater discharge permit;

15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

16. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

17. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent or any single reading over ten percent of the lower explosive limit of the meter.

C. Pollutants, substances, or wastewater prohibited by this article shall not be processed or stored in such a manner that they could be discharged to the POTW. (Ord. 503 §1(part), 2005)

13.20.060 National categorical pretreatment standards. The categorical pretreatment standards found at 40 CFR Chapter I, subchapter N, Parts 405-471 are hereby incorporated.

A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the public works director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the public works director shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. (Ord. 503 §1(part), 2005)

13.20.070 State pretreatment standards. Reserved. (Ord. 503 §1(part), 2005)

13.20.080 Local limits. A. The following pollutant limits are established to protect against pass-through and interference. No user shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits:

| | |
|---|---|
| May - November | .00344 mg/l arsenic |
| December - April | .00344 mg/l arsenic |
| May - December | .003068 mg/l cadmium |
| December - April | .003067 mg/l cadmium |
| May - November | 2.714 mg/l chromium (6, hexavalent chromium) |
| November - April | 2.684 mg/l chromium (6, hexavalent chromium) |
| May - November | 2.646 mg/l chromate, total |
| November - April | 2.616 mg/l chromate, total |
| May - November | .1934 mg/l copper |

| | |
|---|---|
| December - April | .1919 mg/l copper |
| May - November | 0.2147 mg/l cyanide, amenable to chlorination |
| December - April | 0.2128 mg/l cyanide, amenable to chlorination |
| May - November | .03480 mg/l lead |
| December - April | .03458 mg/l lead |
| May - November | .002733 mg/l mercury |
| December - April | .002706 mg/l mercury |
| May - November | .04873 mg/l nickel |
| December - April | .04842 mg/l nickel |
| May - November | 1,247.67 mg/l nitrogen, total kjeldahl |
| December - April | 1,234.13 mg/l nitrogen, total kjeldahl |
| | 102.88 mg/l oil and grease |
| May - November | .00883 mg/l selenium |
| December - April | .00881 mg/l selenium |
| | 10 mg/l settable solids |
| May - November | 0.6718 mg/l silver |
| December - April | 0.6643 mg/l silver |
| | 566 mg/l sulfate/sulfide |
| May - November | .2764 mg/l zinc |
| December - April | .2753 mg/l zinc |
| | Not less than 6.5 nor greater than 9.0 pH |

B. The following pollutant limits are established to protect against pass-through and interference. No user shall discharge wastewater containing in excess of the following allowable discharge limits:

1. $BOD_5$ shall not exceed an instantaneous maximum allowable discharge limit of seven hundred twelve mg/l nor exceed a thirty-day average of four hundred seventy-five mg/l.

2. Total dissolved solids (TDS) shall not exceed an instantaneous maximum allowable discharge limit of one thousand seven hundred seven mg/l nor exceed a thirty-day average of one thousand one hundred thirty-eight mg/l.

3. Total Suspended Solids (TSS).

a. May - November shall not exceed an instantaneous maximum allowable discharge limit of seven hundred ninety mg/l nor exceed a thirty-day average of five hundred twenty-seven mg/l.

b. December - April shall not exceed an instantaneous maximum allowable discharge limit of eight hundred seventy mg/l nor exceed a thirty-day average of five hundred eighty mg/l.

C. The limits in subsections (B)(1) through (3) of this section apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The public works director may impose mass limitations in addition to, or in place of, the concentration-based limitations in this section. (Ord. 503 §1(part), 2005)

13.20.090 City of Wray's right of revision. The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW. (Ord. 503 §1(part), 2005)

13.20.100 Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The public works director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. (Ord. 503 §1(part), 2005)

## ARTICLE III. PRETREATMENT OF WASTEWATER

13.20.110 Pretreatment facilities. Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 13.20.050 of this chapter within the time limitations specified by EPA, the state, or the public works director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the public works director for re-

view, and shall be acceptable to the public works director before such facilities are constructed. The public works director may request such additional information as is necessary for a full review of the plans.

A. Within ten days of receiving all information requested by the public works director, the public works director shall schedule a consultation meeting with the user or the user's representative at which time, the public works director may request the user to prepare a mitigation plan that modifies the facility operation or design to ensure compliance with the city code and pretreatment standards.

B. Within twenty days of the consultation meeting, the public works director may, by written memorandum, approve the facility plan incorporating any alterations, modifications, or conditions deemed necessary to ensure that the facility will comply with the city code and pretreatment standards, or may deny the facility plan if the constructed facility will not meet the city code or pretreatment standards.

C. In the event that the public works director determines that plans submitted by the user require further technical expertise, the public works director may authorize the use of appropriate technical assistance in evaluating and/or modifying the plan and shall further establish at that time, a time table for the completion of the study and construction or installation of the proposed facility.

D. As to significant industrial users, the time table for the construction of pretreatment facilities may, at the discretion of the public works director, be coordinated with the issuance of a wastewater discharge permit as set forth in Article IV of this chapter. (Ord. 503 §1(part), 2005)

13.20.120 Additional pretreatment measures.

A. Whenever deemed necessary, the public works director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

B. The public works director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the public works director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the public works director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter. (Ord. 503 §1(part), 2005)

13.20.130 Accidental discharge/slug control plans. At least once every two years, the public works director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The public works director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the public works director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

A. Description of discharge practices, including nonroutine batch discharges;

B. Description of stored chemicals;

C. Procedures for immediately notifying the public works director of any accidental or slug discharge, as required by Section 13.20.360 of this chapter; and

D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including

solvents, and/or measures and equipment for emergency response. (Ord. 503 §1(part), 2005)

13.20.140 Hauled wastewater. Reserved. (Ord. 503 §1(part), 2005)

ARTICLE IV. WASTEWATER DISCHARGE PERMIT APPLICATION

13.20.150 Wastewater information. When requested by the public works director, a user must submit information on the nature and characteristics of its wastewater within twenty-one days of the request. The public works director is authorized to prepare a form for this purpose and may periodically require users to update this information. (Ord. 503 §1(part), 2005)

13.20.160 Wastewater discharge permit requirement. A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the public works director except that a significant industrial user that has filed a timely application pursuant to Section 13.20.170 of this chapter may continue to discharge for the time period specified therein.

B. The public works director may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.

C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in Articles X through XII of this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law. (Ord. 503 §1(part), 2005)

13.20.170 Wastewater discharge permitting existing connections. A. Any user, other than a significant industrial user, required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of the ordinance codified in this chapter and who wishes to continue such discharges in the future, shall, within sixty days after said date, apply to

the public works director for a wastewater discharge permit in accordance with Section 13.20.190 of this chapter, and shall not cause or allow discharges to the POTW to continue after one hundred twenty days of the effective date of the ordinance codified in this chapter except in accordance with a wastewater discharge permit issued by the public works director.

B. Any significant industrial user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of the ordinance codified in this chapter and who wishes to continue such discharges in the future, shall, within sixty days after said date, apply to the public works director for a wastewater discharge permit in accordance with Section 13.20.190 of this chapter.

1. In support of the application, the significant industrial user shall submit any and all information requested by the public works director as set forth on a form provided by the city.

2. If additional pretreatment facilities or requirements are necessary to meet the pretreatment standards, the public works director with assistance from available technical assistance that the public works director may seek, may establish a schedule and time table for meeting pretreatment standards.

3. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the significant industrial user to meet the applicable pretreatment standards.

4. In no event shall the schedule exceed nine months or the significant industrial user be permitted to discharge into the POTW after the scheduled deadline without the written consent of the public works director. (Ord. 503 §1(part), 2005)

13.20.180 Wastewater discharge permitting new connections. Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit in accordance with Section 13.20.190 of this chapter, must be

filed at least sixty days prior to the date upon which any discharge will begin or recommence. (Ord. 503 §1(part), 2005)

13.20.190 Wastewater discharge permit application contents. A. All users required to obtain a wastewater discharge permit must submit a permit application. The public works director may require all users to submit, as part of an application, the following information:

1. All information required by Section 13.20.310(B) of this chapter;

2. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

3. Number and type of employees, hours of operation, and proposed or actual hours of operation;

4. Each product produced by type, amount, process or processes, and rate of production;

5. Type and amount of raw materials processed (average and maximum per day);

6. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by site, location, and elevation, and all points of discharge;

7. Time and duration of discharges; and

8. Any other information as may be deemed necessary by the public works director to evaluate the wastewater discharge permit application.

B. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. (Ord. 503 §1(part), 2005)

13.20.200 Application signatories and certification. All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly

gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the System, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(Ord. 503 §1(part), 2005)

13.20.210 Wastewater discharge permit decisions. A. The public works director will evaluate the data furnished by the user, except for significant industrial users, and may require additional information. Within sixty days of receipt of a complete wastewater discharge permit application for users other than significant industrial users, the public works director will determine whether or not to issue a wastewater discharge permit. The public works director may deny any application for a wastewater discharge permit.

B. The public works director will evaluate data provided by significant industrial users pursuant to Section 13.20.170(B) of this chapter. (Ord. 503 §1(part), 2005)

## ARTICLE V. WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

13.20.220 Wastewater discharge permit duration. A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the public works director. Each wastewater discharge permit will indicate a specific date upon which it will expire. (Ord. 503 §1(part), 2005)

13.20.230 Wastewater discharge permit contents. A. A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the public works director to prevent pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety,

facilitate sludge management and disposal, and protect against damage to the POTW.

B. Wastewater discharge permits must contain:

1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;

2. A statement that the wastewater discharge permit is nontransferable except in accordance with Section 13.20.260 of this chapter, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

3. Effluent limits based on applicable pretreatment standards;

4. Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

5. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law;

6. A statement requiring that within ninety days of the effective date of the permit, a best management practices plan for control of solvents and for the control of accidental spills shall be submitted; and

7. Industrial Pretreatment Enforcement Response Guide. (Ord. 503 §1(part), 2005)

13.20.240 Wastewater discharge permit conditions. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

A. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

B. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

C. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately

prevent accidental, unanticipated, or nonroutine discharges;

D. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

E. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

F. Requirements for installation and maintenance of inspection and sampling facilities and equipment;

G. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

H. Other conditions as deemed appropriate by the public works director to ensure compliance with this chapter, and state and federal laws, rules, and regulations. (Ord. 503 §1(part), 2005)

13.20.250 Wastewater discharge permit appeals. The public works director shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the public works director to reconsider the terms of a wastewater discharge permit within thirty days of notice of its issuance.

A. Failure to submit a timely petition for review shall be deemed to be a waiver of the user's right to an administrative appeal.

B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

C. The effectiveness of the wastewater discharge permit shall not be stayed, pending the administrative review and/or appeal.

D. Upon receipt of the petition, the public works director shall respond in writing to the petition either admitting or denying any request set forth in the petition.

E. The public works director shall have the discretion to request a meeting with the petitioner for the pur-

pose of receiving clarification or further information concerning any matter contained in the petition.

F. If the public works director has not responded to the petition within fourteen days of receiving the petition, a request for reconsideration shall be deemed to be denied by the public works director.

G. In the event the public works director denies the request set forth in the petition for reconsideration, the petitioner shall be entitled to have the decision of the public works director reviewed by the municipal court judge of the Wray municipal court.

1. The request for review must be made by the petitioner by the filing of the petition for review with the Wray municipal court clerk within fifteen days of the denying of the petition by the public works director.

2. In this review, the municipal court judge will be hearing the petition in a final administrative review capacity and not in a judicial appeal capacity.

3. The usual judicial rules of evidence shall not apply though the municipal judge may establish rules deemed to be appropriate for the efficient and thorough review of the matter.

H. The final administrative review hearing before the Wray municipal court judge shall be held within thirty days of the filing of the petition for review unless both parties agree to a longer period.

I. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Yuma County District Court within the time allowed by law. (Ord. 503 §1(part), 2005)

13.20.260 Wastewater discharge permit modification. The public works director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

A. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

D. Information indicating that the permitted discharge poses a threat to the city of Wray's POTW, city of Wray personnel, or the receiving waters;

E. Violation of any terms or conditions of the wastewater discharge permit;

F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13; or

H. To correct typographical or other errors in the wastewater discharge permit. (Ord. 503 §1(part), 2005)

13.20.270 Wastewater discharge permit transfer.

A. Wastewater discharge permits shall be issued to a specific user for a specific operation. A wastewater discharge permit shall not be assigned or transferred or sold to a new owner, new user, or applied to different permits or to a new or changed operation without the approval of the public works director. Any succeeding owner or user shall also comply with the terms of the existing permit until a final decision is made by the public works director.

B. Notice of an assignment, transfer, sale, application to other permits or changed operation shall be submitted to the public works director for consideration within five days of closing of the transaction.

1. Failure of the user and the proposed transferee to provide such notice may, in the discretion of the public works director, result to denial of approval of the transfer.

2. The user shall, in event of any agreement for the sale of the user's business operation, fully inform the proposed new owner or new user of the terms and conditions of the existing permit.

3. No liability shall attach to the city or the public works director in the event that the public works director, or other city officers or employees, are contacted by the proposed new owner or new user with questions concerning the permit or city requirements.

4. In such event, the public works director, or other city officers or employees shall, to the best of their ability, keep such communications confidential.

C. The notice to the public works director must include a written certification by the new owner or operator which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

2. Identifies the specific date on which the transfer occurred; and

3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

D. Failure to provide notice of a transfer in accordance with subsection (B) of this section shall render the permit transfer ineffective, and the transferring permit holder shall remain responsible for permit compliance until the proposed transfer is approved by the public works director. (Ord. 503 §1(part), 2005)

13.20.280 Wastewater discharge permit revocation.

A. The public works director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

1. Failure to notify the public works director of significant changes to the wastewater prior to the changed discharge;

2. Failure to provide prior notification to the public works director of changed conditions pursuant to Section 13.20.350 of this chapter;

3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

4. Falsifying self-monitoring reports;

5. Tampering with monitoring equipment;

6. Refusing to allow the public works director to timely access to the facility premises and records;

7. Failure to meet effluent limitations;

8. Failure to pay fines;

9. Failure to pay sewer charges;

10. Failure to meet compliance schedules;

11. Failure to complete a wastewater survey or the wastewater discharge permit application;

12. Failure to provide notice of the transfer of business ownership of a permitted facility as required in Section 13.20.270(B) of this chapter;

13. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

B. Wastewater discharge permits shall be voidable upon permanent cessation of operations. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user. (Ord. 503 §1(part), 2005)

13.20.290 Wastewater discharge permit reissuance. A. A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 13.20.190 of this chapter, a minimum of sixty days prior to the expiration of the user's existing wastewater discharge permit.

B. Provided that a user submits a timely application for wastewater discharge permit reissuance as provided in subsection A of this section, that user's existing wastewater discharge permit will continue to remain in effect and operate under its stated terms, until the new permit is either issued or denied. It shall not be a violation of this chapter for a user to continue discharging in compliance with an expired permit pending approval of a properly applied for new wastewater discharge permit. (Ord. 503 §1(part), 2005)

13.20.300 Regulation of waste received from other jurisdictions. Reserved.
(Ord. 503 §1(part), 2005)

## ARTICLE VI. REPORTING REQUIREMENTS

13.20.310 Baseline monitoring reports. A. Within either one hundred eighty days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the public works director a report which contains the information listed in subsection B of this section. At least ninety days prior to commencement

of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the public works director a report which contains the information listed in Section 13.20.320 of this chapter. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described in this section shall submit the information set forth in this subsection.

1. Identifying Information. The name and address of the facility, including the name of the operator and owner;

2. Environmental Permits. A list of any environmental control permits held by or for the facility;

3. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes;

4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e);

5. Measurement of Pollutants.

a. The categorical pretreatment standards shall be applicable to each regulated process,

b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the public works director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 13.20.400 of this chapter,

c. Sampling must be performed in accordance with procedures set out in Section 13.20.410 of this chapter;

6. Certification. A statement, reviewed by the user's authorized representative and certified by a quali-

fied professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements;

7. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this article must meet the requirements set out in Section 13.20.320 of this chapter;

8. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 13.20.200 of this chapter. (Ord. 503 §1(part), 2005)

13.20.320 Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by Section 13.20.310(B)(7) of this chapter:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

B. No increment referred to above shall exceed nine months;

C. The user shall submit a progress report to the public works director no later than fourteen days following each date in the schedule and the final date of compliance, including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

D. In no event shall more than nine months elapse between such progress reports to the public works director. (Ord. 503 §1(part), 2005)

13.20.330 Reports on compliance with categorical pretreatment standard deadline. Within ninety days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the public works director a report containing the information described in Section 13.20.310 (B)(4) through (6) of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 13.20.200 of this chapter. (Ord. 503 §1(part), 2005)

13.20.340 Periodic compliance reports. A. All significant industrial users shall, at a frequency determined by the public works director, but in no case less than as indicated in the chart in this section, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 13.20.200 of this chapter.

**Self-Monitoring Frequency**

| Gallons Per Day | Frequency |
|---|---|
| 1 - 50,000 | Once per month |
| 50,000 - 100,000 | Once per week |
| 100,000 - 250,000 | Twice per week |
| Over 250,000 | Three times per week |

B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept

clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

C. If a user, subject to the reporting requirement in this article, monitors any pollutant more frequently than required by the public works director, using the procedures prescribed in Section 13.20.400 of this chapter, the results of this monitoring shall be included in the report. (Ord. 503 §1(part), 2005)

13.20.350 Reports of changed conditions. Each user must notify the public works director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty days before the change.

A. The public works director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a discharge permit application under Section 13.20.190 of this chapter.

B. The public works director may issue a wastewater discharge permit under Section 13.20.210 of this chapter or modify an existing wastewater discharge permit under Section 13.20.250 of this chapter in response to changed conditions or anticipated changed conditions.

C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent or greater, and the discharge of any previously unreported pollutants. (Ord. 503 §1(part), 2005)

13.20.360 Reports of potential problems. A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the public works director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. Within five days following such discharge, the user shall, unless waived by the public works director, submit a detailed written report describing the cause(s)

of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

B. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection A of this section. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure. (Ord. 503 §1(part), 2005)

13.20.370 Reports from unpermitted users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the public works director as the public works director may require. (Ord. 503 §1(part), 2005)

13.20.380 Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the public works director within twenty-four hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the public works director within fifteen days after becoming aware of the violation. (Ord. 503 §1(part), 2005)

13.20.390 Notification of the discharge of hazardous waste. A. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division director, and Colorado Department of Public Health and Environment, Hazardous Materials and Waste Division director, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred kilograms of such waste per calendar month to the POTW,

the notification also shall contain the following information to the extent that such information is known and readily available to the user: (1) an identification of the hazardous constituents contained in the wastes; (2) an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and (3) an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place no later than one hundred and eighty days after the discharge commences. Any notification under this section need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 13.20.350 of this chapter. The notification requirement in this article does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 13.20.310, 13.20.330 and 13.20.340 of this chapter.

B. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the public works director, the EPA Regional Waste Management Waste Division director, and state hazardous waste authorities of the discharge of such substance within ninety days of the effective date of such regulations.

C. In the case of any notification made under this article, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

D. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law. (Ord. 503 §1(part), 2005)

13.20.400 Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in any applicable categorical pretreatment stan-

dards. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA. (Ord. 503 §1(part), 2005)

13.20.410 Sample collection. A. Except as indicated in subsection B of this section, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the public works director may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. (Ord. 503 §1(part), 2005)

13.20.420 Timing. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States postal service, the date of receipt of the report shall govern. (Ord. 503 §1(part), 2005)

13.20.430 Recordkeeping. Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation between the user and the city of Wray, or where the user has been specifically notified of a longer

retention period by the public works director. (Ord. 503 §1(part), 2005)

## ARTICLE VII. COMPLIANCE MONITORING

13.20.440 Right of entry--Inspection and sampling. A. The public works director or designee shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the public works director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties; or as described in CRS.

1. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the public works director will be permitted to enter without delay for the purposes of performing specific responsibilities.

2. The public works director shall have the right to set up on the user's property, or require installation of such devices as are necessary to conduct sampling and/or metering of the user's operations.

3. The public works director may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy or documentation provided that demonstrates calibration accuracy.

4. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the public works director and shall not be replaced. The costs of clearing such access shall be born by the user.

5. Unreasonable delays in allowing the public works director access to the user's premises shall be a violation of this chapter.

B. The public works director shall perform sampling on each significant industrial user facility no less frequently than indicated on the chart in this subsection:

**Monitoring Frequency**

| Gallons Per Day | Frequency |
|---|---|
| 1 - 50,000 | Once every three months |
| 50,000 - 100,000 | Once per month |
| 100,000 - 250,000 | Twice per month |
| Over 250,000 | Three times per month |

C. Annual Evaluation. The public works director shall, on an annual basis, complete a full evaluation of each facility of any significant industrial user. (Ord. 503 §1(part), 2005)

13.20.450 Search warrants. If the public works director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city of Wray designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the public works director may seek issuance of a search warrant from the municipal court of the city of Wray or other court of competent jurisdiction. (Ord. 503 §1(part), 2005)

## ARTICLE VIII. CONFIDENTIAL INFORMATION

13.20.460 Wastewater discharge information and data. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the public works director's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the public works director, that the release of such information would divulge information, processes, or methods of production entitled

to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. (Ord. 503 §1(part), 2005)

## ARTICLE IX. PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

13.20.470 Annual publication. The public works director shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

A. Chronic violations of wastewater discharge limits, defined in this section as those in which sixty-six percent or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

B. Technical review criteria (TRC) violations, defined in this section as those in which thirty-three percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other discharge violation that the public works director believes has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public;

D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the public works director's exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within thirty days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance for which a notice of violation has been issued; or

H. Any other violation(s) for which a notice of violation has been issued which the public works director determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. 503 §1(part), 2005)

## ARTICLE X. ADMINISTRATIVE ENFORCEMENT REMEDIES

13.20.480 Notification of violation. A. When the public works director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the public works director may serve upon that user a written notice of violation. Within twenty days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the public works director.

B. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this article shall limit the authority of the public works director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. (Ord. 503 §1(part), 2005)

13.20.490 Consent orders. The public works director may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 13.20.510 and 13.20.520 of this chapter and shall be judicially enforceable. (Ord. 503 §1(part), 2005)

13.20.500 Show cause hearing. The public works director may order a user which has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the public works director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fourteen days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. (Ord. 503 §1(part), 2005)

13.20.510 Compliance orders. When the public works director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the public works director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including

additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ord. 503 §1(part), 2005)

13.20.520 Cease and desist orders. A. When the public works director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the public works director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

1. Immediately comply with all requirements; and

2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

B. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ord. 503 §1(part), 2005)

13.20.530 Administrative penalties. A. When the public works director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the public works director may fine such user in an amount not to exceed twenty-five thousand dollars. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

B. Unpaid charges, fines, and penalties shall be collected as provided for in the Municipal Code of the city of Wray, Chapter 134, Utility Billing.

C. Users desiring to dispute such administrative penalties and costs may request a review through the petition process described in Section 13.20.250 of this chapter. The public works director may add the costs of preparing administrative enforcement actions, such as notices and orders, as well as the cost of the administrative review, if the user is unsuccessful, to the penalty.

D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ord. 503 §1(part), 2005)

13.20.540 Emergency suspension. A. The public works director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The public works director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

1. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the public works director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The public works director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the public works director that the period of endangerment has passed, unless the termination proceedings in Section 13.20.550 of this chapter are initiated against the user.

2. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the public works director prior to the date of any show cause or termination hearing under Section 13.20.500 or 13.20.550 of this chapter.

B. Nothing in this article shall be interpreted as requiring a hearing prior to any emergency suspension under this article. (Ord. 503 §1(part), 2005)

13.20.550 Termination of discharge. A. In addition to the provisions in Section 13.20.270 of this chapter, any user who violates the following conditions is subject to discharge termination:

1. Violation of wastewater discharge permit conditions;

2. Failure to accurately report the wastewater constituents and characteristics of its discharge;

3. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or

5. Violation of the pretreatment standards in Article II of this chapter.

B. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 13.20.500 of this chapter why the proposed action should not be taken. Exercise of this option by the public works director shall not be a bar to, or a prerequisite for, taking any other action against the user. (Ord. 503 §1(part), 2005)

## ARTICLE XI. JUDICIAL ENFORCEMENT REMEDIES

13.20.560 Injunctive relief. When the public works director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the public works director may petition the municipal court of the city of Wray or any court of competent jurisdiction through the city of Wray's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The public works director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement

for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user. (Ord. 503 §1(part), 2005)

13.20.570 Civil penalties. A. A user who has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the city of Wray for a maximum civil penalty of twenty-five thousand dollars per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. The public works director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city of Wray.

C. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user. (Ord. 503 §1(part), 2005)

13.20.580 Criminal prosecution. A. A user who willfully or negligently violates any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than twenty-five thousand dollars per violation, per day.

B. A user who wilfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least twenty-five thousand dollars. This penalty shall be in

addition to any other cause of action for personal injury or property damage available under state law.

C. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than twenty-five thousand dollars per violation, per day.

D. In the event of a second conviction, a user shall be punished by a fine of not more than twenty-five thousand dollars per violation, per day. (Ord. 503 §1(part), 2005)

13.20.590 Remedies nonexclusive. The remedies provided for in this chapter are not exclusive. The public works director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city of Wray's enforcement response plan. However, the public works director may take other action against any user when the circumstances warrant. Further, the public works director is empowered to take more than one enforcement action against any noncompliant user. (Ord. 503 §1(part), 2005)

## ARTICLE XII. SUPPLEMENTAL ENFORCEMENT ACTION

13.20.600 Performance bonds. The public works director may decline to issue or reissue a wastewater discharge permit to any user who the public works director determines may result in required long-term cleanup efforts beyond the term of the discharge unless such user first files a satisfactory bond, payable to the city of Wray, in a sum not to exceed a value determined by the public works director to be necessary to achieve consistent compliance. (Ord. 503 §1(part), 2005)

13.20.610 Water supply severance. Whenever a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit, or order issued

hereunder, or any other pretreatment standard or requirement, water service to the user may be severed upon a determination by the public works director that the user is unable or unwilling to comply with this chapter. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability and willingness to comply. (Ord. 503 §1(part), 2005)

13.20.620 Informant rewards. The public works director may pay up to fifty dollars for information leading to the discovery of noncompliance by a user. In the event that the information provided results in a civil penalty or an administrative penalty levied against the user, the public works director may disburse up to five percent of the collected line or penalty to the informant. However, a single reward payment may not exceed one thousand dollars. (Ord. 503 §1(part), 2005)

## ARTICLE XIII. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.20.630 Upset. A. For the purposes of this article, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of subsection C of this section are met.

C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the user can identify the cause(s) of the upset;

2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

3. The user has submitted the following information to the public works director within twenty-four hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five days:

a. A description of the indirect discharge and cause of noncompliance,

b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue, and

c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance;

4. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof;

5. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with pretreatment standards;

6. Users shall control production of all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or failed. (Ord. 503 §1(part), 2005)

13.20.640 Prohibited discharge standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 13.20.050(A) of this chapter or the specific prohibitions in Sections 13.20.050(B)(3) through (B)(17) of this chapter if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:

A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference; or

B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city of Wray was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements. (Ord. 503 §1(part), 2005)

13.20.650 Bypass. A. For the purposes of this article:

1. "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.

2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

3. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is also for essential maintenance to assure efficient operation.

If a user knows in advance of the need for a bypass, it shall submit prior notice to the public works director, at least ten days before the date of the bypass, if possible.

a. A user shall submit oral notice to the public works director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The public works director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

b. Bypass is prohibited, and the public works director may take an enforcement action against a user for a bypass, unless:

i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

iii. The user submitted notices as required under subsection (A)(3)(a) of this section.

4. The public works director may approve anticipated bypass, after considering its adverse effects, if the public works director determines that it will meet the three conditions listed in subsection (A)(3)(b) of this section. (Ord. 503 §1(part), 2005)

## ARTICLE XIV. ANNUAL DISCHARGE PERMIT FEES

13.20.660 Industrial dischargers fees. Industrial dischargers subject to categorical effluent standards discharging to publicly owned treatment works with pretreatment programs (not including categorical industries subject to zero discharge standards) shall annually pay the following amounts:

| | | |
|---|---|---|
| Subcategory 1 | Less than 10,000 gallons per day | $600 |
| Subcategory 2 | 10,000 to 50,000 gallons per day | 900 |
| Subcategory 3 | Greater than 50,000 gallons per day | 1,200 |

(Ord. 503 §1(part), 2005)

13.20.670 Significant industrial dischargers fees. All other significant industrial dischargers discharging to publicly owned treatment works with pretreatment programs (including categorical industries subject to zero discharge standards) shall annually pay the following amounts:

| | | |
|---|---|---|
| Subcategory 1 | Less than 10,000 gallons per day | $150 |
| Subcategory 2 | 10,000 to 50,000 gallons per day | 300 |
| Subcategory 3 | Greater than 50,000 gallons per day | 400 |

(Ord. 503 §1(part), 2005)

13.20.680 Billing. All significant industrial users shall be billed for the cost of each monitoring sample completed by the city of Wray as required by Section 13.20.440(B) of this chapter. (Ord. 503 §1(part), 2005)

## ARTICLE XV. MISCELLANEOUS PROVISIONS

13.20.690 Pretreatment charges and fees. The city of Wray may adopt reasonable fees for reimbursement of costs of setting up and operating city of Wray's pretreatment program which may include:

A. Fees for wastewater discharge permit applications including the cost of processing such applications;

B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;

C. Fees for reviewing and responding to accidental discharge procedures and construction;

D. Fees for filing appeals; and

E. Other fees as the city of Wray may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the city of Wray. (Ord. 503 §1(part), 2005)

## Title 14

(RESERVED)

# Title 15

## BUILDINGS AND CONSTRUCTION

Chapters:

15.04 Building Codes
15.08 Building Permits
15.12 Dexter Street Setback
15.16 Energy Code
15.20 Antenna Installations
15.24 Moving Buildings
15.28 Cross Connection Control
15.32 Mobile Homes and Travel Trailers
15.50 International Energy Conservation Code

## Chapter 15.04

## BUILDING CODES

Sections:

15.04.010 Uniform Building Code.
15.04.020 Uniform Building Code, Housing.
15.04.030 National Electric Code.
15.04.040 Technical Plumbing Code.
15.04.050 Fire Prevention Code.
15.04.060 Violation--Penalty.

### 15.04.010 Uniform Building Code.

The 1967 editions of the Uniform Building Code, Volume I, copyrighted and published by the International Conference of Building Officials, and amendments thereto, at least three copies of which have been properly certified as true copies by the mayor and the city clerk, and have been and now are on file in the office of the city clerk, is adopted and enacted by reference by the city of Wray. The purpose of this 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. The subject matter of this code is regulating the erection, construc-

tion, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, use, height, area and maintenance of buildings or structures in the city, providing for the issuance of permits and collections of fees therefor, and repealing all ordinances and parts of ordinances in conflict therewith. (Ord. 268 §1, 1969)

15.04.020 Uniform Building Code, Housing.

The 1967 edition of the Uniform Building Code, Housing, Volume III, and amendments thereto, at least three copies of which have been properly certified as true copies by the mayor and the city clerk, and have been and now are on file in the office of the city clerk, is adopted and enacted by reference by the city. The purpose of this code is to provide minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public and the owners and occupants of residential buildings. This code was copyrighted and published by the International Conference of Building Officials. (Ord. 268 §2, 1969)

15.04.030 National Electric Code.

The 1968 edition of the National Electric Code, published and copyrighted by the National Fire Protection Association, at least three copies of which have been properly certified as true copies by the mayor and city clerk, and have been and now are on file in the office of the city clerk, is adopted and enacted by reference by the city. The purpose of this code is the practical safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling and for other purposes. The subject matter of this code covers the electric conductors and equipment installed within or on public and private buildings and other premises, including yards, carnival and parking lots, and industrial substations and also the conductors that connect the installation to a supply of electricity, and other outside conductors adjacent to the premises. (Ord. 269 §3, 1969)

15.04.040 Technical Plumbing Code.

The 1953 edition, as amended, of the Technical Plumbing Code of the State of Colorado, issued and published by the Colorado State Department of Public Health, at least

three copies of which have been certified as true copies by the mayor and city clerk, and have been and now are on file in the office of the city clerk, is adopted and enacted by reference by the city. The purpose of this code is to protect the health and lives of the residents of the city by providing rules and regulations for use of proper materials and proper methods of installation in plumbing. The subject matter of this code covers all matters pertaining to plumbing. (Ord. 269 §4, 1969)

15.04.050 Fire Prevention Code.

A. The 1965 abbreviated edition of the Fire Prevention Code, as recommended and published by the American Insurance Association, at least three copies of which have been properly certified as true copies by the mayor and the city clerk, and have been and now are on file in the office of the city clerk, is adopted and enacted by reference by the city of Wray. The

purpose of this code is to prescribe regulations governing conditions hazardous to life and property from fire or explosion.

B. The code adopted by this section shall be enforced by the chief of the fire department. (Ord. 269 §5, 1969)

15.04.060 Violation--Penalty. Any person convicted of a violation of any section of these codes shall be punished by a fine of not more than three hundred dollars for any one
offense or by imprisonment for a period of not more than ninety days, or both such fine and imprisonment. A separate offense is committed upon each day such duty or obligation remains unperformed or such act continues. (Ord. 269 §8, 1969)

## Chapter 15.08

## BUILDING PERMITS

Sections:

15.08.010 Required--Application.
15.08.020 Fee.
15.08.025 Renewal.
15.08.030 Commencement of work.
15.08.040 Term.
15.08.050 Violation--Penalty.

15.08.010 Required--Application. A. No building or structure shall be enacted or structurally altered after the effective date of the ordinance codified in this chapter until a building permit is issued by the building inspector stating that the building or structure, and use of land, comply with the regulations of this chapter and all building and health laws and ordinances.

B. All applications for building permits shall be accompanied by a plat in duplicate, drawn to scale, showing the actual dimensions of the lot or lots to be built upon, the size of the building or structure to be erected or structurally altered, the estimated cost thereof, its location on the lot or lots and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such applications and plats shall be kept in the office of the city clerk of Wray. (Ord. 361 §1, 1982)

15.08.020 Fee. The application fees for building permits in the city of Wray shall be as follows:

| | |
|---|---|
| $1.00 to $500.00 | $15.00 |
| $501 to $2000 | $15.00 for the first $500.00 plus $2.00 for each additional $1000 |
| $2001 to $25,000.00 | $45.00 for the first $2000 plus $9.00 for each additional $1000 |
| $25,001 to $50,000.00 | $252.00 for the first $25,000 plus $6.50 for each additional $1000 |
| $50,001 to $100,000 | $414.50 for the first $50,000 plus $4.50 for each additional $1000 |
| $100,001 to $500,000 | $639.50 for the first $100,000 plus $3.50 for each additional $1000 |
| $500,001 to $1,000,000 | $2,039.50 for the first $500,000 plus $3.00 for each additional $1000 |
| $1,000,001 and up | $3539.50 for the first $1,000,000 plus $2.00 for each additional $1000 |

(Ord. 478 (part), 2001; Ord. 361 §2, 1982)

15.08.025 Renewal. Renewal for any permit for which the fee was five dollars will renew at the above-stated rate schedule. Any renewal of a permit based upon the schedule in §15.08.020 will be based upon the percentage of job completion on the date of renewal as determined by the city official charged with issuing and renewing building permits. (Ord. 478 (part), 2001)

15.08.030 Commencement of work. No builder shall commence work on any structure for which a permit is required under this chapter until such time as a permit is issued pursuant to this chapter. Any builder commencing work prior to the issuance of a permit shall be in violation of this permit and subject to penalties as provided in this chapter, notwithstanding the separate liabilities of the owner under this chapter. (Ord. 361 §3, 1982)

15.08.040 Term. All permits issued shall expire and be of no force and effect one year from their date of

issue; all permits issued pursuant to Ordinance No. 221 prior to the adoption of the ordinance codified in this chapter shall expire and be of no effect one year from the effective date of the ordinance codified in this chapter. (Ord. 361 §5, 1982)

15.08.050 Violation--Penalty. Any person or business entity violating any provision of this chapter will be fined not less than twenty-five dollars, nor more than the maximum allowed by law. The court will consider the dollar value of the project in setting the fine for violation of this chapter. (Ord. 478 (part), 2001; Ord. 361 §4, 1982)

## Chapter 15.12

## DEXTER STREET SETBACK

Sections:

15.12.010 Construction within ten feet.
15.12.020 Alteration to within ten feet--Existing nonconformities.
15.12.030 Violation--Penalty.

15.12.010 Construction within ten feet. No building, structure or edifice of any type shall be constructed within ten feet of the property line facing Dexter Street in the city of Wray. (Ord. 168 §1, 1951)

15.12.020 Alteration to within ten feet--Existing nonconformities. No building shall be structurally altered to come within ten feet of the property line facing Dexter Street in the city; provided, however, that structures standing as of the effective date of the ordinance adopted in this chapter may remain even though within the ten-foot limit. (Ord. 168 §2, 1951)

15.12.030 Violation--Penalty. Any violation of this chapter shall be punished by a fine not less than five dollars nor more than three hundred dollars, and each day any such structure stands in violation of this chapter is a separate offense. (Ord. 168 §3, 1951)

# Chapter 15.16

## ENERGY CODE

Sections:


15.16.010 Adoption.
15.16.020 Copies on file.
15.16.030 Violation--Penalty.
15.16.040 Nonresidential standards--Section 101.1 deleted.
15.16.050 Nonresidential standards--Section 105.1 amended--Payment for expert services.
15.16.060 Nonresidential standards--Section 106.0 amended--Inspections.
15.16.070 Nonresidential standards--Section 107.0 deleted.
15.16.080 Nonresidential standards--Section 108.0 added--Administrative and appeal procedures.
15.16.090 Nonresidential standards--Section 302.1 amended--Temperatures.
15.16.100 Nonresidential standards--Section 502.2(a) amended--Specific values.
15.16.110 Nonresidential standards--Section 701.0 amended--Abbreviations.
15.16.120 Residential code--Section 101.1 replaced--Applicability.
15.16.130 Residential code--Section 502.2(c)--Specific values.


15.16.010 Adoption. Pursuant to title 31, article 16, part 2, CRS 1973, as amended, there is adopted as the energy efficiency construction and renovation standards for nonresidential buildings of the city of Wray, by reference thereto, the "Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings," adopted November, 1977 and published March, 1978 by the state of Colorado, Office of State Planning and Budgeting, Board of Energy Efficient Nonresidential Building Standards, 1525 Sherman Street, Denver, CO 80203, and as the energy efficiency construction and renovation standards for residential buildings of the city of Wray, by reference thereto, the "Colorado Recommended Energy Conservation 'Performance' Code for New Construction and Renovation of Residential Buildings," adopted November, 1977 and published March, 1978 by the state of Colorado, Division of Housing, State Housing Board, 1313 Sherman Street, Denver, CO 80203, both to have the same force and effect as if set forth in this chapter in every particular. The subject matter of the adopted standards include comprehensive provisions and standards regulating energy efficiency in the design, construction,

renovation, erection, enlargement, alteration, repair, conversion, occupancy, equipment and maintenance of certain nonresidential and residential buildings and structures for the purpose of protecting the public health, safety and general welfare. (Ord. 332 §1, 1978)

15.16.020 Copies on file. At least three copies of the Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings, the Colorado Recommended Energy Conservation "Performance" Code for New Construction and Renovation of Residential Buildings, and of each secondary code adopted therein, all certified by the mayor and the city clerk to be true copies, have been and will continue to be on file in the office of the city clerk, and may be inspected by any interested person between the hours of eight a.m. and five p.m., Monday through Friday, holidays excepted, except that one copy of each code may be kept in the office of the chief enforcement officer instead of the office of the clerk. The Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings and the Colorado Recommended Energy Conservation "Performance" Code for New Construction and Renovation of Residential Buildings will be available for purchase by the public at a moderate price. (Ord. 332 §3, 1978)

15.16.030 Violation--Penalty. A. It is unlawful for any person, firm or corporation to erect, construct, renovate, enlarge, alter, repair, improve, convert, equip, use, occupy or maintain any building or structure in the city, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings, or the Colorado Recommended Energy Conservation "Performance" Code for New Construction and Renovation of Residential Buildings.

B. Any person, firm or corporation violating any of the provisions of the Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings or the Colorado Recommended Energy Conservation "Performance" Code for the New Construction and Renovation of Residential Buildings, or of this chapter, shall be punishable by a fine not exceeding three hundred dollars or imprisonment not exceeding ninety days, or by both such fine and imprisonment. Each and every day or portion thereof during which any such violation is committed, continued or permitted shall be considered a separate offense. (Ord. 332 §4, 1978)

15.16.040 Nonresidential standards--Section 101.1 deleted. Section 101.1 of the Colorado Model Energy Efficiency Construction and Renovation Standards for

Nonresidential Buildings is deleted in its entirety. (Ord. 332 §2(1)(a), 1978)

15.16.050 Nonresidential standards--Section 105.1 amended--Payment for expert services. Section 105.1 of the Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings is amended to read:

> The owner shall provide for payment of any services which require a statement of compliance prepared by an architect or an engineer.

Replacing: "The official shall provide for payment of these services." (Ord. 338(part), 1979)

15.16.060 Nonresidential standards--Section 106.0 amended--Inspections. Section 106.0 of the Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings is amended to read:

> All construction or work for which a permit is required shall be subject to inspection as required by the City of Wray. All inspection shall be certified by an engineer or architect, fees for said inspection to be paid for by owner.

(Ord. 338(part), 1979)

15.16.070 Nonresidential standards--Section 107.0 deleted. Section 107.0 of the Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings is deleted in its entirety. (Ord. 332 §2(1)(b), 1978)

15.16.080 Nonresidential standards--Section 108.0 added--Administrative and appeal procedures. The following new Section 108.0 is added to the Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings, to read:

> 108.0 Administration and Appeal Procedures. Administrative and appeal procedures set forth in Sections 201, 202, and 204, and Chapter 3 of the Uniform Building Code, (year of addition applicable within the city or town) Edition shall be applicable and followed in the administration of this code.

(Ord. 332 §2(1)(c), 1978)

15.16.090 Nonresidential standards--Section 302.1 amended--Temperatures. Section 302.1 of the Colorado Model Energy Efficiency Construction and Renovation Standards for

Nonresidential Buildings is amended by inclusion of the following temperatures:

| | | |
|---|---|---|
| Winter Design Dry-Bulb | -1 | °F |
| Summer Design Dry-Bulb | 95 | °F |
| Summer Design Wet-Bulb | 69 | °F |
| Degree Days Heating | 5881 | |
| Degrees North Latitude | 40 | |

(Ord. 332 §2(1)(d), 1978)

15.16.100 Nonresidential standards--Section 502.2(a) amended--Specific values. Section 502.2(a), Table 5-1, of the Colorado Model Energy Efficiency Construction and Renovation Standards is amended by the addition of the following specific values:

Walls, 3 stories or less, Heating, $U_o$ not exceeding 0.275
Walls, 3 stories or less, Cooling OTTV not exceeding 33.6
Walls, over 3 stories, Heating, $U_o$ not exceeding 0.333
Walls, over 3 stories, Cooling, OTTV not exceeding 33.6
Roof/Ceiling, Heating or Cooling, $U_o$ not exceeding 0.077
Floors over unheated spaces, Heating $U_o$ not exceeding 0.08
Slab on grade, Heating, Minimum R Value 4.82 unheated 6.95 heated
Solar Factor, Cooling 127

(Ord. 332 §2(1)(e), 1978)

15.16.110 Nonresidential standards--Section 701.0 amended--Abbreviations. Section 701.0 of the Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings is amended by the addition of the following:

SMACNA refers to Sheet Metal and Air Conditioning Contractors National Association.
NESCA refers to National Environmental System Contractors Association.
NWMA refers to National Woodwork Manufacturers Association, Inc.

(Ord. 332 §2(1)(f), 1978)

15.16.120 Residential code--Section 101.1 replaced--Applicability. Appendix B, Section 101.1 of the Colorado Recommended Energy Conservation "Performance" Code for New

Construction and Renovation of Residential Buildings is deleted, and is replaced by the following new Section 101.1, to read:

> 101.1 Application The provisions of Sections 1 through 7 of the Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings, as amended, shall apply to residential buildings except where residential buildings are exempted from such provisions and except where the provisions of this Code differ from the provisions of the Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings.

(Ord. 332 §2(2)(a), 1978)

15.16.130 Residential code--Section 502.2(c)--Specific values. Section 502.2 (c), Table 5-2, is amended by the addition of the following site-specific values:

> Walls, Heating or Cooling, Type A-1 and A-2 Building, $U_o$ not exceeding 0.20
> Roof/Ceiling, Heating or Cooling, Type A-1 and A-2 Buildings, $U_o$ not exceeding 0.05
> Floors over Unheated Spaces, Heating or Cooling, Type A-1 and A-2 Buildings, $U_o$ not exceeding 0.08
> Slab on Grade, Heating, Type A-1 and A-2, minimum R value 4.82 unheated 6.95 heated "

(Ord. 332 §2(2)(b), 1978)

## Chapter 15.20

## ANTENNA INSTALLATION

Sections:

15.20.010 Conformance required.
15.20.020 Permits.
15.20.030 National Electrical Code conformance.
15.20.040 Supports and masts.
15.20.050 Guys and anchors.
15.20.060 Lightning arrestors.
15.20.070 Grounds.
15.20.080 Transmission and receiving lines.
15.20.090 Miscellaneous hardware.
15.20.100 Conformance to UL standards.
15.20.110 Abatement of nonconformities.
15.20.120 Violation--Penalty.

15.20.010 Conformance required. No outdoor radio and/or television antenna shall be constructed or erected, enlarged or altered, within the corporate limits of the city of Wray after February 7, 1956, which does not conform to the requirements of this chapter. (Ord. 190 §1, 1956)

15.20.020 Permits. A. Work shall not be commenced on the installation, construction, erection, alteration or enlargement of any outdoor radio and/or television antenna before a permit in writing therefor is obtained from the city clerk of the city. The city clerk may, whenever he deems it necessary, require plans and specifications of such proposed construction to be submitted with the application.

B. A permit fee of one dollar shall be paid for each permit for antenna installation. The permit fee shall cover one inspection of the proposed installation by the electrical inspector of the city.

C. A reinspection fee of one dollar shall be made for each trip, when extra inspections are necessary due to any one of the following reasons:

1. Wrong address;

2. Condemned work resulting from faulty construction;

3. Repairs or corrections not made at the time of original inspection, which make a second inspection necessary;

4. Work not ready for inspection when inspection has been called for. (Ord. 190 §2, 1956)

15.20.030 National Electrical Code conformance. All construction and installation of receiving and transmitting antennas shall conform to the provisions of the National Electrical Code of the National Board of Fire Underwriters, as the same exists as of February 7, 1956 or may thereafter be amended, except as otherwise specified in this chapter. (Ord 190 §3(A), 1956)

15.20.040 Supports and masts. A. Metal supporting poles or masts extending above the supporting building shall be of an approved type and permanently grounded. The grounding conductor shall not be less than a No. 12 copper or aluminum wire and shall be carried down the outside of the building to a direct driven ground.

B. No antenna or supporting mast shall be attached to a chimney, stack or vent pipe.

C. All masts and supports shall be adequately guyed to prevent buckling or damage to other property in case of mast or support failure.

D. Antenna masts or other supporting structures shall not exceed the maximum height of fifty feet above a roof support or seventy feet above ground support. In areas where reception may be affected by obstructions, antennas in

excess of the height specified in this subsection may be installed only when approved by the city council. (Ord. 190 §3(B), 1956)

15.20.050 Guys and anchors. A. All antenna masts requiring guys shall be guyed by not less than three and preferably four guys evenly spaced to support the mast in a vertical position.

B. Guys shall be of noncorrosive wire or stranded cable and of at least three-hundred-pound strength.

C. Anchor points for guy wires must be anchor screws or hooks secured to withstand the maximum wind and ice loading for this area.

D. No wires, cables or guys shall cross or extend over any part of a public street, sidewalk, alley or other public way, unless approved by the city council.

E. Guys shall not be installed at an angle of less than thirty degrees to the vertical to the mast. (Ord. 190 §3(C), 1956)

15.20.060 Lightning arrestors. A. Lightning arrestors shall be of a type approved by the Underwriter's Laboratory.

B. Lightning arrestors shall be grounded to an approved water system or direct driven ground.

C. Arrestors shall be placed on the outside of the building and as near as practicable to the entrance of the conductors to the building.

D. An approved grounding switch may be installed in lieu of an arrestor in transmission lines to a transmitting antenna. (Ord. 190 §3(D), 1956)

15.20.070 Grounds. A. Water pipes which are connected to the city mains may be used to ground lightning arrestors.

B. Direct driven grounds shall not be less than one-half inch in diameter or five feet long.

C. All grounding conductors shall be made secure to grounds with approved ground fittings.

D. In no case shall a direct driven ground used by other services be used as a common ground. (Ord. 190 §3(E), 1956)

15.20.080 Transmission and receiving lines. A. Lead-in and transmission lines shall be carried on the outside of the building to a point of entrance as near grade line as practicable.

B. Standoff support insulators must be used at least every ten feet, or closer if necessary, to keep lines clear of all inflammable or combustible material. (Ord. 190 §3(F), 1956)

15.20.090 Miscellaneous hardware. All miscellaneous hardware, such as brackets, turnbuckles, thimbles, clips, hooks, etcs., must be hot-dipped galvanized or similarly treated for weather protection. (Ord. 190 §3(G)(1), 1956)

15.20.100 Conformance to UL standards. No electrical materials, devices or apparatus designed for attachment to or installation on any electrical circuit or system for television, AM, FM, amateur or commercial receiving or transmitting antennas shall be installed, used, sold or offered for sale for use in the city of Wray, unless they are in conformity with the standards of the Underwriter's Laboratory, Inc. (Ord. 190 §3(G)(2), 1956)

15.20.110 Abatement of nonconformities. Any installation of television, AM, FM, amateur or commercial receiving or transmitting antennas, made before or after February 7, 1956, which does not comply with the provisions of this chapter, is a nuisance and subject to abatement within forty-eight hours after notice ordering such abatement has been served upon the owner thereof. (Ord. 190 §4, 1956)

15.20.120 Violation--Penalty. Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine of not exceeding three hundred dollars or by imprisonment not exceeding ninety days. (Ord. 190 §5, 1956)

## Chapter 15.24

## MOVING BUILDINGS

Sections:

ARTICLE I. PERMITS

15.24.010 Required.
15.24.020 Bond or cash deposit.
15.24.030 Violation--Penalty.

ARTICLE II. COMPLETION AND OCCUPANCY

15.24.040 Deadline for completing move and foundation.
15.24.050 Deadline for completion for occupancy.
15.24.060 Violation--Penalty.

## ARTICLE I. PERMITS

15.24.010 Required. Any person, firm, copartnership or corporation desiring to move any house, barn or building of any kind or nature on, over, across or along any street or alley in the city of Wray shall first obtain a permit therefor from the city clerk. (Ord. 95 §1, 1929)

15.24.020 Bond or cash deposit. Any applicant asking for such permit shall at the time file with the city clerk a bond (with two sureties, or one if a surety company), or make as cash deposit, in either case the amount to be fixed by the city clerk or manager, that such applicant will pay or cause to be paid, or repair or cause to be repaired, any and all damage done by such moving to any street or alley, bridges, sidewalks or curbing or any electric light or power line or lines, telegraph or telephone lines, or poles, located on or along or across any street or alley in the city. (Ord. 95 §2, 1929)

15.24.030 Violation--Penalty. Any person, firm, copartnership or corporation violating any provision of this article is guilty of an offense and shall be punished by a fine of not less than ten nor more than one hundred dollars, and in addition thereto, shall be liable for all damage occasioned by such act. (Ord. 95 §3, 1929)

## ARTICLE II. COMPLETION AND OCCUPANCY

15.24.040 Deadline for completing move and foundation. Any person or persons who has or have moved any building or other structure into the city of Wray or within the city of Wray, shall complete such moving within thirty days and shall within that thirty-day period place or cause to be placed the building or other structure upon a permanent foundation. (Ord. 244 §1(a), 1965)

15.24.050 Deadline for completion for occupancy. Any building or other structure so moved into or within the city shall be completed for occupancy within six months after the building has been placed on its permanent foundation; provided, however, that the city council may upon application in writing from the owner or owners of the building or other structure, extend and reextend such completion-for-occupancy period, and such owner or owners shall not be charged with a violation of this article during such extended period. (Ord. 244 §1(b), 1965)

15.24.060 Violation--Penalty. Any person violating any of the provisions of this article shall, upon conviction, pay a fine of not less than five dollars or more than fifty dollars. Every day that any such building or other structure is not placed upon such permanent foun-

dation after the expiration of such thirty-day period is a separate offense; and every day that such building or structure is not completed for occupancy as provided in Section 15.24.050 is likewise a separate offense. (Ord. 277 §1, 1971: Ord. 244 §2, 1965)

## Chapter 15.28

## CROSS CONNECTION CONTROL

Sections:

15.28.010 Authority.
15.28.020 Reference manuals adopted.
15.28.030 General requirements.
15.28.040 Standards for backflow prevention devices.
15.28.050 Installations.
15.28.060 Testing and maintenance.
15.28.070 Right of entry.
15.28.080 Violations.

15.28.010 Authority. The authority to implement and maintain this program on cross connection control is contained in the following legislative actions: Colorado Department of Health Law CRS 1973 Title 25-1-114-, 25-1-114.1; Colorado Primary Drinking Water Regulations Section 11.1.2 (Hazardous Cross Connections); Cross Connection Control, Colorado Department of Health, 1991, or latest edition; Occupational Safety and Health Administration Federal Register #202 part 2, page 22234, subparts J; Local ordinance or resolution; Local building code; Uniform Plumbing Code of the International Plumbing and Mechanical Officials, Chapter 10, Section 1001, 1002, 1003.2.0; Uniform Pool and Spa Code; Uniform Solar Code. (Ord. 402 §§1.0--1.9, 1989)

15.28.020 Reference manuals adopted. Reference manuals adopted for guidelines on cross connection control:

"Manual of Cross Connection Control," Foundation for Cross Connection Control and Hydraulic Research, University of Southern California; Cross Connection Control, Colorado Department of Health; Cross Connection Control Committee, Pacific Northwest Section AWWA Manual of Accepted Procedures and Practices; Recommended Practice for Backflow Prevention and Cross Connection Control AWWA Manual M14.

Definitions of terms used in this regulation are those contained in "Colorado Department of Health Cross Connection Manual," available for review at City Hall, 245 W. 4th Street, Wray, CO. 80758. (Ord. 402 §2.0--2.5, 1989)

15.28.030 General requirements. A. Building plans submitted to the city building inspector will be reviewed by the cross connection control section, and approved prior to the issuance of a building permit.

B. Building plans must show:

1. Water service size and location;
2. Meter size and location;
3. Backflow prevention device size, type and location;
4. Fire sprinkling system(s) service line, size and type of backflow prevention device.

C. Backflow prevention devices are to be installed in an accessible location to facilitate maintenance, testing and repair. Drawings 1 through 10, found in the 1991 edition, Cross Connection Control, Colorado Department of Health, show various installations.

D. All backflow prevention devices shall be installed immediately downstream of the water meter.

E. Before installing a backflow prevention device, pipelines should be thoroughly flushed to remove foreign material.

F. In no case will it be permissible to have connections or tees between the meter and service line backflow prevention device.

G. In no case is it permissible to connect the relief valve discharge on the reduced pressure device into a sump, drainage ditch, etc.

H. Backflow prevention valves are not to be used as the inlet or outlet valve of the water meter. Test cocks are not to be used as supply connections.

I. In order to insure that backflow prevention devices continue to operate satisfactorily, it will be necessary that they be tested at the time of installation, and on an annual schedule thereafter. Such test will be conducted in accordance with F.C.C.C. and H.R. performance standards and field test procedures as directed by the Colorado Department of Health.

J. Final inspections on new or retrofit installations will be performed only after the backflow device has been tested. The test results, plumbing permit, and test permit number will be supplied at the time an inspection is scheduled or to the inspector on the job site. Inspection may be scheduled by phone, twenty-four hours prior to the time requested. Access arrangements shall be made by the technician.

K. The authority having jurisdiction will inspect all installation.

L. All costs for design, installation, maintenance, repair and testing are to be borne by the customer.

M. No grandfather clause exists. All laws and regulations apply regardless of the age of the facility.

N. All fire sprinkling lines shall have a minimum protection of an approved double check valve for containment of the system.

O. All glycol (ethylene or propylene), or antifreeze systems shall have an approved reduced pressure zone device for containment.

P. Dry fire systems shall have an approved double check valve installed upstream of the air pressure valve.

Q. Single-family residents with a fire sprinkler system and domestic water combined shall have a double check valve when no chemicals are used.

R. All underground fire sprinkler systems shall conform to the following sections of the National Fire Protection Association pamphlets number thirteen and twenty-four: Pamphlet number thirteen, sections 1-1.2.2, allowable leakage. Pamphlet number twenty-four, "Private Fire Service Mains and Their Appurtenances," Sections 8.4, 8.5, 8.6, 8.7 and 8.8. These regulations are available for review at City Hall, 245 W. 4th St., Wray, CO. 80758. (Ord. 402 §3.0--3.14, 1989)

15.28.040 Standards for backflow prevention devices. A. Any backflow prevention device required in this chapter shall be of a model and size approved by the city water department. The term "approved backflow prevention device" shall mean a device that has been manufactured in full conformance with the standards established by The Colorado Department of Health Cross Connection Manual and by the city water department. Final approval shall be evidenced by a "Certificate of Approval" issued by an approved testing laboratory certifying full compliance with Colorado Department of Health standards and F.C.C.C. and H.R. specifications. The following testing laboratory is qualified to test and certify backflow prevention devices:

Foundation for Cross Connection Control and
Hydraulic Research
University of Southern California,
OHE 430-D University Park-MC 1453
Los Angeles, California 90089-1453

B. Only approved backflow prevention devices shall be used. See latest Colorado Department of Health Cross Connection Manual at City Hall, 245 W. 4th Street, Wray, CO. 80758. See Section ( ) for selection criteria.

C. Exception: Residential containment may be accomplished with a device not approved by the Foundation for Cross Connection Control and Hydraulic Research, but approved by the American Society of Sanitary and Mechanical Engineers and designated by the Water Division Manager.

D. Backflow preventers currently installed which are not approved shall be replaced with an approved device at the time it fails an operational test.

E. Backflow devices used on fire lanes shall have O.S. & Y. valves and be listed by the National Fire Prevention Association. (Ord. 402 §4.0--4.4, 1989)

15.28.050 Installations. A. Backflow prevention devices shall be installed in accordance with drawings 1 through 10, found in the 1991 edition, Cross Connection Control, Colorado Department of Health.

B. Backflow prevention device installations shall be inspected and approved for use by the city water department by calling 332-4431 at least twenty-four hours in advance of the desired inspection time. See Section 15.28.030(I).

C. All backflow devices shall be installed in the horizontal position. Variance by review only on retrofit fire systems.

D. A pressure vacuum breaker shall be used where the device is never subjected to backpressure and installed a minimum of twelve inches above the highest piping or outlet downstream of the device in a manner to preclude backpressure.

E. An atmospheric vacuum breaker shall be used only where the device is:

1. Never subjected to continuous pressure (more than twelve hours continuous);

2. Installed with the air inlet in a level position and a minimum of six inches above the highest piping or outlet it is protecting.

F. No valves shall be permitted downstream of the device.

G. The single check valve is not considered to be a backflow prevention device.

H. Double check valve assemblies may be installed in below grade vaults when these vaults are properly constructed in accordance with Drawings 1 through 9, found in the 1991 edition, Cross Connection Control, Colorado Department of Health.

I. Reduced pressure backflow preventers will be installed above ground. The unit should be placed at least twelve inches above the finish grade to allow clearance for the repair work. A concrete slab at finish grade is recommended. Proper drainage should be provided for the relief valve and may be piped away from the location, provided it is readily visible from above grade and the relief valve is separated from the drainline by a minimum of double the diameter of the supply line. A modified vault installation may be used if constructed with ample side clearances. Freezing is a major problem in this area. Precautions should be taken to protect above ground installations.

J. Reduced pressure zone backflow preventer may be installed in a basement provided with an adequate drain with an effective opening of twice the diameter of the device. See flow chart drawing 10, found in the 1991 edition, Cross Connection Control, Colorado Department of Health. (Ord. 402 §5.0--5.9, 1989)

15.28.060 Testing and maintenance. A. At least once per year, it will be the duty of the customer/user at any premises where any backflow prevention devices are installed to have certified test made of these devices. In those specific instances where the city water department deems the hazard to be great enough, he will require certified inspections at more frequent intervals. These tests shall be at the expense of the water user and shall be performed by the water utility personnel or by a certified technician approved by the Colorado Department of Health and Water Division Manager or Water Distribution and Wastewater Collection Systems Certification Council. An inspection of the device may be performed at any time complying with Section 15.28.070 of this chapter.

B. As necessary, the device shall be repaired or replaced at the expense of the customer/user whenever the device(s) are found to be defective. Records or copies of same, of all such tests, repairs or replacement shall be kept with a copy sent to the cross connection control office, City of Wray Water Department, 245 W. 4th, Wray, CO. 80758.

C. The technician who will perform the test shall call the cross connection control office for a test permit number which must appear on all forms.

D. Existing devices shall be sealed by the technician performing the test at the completion of the test.

E. All testing gauges shall be checked for accuracy yearly, or more often, in the event of questionable readings.

F. The city water department retains the right to test or otherwise check the installation and operation of any containment device. (Ord. 402 §6.0--6.6, 1989)

15.28.070 Right of entry. A. The water utility department representative, assigned to inspect premises relative to possible hazards, shall carry proper credentials of his/her office, upon exhibit of which he or she shall have the right of entry during usual business hours to inspect any and all buildings and premises for cross connection in the performance of his or her duties.

B. This right of entry shall be a condition of water service in order to provide assurance that the health, safety and welfare of the people throughout the city potable water distribution system where building security is required, the backflow device(s) should be located in an area not subject to security. Questions regarding proper

credentials should be directed to the cross connection control office. (Ord. 402 §7.0, 1989)

15.28.080 Violations. A. Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by this chapter shall be grounds for the discontinuance of water service to the premises or the requirement for an air-gap separation from the public potable water system.

B. Service of water to any premises may be discontinued by the city water department after written notification if unprotected cross connections exist on the premises or if any defect is found in an installed backflow prevention device or if a backflow prevention device has been removed or bypassed. Service shall not be restored until such conditions or defects are corrected.

C. Discontinuance of service may be summary, immediate and without written notice whenever in the judgement of the city water department such action is necessary to protect the purity of the public potable water supply or the safety of the water system. (Ord. 402 §8.0--8.3, 1989)

## Chapter 15.32

## MOBILE HOMES AND TRAVEL TRAILERS

Sections:

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ARTICLE II. TRAVEL TRAILERS AND TRAILER PARKS

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ARTICLE I. MOBILE HOMES AND MOBILE HOME PARKS

15.32.010 Definitions. As used in this article the following definitions shall apply:

"Abandoned" means that the mobile home is not used as a dwelling and no utility service was provided to the mobile home by the city as shown by the city's records.

"Anchored" means that the mobile home is properly installed so to prevent accidental movement or movement by natural causes or forces.

"Mobile home" means a movable or portable single-family dwelling unit suitable for permanent year pound occupancy so constructed that it may be towed on its own chassis, connected to utilities, designed without a permanent foundation, and having kitchen and sanitary facilities. It may consist of one or more units which can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into an integral unit.

"Mobile home park" means a tract of land under one ownership, on which two or more mobile homes are located, consisting of at least two acres, and licensed as a mobile home park, as required by this chapter.

"Mobile home space" means a plot of ground within a mobile home park, designed and designated for the accommodation of one mobile home.

"Mobile home stand" means that part of an individual mobile home lot used from the placement of one mobile home.

"Modular home" means any structure, or component thereof, designed primarily for single-family residential occupancy, not including a mobile home, which is wholly or in substantial part made, fabricated, formed or assembled in a manufacturing facility for installation, or assembly and installation on the building site. Such units bear a seal of approval of National Home Builders, which seal is found under the kitchen sink. (Ord. 438 §1.1, 1996)

15.32.020 Location restrictions. No mobile home, either attached or detached from the vehicle pulling or propelling the same, shall park or be parked upon any real property within the city, except in a licensed and approved mobile home park; nor upon any alley or public ground within the city; nor shall the same be parked on any street within the city for a period in excess of four hours during any period of twenty-four hours; provided, however, that this section shall prohibit the parking of uninhabited, unused mobile homes upon private property for the purpose of storage or sale, upon compliance with all other applicable provisions of the ordinance codified in this chapter and all other ordinances of the city. Further, no mobile home shall be occupied for dwelling purposes unless it is properly placed in a mobile home space and connected to water, sewage and electrical utilities. (Ord. 438 §1.2, 1996)

15.32.030 License--Required--Certificate of occupancy. A. It is unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained, upon any property owned or controlled by such person, a mobile home park in the city without having first secured a license from the city to do so.

B. Prior to issuance of the initial license for a mobile home park, the board of council of the city shall receive from the building inspector a copy of a certificate of occupancy, indicating that the applicant has complied with the provisions of this ordinance. The certificate of occupancy shall be attached to the license register of the mobile home park and a copy shall be maintained on file in the office of the city clerk. (Ord. 438 §1.3, 1996)

15.32.040 License--Application. A. The application for a mobile home park license shall be filed with the city clerk and shall be accompanied by a fee of ten dollars plus one dollar for each mobile home space in the existing or proposed mobile home park.

B. The application for a license shall be made on forms furnished by the city and shall include the name, address and signature of the owner in fee of the tract; the name, address and signature of the applicant, if other than

the owner; and the legal description of the premises upon which the mobile home park is, or will be, located. (Ord. 438 §1.4, 1996)

15.32.050 License--Issuance. A. No license shall be issued for a mobile home park unless detailed plans for such a park, anticipated by the provisions of this chapter, have been submitted and have been approved by the board of council.

B. Upon receipt of a completed license application, the board of council of the city shall have twenty days to deliberate on the application. At the end of that twenty-day period, it shall render a decision as to the approval, conditional approval or denial of the application for license. (Ord. 438 §1.5, 1996)

15.32.060 License--Certificate from county treasurer required. No license may be issued for a mobile home park unless a certificate is presented from the county treasurer that shows that all taxes, real estate and personal property, and all special assessments on the property to be used for the park have been paid. (Ord. 438 §1.6, 1996)

15.32.070 License--Not transferable or assignable. A license issued for a mobile home park shall not be transferable or assignable. (Ord. 438 §1.7, 1996)

15.32.080 Plans--Required--Contents. The following plans must be submitted by the applicant, and approved by the board of council, prior to issuance of a mobile home park license; site plan, showing the following:

A. The name, address, fee owner, and record owner of the proposed mobile home park;

B. The legal description of the property upon which the mobile home park is to be located;

C. The names of all adjacent public streets and avenues;

D. Grading and drainage plans;

E. Locations and dimensions of all mobile home spaces, utility easements, drives, recreation areas, streets and sidewalks;

F. Building setback lines from public streets and adjacent property lines;

G. The scale of the plan (no smaller than one inch equals ten feet), with complete dimensions;

H. The numbering system for each individual mobile home space;

I. The dimensional area of the total site;

J. The locations, mechanical plans and building plan of shower and toilet facilities, if any are to be constructed;

K. The source of water supply and the methods to be used for sewage and garbage disposal;

L. The type and size of all screening and fencing. (Ord. 438 §1.8, 1996)

15.32.090 Plans--Submission--Improvements. A plan of the proposed mobile home park shall be submitted in six copies to the building inspector. At the time of submitting the copies of the proposed plan to the building inspector, the person submitting it shall pay to the city a filing fee in the amount of ten dollars, plus one dollar for each mobile home space. (Ord. 438 §1.9, 1996)

15.32.100 Duties of licensee. Every mobile home park shall have a copy of the park license and certificate of occupancy. It shall be the duty of the licensee to keep a register of park occupancy which shall be current at all times and contain the following information:

A. The full name and address in the park of the owner of the mobile home, or his tenant or agent;

B. The date of arrival and departure of each mobile home. (Ord. 438 §1.10, 1996)

15.32.110 License--Revocation and suspension. It shall be the responsibility of the licensee to ensure that all requirements of this chapter are met and maintained. Any mobile home park issued an initial license after adoption of the ordinance codified in this chapter that is found to be in violation of any provision of this chapter shall be notified by the board of council to cease such violation within a reasonable time period. If, after such time has elapsed, the violation has not ceased, the board of council, in addition to such penalties as are provided in this chapter, may thereupon revoke such license. (Ord. 438 §1.11, 1996)

15.32.120 Mobile home park standards. A. Site Area. Site areas for mobile home parks shall be a minimum of two acres in size.

B. Zoning. Mobile home parks shall be allowed in all zoning districts within the city, except R-A and R-B.

C. Soil and Ground Cover Requirements. The park shall be maintained in a clean, sanitary condition at all times. Grasses, weeds and other vegetation not considered part of the ornamental landscape shall not exceed six inches in height.

D. Lighting. The park shall be illuminated during hours of darkness to permit the safe movement of individuals and vehicles.

E. Minimum Lot Size. The minimum area for an individual mobile home space shall be four thousand square feet, with a minimum width of forty-five feet.

F. A mobile home shall not be occupied for dwelling purposes in a park unless it is properly placed and anchored on a conforming mobile home lot and connected to all utility services, including water, sewage, electrical, and/or gas and must also comply with Section 15.32.130(C) prior to occupancy. (Utility service connections shall be located on the lot served, and not upon some adjacent lot or other place.)

G. Setbacks.

1. A mobile home shall have a side setback which is a minimum of ten feet from the property line of the mobile home park abutting upon a public thoroughfare, street, road or highway, and at least ten feet from outer park boundary lines.

2. The front setback of a mobile home, measured from the front wall of the mobile home, shall be a minimum of fifteen feet from the curb on interior streets or drives.

3. Side and rear spacing of mobile homes shall provide for a minimum distance of twenty feet between units.

4. There shall be a minimum eighteen-foot setback from any service building or mobile home park permanent building.

H. Access. Safe and convenient access shall be provided for pedestrians, vehicular traffic, and emergency vehicles at all times.

I. Vehicular Streets. Vehicular streets shall be clearly identified and shall be constructed and maintained to allow free movement of emergency and service vehicles at all times, and surfaced when necessary to minimize mud and dust. All newly constructed vehicular streets shall be of a minimum width of twenty feet where no on street parking is permitted; twenty-eight feet where on street parking is permitted on one side only; and thirty-six feet where on street parking is permitted on both sides.

J. Pedestrian Walks. Pedestrian walks shall be provided along park streets and from park streets to individual mobile homes and all community and service facilities where the lack of such walks constitutes a safety hazard. The determination of the existence of a hazard will be made by the building inspector.

K. Supervision and Maintenance. The owner of the park shall be responsible for the supervision, operation and maintenance of the park.

L. Minimum Off Street Parking. Each mobile home space shall have a minimum of one space (ten feet by twenty feet) devoted to off street parking for an automobile or other motor vehicle.

M. Street Names and Addresses. All mobile home park streets will have identification names so designated on the plan submitted by the owner for approval. Each space unit

will also be numerically designated for address and mail purposes, and this identification shall be visible by day and by night.

N. Refuse. The storage, collection and disposal of refuse in a mobile home park shall be conducted as the city's residential garbage and trash collection rules specify, and as the Colorado Department of Health's sanitary standards and regulations specify.

O. Additions to Mobile Homes. No additions to increase the floor area of mobile homes within the mobile home park shall be permitted, except that additional mobile home rooms may be added, if the finish and appearance are the same as the mobile home and the construction is equal to, or better than, that of the mobile home. Application for permits for such additions shall be obtained from the building inspector. Any addition to the mobile home structure shall be considered a part of the mobile home in measuring setbacks, as outlined in subsection G of this section.

P. Fire Protection. Every mobile home park shall be equipped at all times with fire extinguishing equipment, in good working order, of such type, size and number, and so located within the park, as prescribed by the local fire prevention authority, or to satisfy reasonable fire regulations.

Q. Draining, Grading and Surfacing. The park shall be drained, graded and surfaced where necessary to facilitate drainage, and prevent earth movement, and shall be free from depressions in which water collects and stagnates. (Ord. 438 §1.12, 1996)

15.32.130 Lot standards. A. Each mobile home in the park shall be clearly identified by numbers or letters visible from the access street.

B. The mobile home stand shall provide a sound base for the structural support of the mobile home to prevent shifting, heaving or uneven settling.

C. The mobile home shall be properly installed and anchored so as to prevent accidental movement and movement by natural causes or forces before utilities are connected.

D. The lot and stand shall be kept clean and free of refuse and hazardous or noxious materials.

E. All mobile home units shall have a skirting of a rigid type material. Such skirting must be in place within sixty days after the mobile home is set on the mobile home space. Readily operable doors or access panels shall be installed to permit convenient access to the water, sewer and gas connections. It shall be the duty of the person to whom the license for the mobile home park is issued to see that the skirting is in place and in compliance with these regulations. (Ord. 438 §1.13, 1996)

15.32.140 Nonconforming mobile homes and mobile home parks. A. Nonconforming Mobile Homes and Mobile Home Parks.

1. Any mobile home or mobile home park in use or existence on the date of adoption of the ordinance codified in this chapter which does not comply with applicable provision of this chapter shall be considered a nonconforming use. All such nonconforming uses of land can be continued unless they are abandoned for a period of three months or more; any subsequent use of such land shall conform to the regulations specified in this chapter.

2. "Nonconforming use" means that use of the structure or premises legally instituted prior to the effective date of the ordinance codified in this chapter, or any amendment thereto, and conflicting with the provision of this chapter.

3. "Abandoned" as applied in this section means that the mobile home is not used as a dwelling and no utility service was provided to the mobile home by the city as shown by the city's records.

B. Replacement mobile homes for mobile homes located outside of established mobile home parks may be permitted by variance pursuant to procedures enumerated under Title 17, provided as follows:

1. That the replacement mobile home contains a minimum of equal square feet of the prior mobile home;

2. That the mobile home is properly installed so to prevent accidental movement or movement by natural causes or forces and is anchored;

3. The lot and street is kept free of all hazardous or noxious materials;

4. All mobile home units shall have skirting of rigid type material. Such skirting must be in place within sixty days after the mobile is set upon the mobile home space. (Ord. 438 §1.14, 1996)

## ARTICLE II. TRAVEL TRAILERS AND TRAILER PARKS

15.32.150 Definitions. For the purpose of this article, the following terms or words shall have the meanings ascribed to them in this section, unless a different meaning appears from the context;

"Trailer park" means an area clearly defined and separate from a mobile home park area, with individual parking lots, which may or may not have facilities for the temporary hook-up of electrical and plumbing outlets.

"Travel trailers" means a vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation use, and equipped for the road. It may be self contained, with bath and toilet facilities, or classified as a dependent type, without bath and toilet facilities. Any regulations apply-

ing to travel trailers will also apply to campers mounted on a truck chassis, tents or tent type trailers. (Ord. 438 §2.1, 1996)

15.32.160 Parking restrictions--Temporary parking permits. A. No travel trailer, either attached or detached from the vehicle pulling or propelling the same, shall park or be parked upon any real property within the corporate limits of the city, except in a licensed and approved travel trailer park or a mobile home park which has the facilities required by this section, nor upon any alley or public ground within the city; nor shall the same be parked on any street within the city for a period of more than twenty-four hours. This section shall not be construed to prohibit the parking of uninhabited, unused travel trailers upon private property for the purpose of storage or sale, such storage use shall not require permits.

B. Temporary parking permits may be obtained from City Hall for a period not to exceed seven days. Permits shall be reviewed by the board of trustees at the next regular meeting after the permit has been issued.

C. Temporary parking at the West City Park without a permit shall be allowed for up to forty-eight hours except on extended holidays when seventy-two hours will be allowed. (Ord. 438 §2.2, 1996)

15.32.170 License--Required--Certificate of occupancy. A. It is unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained, a travel trailer park upon any property owned or controlled by such person in the city without having first secured a license from the board of council to do so.

B. Prior to issuance of the initial license for a travel trailer park, the city clerk shall receive from the building inspector a certificate of occupancy, indicating that the park is in compliance with the zoning ordinance, and shall determine that the applicant has complied with the provisions of this ordinance. The certificate of occupancy shall be attached to the license register of such park and a copy shall be maintained on file in the office of the city clerk. (Ord. 438 §2.3, 1996)

15.32.180 License--Application. A. The application for a travel trailer park license shall be filed with the city clerk and shall be accompanied by a fee of ten dollars plus one dollar for each travel trailer space.

B. The application for a license shall be made on forms furnished by the city and shall include the name, address and signature of the owner in fee of the tract; the name, address and signature of the applicant, if other than the owner; and the legal description of the premises upon

which the travel trailer park is or will be located. (Ord. 438 §2.4, 1996)

15.32.190 License--Plan approval required. No license may be issued for a travel trailer park unless the plans for such a park have been approved according to the requirements of this chapter. (Ord. 438 §2.5, 1996)

15.32.200 License--Certificate from county treasurer required. No license may be issued for a travel trailer park unless a certificate is presented from the county treasurer that all taxes, real estate and personal property, and all special assessments levied against property on which the travel trailer park is to be located have been paid. (Ord. 438 §2.6, 1996)

15.32.210 License--Not transferable or assignable. No license issued for a travel trailer park shall be transferable or assignable. (Ord. 438 §2.7, 1996)

15.32.220 Owner or operator responsible for utilities and buildings. The owner or operator of a travel trailer park shall be, and at all times remain, responsible for all utilities and buildings thereon. (Ord. 438 §2.8, 1996)

15.32.230 Plans--Required--Contents. The following plans must be submitted by the applicant, and approved by the board of council, prior to the issuance of a travel trailer park license: A site plan, showing the following:

A. The name, address, fee owner and record owner of the proposed travel trailer park;

B. The legal description of the property upon which the travel trailer park is to be located;

C. The names of all adjacent public streets and avenues;

D. Grading and drainage plans;

E. Locations and dimensions of all travel trailer spaces, utilities easements, drives, recreation areas, streets and sidewalks;

F. Building setback lines from public streets and adjacent property lines;

G. Scale of the plan (no smaller than one inch equals ten feet) with complete dimensions;

H. The numbering system for each individual travel trailer space;

I. The dimensional area of the total site;

J. The location, mechanical plans and building plan of shower and toilet facilities, if any, are to be constructed;

K. The source of the water supply and methods to be used for sewage and garbage disposal;

L. The type and size of all screening and fencing. (Ord. 438 §2.9, 1996)

15.32.240 Plans--Submission--Improvements. A. A plan of the proposed travel trailer park shall be submitted in six copies to the building inspector. The person submitting it shall pay to the city clerk a filing fee in the amount of ten dollars plus one dollar for each travel trailer space.

B. Upon compliance by the applicant with the requirement of Section 15.32.230, the building inspector shall examine or cause to be examined the plan and accompanying documents and determine whether or not the plan complies with the requirements of Section 15.32.230

C. One copy of the final plan, as approved by the building inspector, shall be attached to the application for a travel trailer park license.

D. All improvements required by this chapter shall be completed for the area being developed for occupancy by the travel trailers in accordance with the requirements by this chapter prior to issuance of a certificate of occupancy.

E. Upon receipt of a completed license application, the board of council shall have twenty days to deliberate upon said application. At the end of the twenty-day period, they shall render a decision as to the approval, conditional approval or denial of the application for license. (Ord. 438 §2.10, 1996)

15.32.250 General park requirements. In every travel trailer park accommodating fifteen or more dependent travel trailers, sanitary facilities shall be provided as follows:

A. Toilets. One ADA toilet for every fifteen or more dependent travel trailer spaces;

B. Urinals may be substituted from up to one third of the required number of toilets; twenty-four inches of trough urinals shall be considered the equivalent of one urinal;

C. Lavatories. One lavatory for every fifteen or more dependent travel trailer spaces. Laundry tubs, kitchen sinks and bathtubs shall not be acceptable substitutes for lavatories;

D. Bathing or shower facilities. One unisex for each fifteen or more dependent travel trailer spaces;

E. Water hydrants shall be provided to wash service buildings, walkway's passageways, and other common use areas;

F. Drinking fountains, when provided, shall not be located in service rooms or connected to water faucets or lavatories. Drinking fountains shall be of the approved angle jet above the bowl rim type with adequate water pressure. (Ord. 438 §2.11, 1996)

15.32.260 Service building requirements. A. Service buildings and rooms housing required sanitary facilities in parks accommodating dependent travel trailers shall be constructed of easily cleanable, nonabsorbent materials, maintained in good repair and in clean and sanitary condition. They shall be conveniently located at a distance of not less than ten feet from any travel trailer and within three hundred feet of any dependent travel trailer served.

B. Unisex building containing required ADA plumbing fixtures shall be provided when required.

C. The floors of service buildings shall have a smooth, impermeable and easily cleanable surface, sloped to drain. Floor drains, properly trapped, shall be provided in all shower baths and shower rooms to remove waste water and to facilitate cleaning. The walls and partitions shall have a smooth, nonabsorbent, light colored, easily cleanable surface, extending to a height of four feet in toilet rooms and six feet in shower rooms.

D. Rooms in service buildings shall have a ceiling height of not less than seven and one-half feet. In rooms with sloping ceilings, the required ceiling height shall be provided in at least fifty percent of the room and no portion of any room having a ceiling height of less than five feet shall be considered as contributing to the minimum required areas.

E. Service rooms shall be provided with light and ventilation by means of windows or artificial light and mechanical ventilation. The window area in each service room shall be equivalent to at least ten percent of the floor area, with at least one-half of the required window area to open to the outside air. Windows shall be installed so that they do not create safety hazards. In lieu of the required window area in each service room, an approved mechanical ventilation system may be installed which will provide at least five air changes per hour, be vented directly to the outside, and be connected to the electrical lighting system.

F. When necessary for exclusion of flies, mosquitoes and other insects, exterior openings of service buildings shall be protected with fly screening of not less than sixteen mesh per square inch, unless other approved protective devices are provided. Doors shall be provided with self closing devices.

G. Each service room shall have at least one double convenience outlet adjacent to lavatories and one ceiling light fixture to provide thirty foot candles at the lavatory level. At least one light fixture, operated by a switch, shall be provided at each entrance and shall be lighted during hours of darkness, unless the yard lighting provides light levels of at least five foot candles.

H. Service buildings shall be provided with approved heating facilities properly installed, maintained in a safe

working condition, and capable of providing and maintaining a room temperature of sixty-eight degrees Fahrenheit.

I. Toilets and showers shall be partitioned so they are individually accessible. Each toilet and shower compartment shall have a self closing door, except that showers may be equipped with a waterproof curtain.

J. Toilet space shall meet ADA codes and shall be constructed to prevent water flowing into the dressing space. Shower floors shall be impervious and skid resistant or provided with a skid resistant impervious mat. Wooden racks (duck boards) are provided. Dry dressing room space, screened from view and equivalent to the size of the shower floor area, shall be provided adjacent to bathing facilities and shall be equipped with cloths hooks and benches.

K. Hot and cold water under pressure shall be supplied at all required plumbing fixtures except that cold water only shall be supplies to water closets. The system shall be designed to prevent discharge of water in excess of one hundred twenty degrees Fahrenheit at the shower heads. The water heating facilities shall have the capacity to supply hot water one hundred forty degrees Fahrenheit at the minimum rate of three gallons per hour per each dependent travel trailer space. Such facilities shall be of approved types, and shall be properly installed and maintained.

L. Plumbing fixtures shall be maintained in good working order and in a clean and sanitary conditions.

M. Toilet paper, soap, roller type or single service towels, and trash receptacles shall be provided in all common use or centralized toilet and lavatory facilities. The use of common towels is prohibited.

N. If service buildings are kept locked, the operator shall provide a key for dependent travel trailer occupants.

O. Clothes drying areas or mechanical dryers shall be provided for use with laundry facilities.

P. Plumbing fixtures shall be installed in accordance with provisions of the 1972 Edition of the Colorado Technical Plumbing Code.

Q. Swimming pools shall be operated and maintained in accordance with Colorado Department of Health Regulations and Standard Governing Swimming Pools.

R. Electrical installations shall conform to the city and state electrical code.

S. The size of individual spaces for transit parking of travel type trailers will be determined by the owner of the park. Minimum size of a space shall be twenty feet by sixty feet.

T. The owner of any travel trailer park shall be responsible for the promulgation and enforcement of rules and regulations governing solid waste storage and handling that will meet or exceed town requirements and any applicable state or federal governmental regulations. (Ord. 438 §2.12, 1996)

## ARTICLE III. ENFORCEMENT

### 15.32.270 Building inspector--Duties and authority.

It is the duty of the building inspector to enforce all provisions of this chapter, except as otherwise provided in this chapter. For such purpose, the building inspector and his duly authorized representative shall have the right to enter any premises on which a mobile home or travel trailer is located, or is about to be located, and to inspect the same and all accommodations connected therewith at any reasonable time. (Ord. 438 §3.1, 1996)

### 15.32.280 Violation--Penalty.

A. Any person who violates any provision of this chapter, and any person continuing to operate a mobile home, mobile home park or travel trailer park under a revoked license is guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed three hundred dollars, or by imprisonment in jail for a term not to exceed ninety days, or by both such fine and imprisonment.

B. Each offense shall be deemed to be a separate violation and punishable as a separate offense. Each day for which the violation continues shall constitute a separate offense. (Ord. 438 §3.3, 1996)

# Chapter 15.50

## INTERNATIONAL ENERGY CONSERVATION CODE

15.50.010 Adoption.

### 15.50.010 Adoption.

The city hereby adopts the 2003 Version of the International Energy Conservation Code by reference as if fully

set out herein. At least one copy of the code is on file in the office of the city clerk and may be inspected by any interested person between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted by the city shall be available for sale at the city clerk's office to the public at the city's cost. (Ord. No. 537, §§ 1, 2, 7-8-2008)

# Title 16

(RESERVED)

# Title 17

## SUBDIVISIONS

(RESERVED)

# Title 18

# ZONING

Chapters:

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18.04 General Provisions
18.08 R-A Residential District
18.12 R-B Residential District
18.16 B-A Business District
18.20 B-B Business District
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DIVISION II. INDUSTRIAL PARK

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## DIVISION I. COMPREHENSIVE

## Chapter 18.04

## GENERAL PROVISIONS

Sections:

18.04.010 Conformance.
18.04.020 Districts established.
18.04.030 Zoning map adopted.
18.04.040 Annexed territory.

18.04.010 Conformance. Except as otherwise provided, no buildings or other structures, or land, shall be used, and no building or other structure shall be erected, reconstructed, moved into or within the city limits, or be

structurally altered, except in conformance with the regulations specified in this division for the district in which the building is located. (Ord. 220 §4, 1960)

18.04.020 Districts established. In order to carry out the provisions of this division, the city of Wray is divided into the following zoning districts:

R-A residential district
R-B residential district
B-A business district
B-B business district.

(Ord. 220 §1, 1960)

18.04.030 Zoning map adopted. The boundaries of these districts are established as shown on a map entitled "ZONING DISTRICT MAP" of the city of Wray, dated the 2nd day of August, 1960, which map is made a part of this division. (Ord. 220 §2, 1960)

18.04.040 Annexed territory. Any territory annexed to the city will be annexed as an R-A District unless the annexation ordinance provides for a zoning other than R-A, and prior to annexation, the Wray Board of Adjustment approves a zoning other than R-A, after fifteen days notice, as provided in the ordinance codified in this chapter. (Ord. 462, 1999; Ord. 220 §3, 1960)

## Chapter 18.08

## R-A RESIDENTIAL DISTRICT

Sections:

18.08.010 Permitted uses.
18.08.020 Incidental uses--Signs permitted.
18.08.030 Conditional uses.
18.08.040 Automobile house trailers.
18.08.050 Moved-on structures.
18.08.060 Lot area.
18.08.070 Lot width.
18.08.080 Front yard.
18.08.090 Side yard.
18.08.100 Floor area.

18.08.010 Permitted uses. The following uses are permitted in the R-A district:

A. One-family dwelling (not an automobile house trailer);

B. Two-family dwelling (not an automobile house trailer);

C. Churches;

D. Hospitals, but not for contagious diseases, nor the care of epileptics or drug or liquor patients, nor for the care of the insane or feeble minded;

E. Schools, not of a corrective nature;

F. Library, museum, playground, park, recreational building or area;

G. The taking of boarders or the leasing of rooms by a resident family;

H. Farms, truck gardens and nurseries, and noncommercial greenhouses;

I. Home occupations, provided the area used for such purposes does not exceed one-half of the total first floor area of the dwelling unit, the use is incidental and secondary to the use of the building for dwelling purposes, and does not change the character thereof;

J. Public utility mains, transmission and distribution lines (and service facilities), also railway rights-of-way and passenger stations, but not railway yards;

K. Accessory buildings and uses;

L. Nursery. (Ord. 220 §5(1)(A--L), 1960)

18.08.020 Incidental uses--Signs permitted. Uses customarily incident to any of the purposes set out in Section 18.08.010 are permitted in the R-A district, including:

A. One nameplate of the occupant of the premises which shall not exceed one square foot in area;

B. One temporary sign not exceeding twelve square feet in area, appertaining to the lease, hire or sale of a building or premises;

C. One nameplate, sign or bulletin board at the entrance of a church or similar institution, which shall not exceed twenty-five square feet in area. (Ord. 220 §5(1)(M), 1960)

18.08.030 Conditional uses. Subject to the provisions of Chapter 18.24, the following conditional uses are permitted in the R-A district:

A. Multiple dwelling;

B. Rest home, convalescent home and nursing home;

C. Hotel (including services such as newsstands, barbershops and dining rooms when conducted and entered only from within the building and there is no exterior display or advertising except for an announcement sign not exceeding two square feet in area) and apartments;

D. Private club or lodge and social and community center buildings, excluding those which have as their chief activity a service customarily carried on as a business;

E. Boardinghouse or lodginghouse;

F. An institution of an educational, philanthropic or eleemosynary nature;

G. Mortuary;

H. Motel or tourist court;

I. Office building for carrying on a business or profession;

J. Repair shop, not including motor vehicle or machinery;

K. Such other use as is consistent with the intent and purpose of this division. (Ord. 220 §5(1)(N), 1960)

18.08.040 Automobile house trailers. The board of adjustment may, at its sole discretion, permit the use of automobile house trailers in the R-A district, subject to the following:

A. Any person of persons desiring to place, occupy or maintain any automobile house trailer upon any property in this district shall file with the city clerk, on forms to be furnished by the city clerk, an application addressed to the board of adjustment for a permit permitting such use.

B. Upon the filing of such application the board of adjustment shall fix a time and place for hearing thereon not later than fifteen days from the filing of such application and shall by written notice notify all adjoining property owners of such hearing, advising such property owners of the filing of the application and that they may appear at the hearing and object thereto if they so desire.

C. Such notice of hearing shall be sent by registered or certified mail, return receipt requested to the address or last known address of each adjoining owner and such notice shall be deemed served when deposited in the United States mail.

D. Upon such hearing, if no adjoining owner has appeared or filed an objection thereto, the board of adjustment may grant such permit subject to the following:

1. Such trailer shall contain not less than four hundred square feet of floor space, be placed on a permanent foundation, shall be attached to the facilities of the city, and shall not be permitted on any lot having a house already located on the front thereof.

2. Such permit, if and when granted, or renewal thereof, shall be effective for not more than five years.

E. All procedures provided in this section for the granting of the original permit shall apply in the case of renewals. (Ord. 240, 1964: Ord. 220 §5(1)(O), 1960)

18.08.050 Moved-on structures. No building or other structure may be moved onto or placed on any property within the city except upon compliance with the provisions of this section. The board of adjustment may, at its sole discretion, permit a building or other structure to be moved onto or placed on any property located within the city, subject to the following:

A. Any person or persons desiring to move any building or other structure upon any property within the city shall first file with the city clerk, on forms to be furnished by the city clerk, an application addressed to the board of adjustment for a permit to move or place such building or

structure on property within the city and shall give the correct legal description of the property upon which the building or structure is proposed to be placed.

B. Upon the filing of such application the board of adjustment shall fix a time and place for hearing thereon not later than fifteen days from the filing of such application and shall by written notice notify all adjoining property owners of such hearing, advising such property owners of the filing of the application and that they may appear at the hearing and object thereto if they so desire.

C. Such notice of hearing shall be sent by registered or certified mail, return receipt requested, to the address or last-known address of each adjoining owner and such notice shall be deemed served when deposited in the United States mail.

D. Upon such hearing, if no adjoining owner has appeared or filed an objection thereto, the board of adjustment may grant such permit subject to all of the provisions of this division and also subject to all of the provisions of Article II of Chapter 15.24, relating to buildings or structures moved into the city. (Ord. 276, 1971: Ord. 220 §5(1)(P), 1960)

18.08.060 Lot area. Minimum lot area in the R-A district is:

A. Per one-family dwelling, four thousand five hundred square feet;

B. Per two-family dwelling, five thousand five hundred square feet. (Ord. 220 §5(2), 1960)

18.08.070 Lot width. Minimum lot width in the R-A district is fifty feet per one-family or two-family unit. (Ord. 220 §5(3), 1960)

18.08.080 Front yard. Minimum front yard in the R-A district is twenty-five feet for principal buildings. (Ord. 220 §5(4), 1960)

18.08.090 Side yard. The minimum side yard for principal buildings in the R-A district is five feet for the front seventy-five feet of any lot, and one foot on any side for the balance of the lot. (Ord. 220 §5(5), 1960)

18.08.100 Floor area. Minimum floor area in the R-A district is:

A. Six hundred square feet for every one-family dwelling;

B. One thousand square feet for every two-family dwelling;

C. Four hundred square feet for every living unit in a three-family dwelling or multifamily dwelling in excess of three units. (Ord. 220 §5(6), 1960)

# Chapter 18.12

## R-B RESIDENTIAL DISTRICT

Sections:

18.12.010 Permitted uses.
18.12.020 Incidental uses--Signs permitted.
18.12.030 Conditional uses.
18.12.040 Lot area.
18.12.050 Lot width.
18.12.060 Front yard.
18.12.070 Side yard.
18.12.080 Floor area.

18.12.010 Permitted uses. The following uses are permitted in the R-B district:

A. Any use permitted in the R-A district;

B. Multiple dwelling;

C. Rest home, convalescent home and nursing home;

D. Hotel (including services such as newsstand, barbershop and dining room when conducted and entered only from within the building and there is no exterior display or advertising except for an announcement sign not exceeding two square feet in area) and apartments;

E. Private club or lodge and social and community center building, excluding those which have as their chief activity a service customarily carried on as a business;

F. Boardinghouse or lodginghouse;

G. Institution of an educational, philanthropic or eleemosynary nature;

H. Mortuary;

I. Motel or tourist court;

J. Office building for carrying on a business or profession;

K. Repair shop, not including motor vehicle or machinery. (Ord. 220 §6(1)(A--K), 1960)

18.12.020 Incidental uses--Signs permitted. Uses customarily incidental to any of the purposes set out in Section 18.12.010 are permitted in the R-B district, including:

A. One nameplate of the occupant of the premises, which shall not exceed one square foot in area;

B. One temporary sign not exceeding twelve square feet in area, appertaining to the lease, hire or sale of a building or premises;

C. One nameplate, sign or bulletin board at the entrance of a church or similar institution, which shall not exceed twenty-five square feet in area. (Ord. 220 §6(1)(L), 1960)

18.12.030 Conditional uses. Subject to the provisions of Chapter 18.24, such uses other than those mentioned in Sections 18.12.010 and 18.12.020 as are consistent with the intent and purpose of this division are permitted in the R-B district as conditional uses. (Ord. 220 §6(1)(M), 1960)

18.12.040 Lot area. The minimum area of lots in the R-B district is:

A. Per one-family dwelling, four thousand five hundred square feet;

B. Per two-family dwelling, five thousand five hundred square feet. (Ord. 22 §6(2), 1960)

18.12.050 Lot width. The minimum lot width in the R-B district is thirty-seven and one-half feet per unit. (Ord. 220 §6(3), 1960)

18.12.060 Front yard. The minimum front yard for principal buildings in the R-B district is twenty-five feet. (Ord. 220 §6(4), 1960)

18.12.070 Side yard. The minimum side yard for principal buildings in the R-B district is four feet. (Ord. 220 §6(5), 1960)

18.12.080 Floor area. The minimum floor area in the R-B district is:

A. Six hundred square feet for every one-family dwelling;

B. Four hundred square feet for every living unit in a two-family dwelling unit or multifamily dwelling. (Ord. 220 §6(6), 1960)

## Chapter 18.16

## B-A BUSINESS DISTRICT

Sections:

18.16.010 Uses permitted.
18.16.020 Lot areas.
18.16.030 Lot width.
18.16.040 Off-street parking.

18.16.010 Uses permitted. The following uses are permitted in the B-A district:

A. Any use permitted in the R-A and R-B districts, including the conditional uses provided for such districts;

B. Any commercial business not involving manufacturing, processing or treatment of products, except the following:

1. Any trade, industry or use that is injurious, noxious, offensive or hazardous by reason of the emission of odor, dust, fumes, smoke, noise or vibration, or that is dangerous to life or property,

2. Any use which is a nuisance;

C. Signs for identification of business located on the premises;

D. The board of adjustment, in its discretion, may upon proper application permit a commercial business to conduct such manufacturing, processing or treatment of products as may be clearly incidental to the conduct of a retail business on the premises, but no such manufacture, processing or treatment of products may be carried on unless first approved and a special permit has been granted by the board of adjustment. (Ord. 220 §7(1), 1960)

18.16.020 Lot areas. There is no minimum lot area in the B-A district. (Ord. 220 §7(2), 1960)

18.16.030 Lot width. There is no minimum lot width in the B-A district. (Ord 220 §7(3), 1960)

18.16.040 Off-street parking. The minimum off-street parking requirement in the B-A district for motels, roominghouses and boardinghouses is one space (ten by twenty feet) for each rental unit. (Ord. 220 §7(4), 1960)

## Chapter 18.20

## B-B BUSINESS DISTRICT

Sections:

18.20.010 Uses permitted.
18.20.020 Front yard.
18.20.030 Rear yard.
18.20.040 Off-street parking.

18.20.010 Uses permitted. The following uses are permitted in the B-B district:

A. Any uses permitted in R-A, R-B and B-A districts, including all conditional uses;

B. Any other use not otherwise prohibited by law. (Ord. 252 §1, 1966: Ord. 220 §8(1), 1960)

18.20.020 Front yard. There is no minimum front yard in the B-B district. (Ord. 220 §8(2), 1960)

18.20.030 Rear yard. There is no minimum rear yard in the B-B district. (Ord. 220 §8(3), 1960)

18.20.040 Off-street parking. There is no minimum off-street parking requirement in the B-B district. (Ord. 220 §8(4), 1960)

## Chapter 18.24

## CONDITIONAL USES

Sections:

18.24.010 Application--Public hearing.
18.24.020 Restrictions.

18.24.010 Application--Public hearing. Application for conditional uses as defined in this division shall be considered before the board of adjustment at a public hearing. Such board of adjustment shall hold such public hearing within fifteen days after filing of the application for such hearing with the city clerk and shall make its findings of facts and recommendations within fifteen days after such public hearing. (Ord. 220 §9(1), 1960)

18.24.020 Restrictions. The board of adjustment may recommend such restrictions upon the height and bulk of any structure so approved for conditional uses as may be restricted under the planning circumstances; provided, that such restriction shall not be more restrictive than the requirements established for the district in which such street or residence is proposed to be located. (Ord. 220 §9(2), 1960)

## Chapter 18.28

## NONCONFORMING USES

Sections:

18.28.010 Continuation permitted.
18.28.020 Extension or alteration.
18.28.030 Change to similar nonconforming use.
18.28.040 Destruction or damage.
18.28.050 Discontinuance--Reestablishment.

18.28.010 Continuation permitted. The lawful use of land existing on August 12, 1960, although such building, structure or use does not conform to the regulations of the district in which it is located, may be continued. (Ord. 220 §11(1), 1960)

18.28.020 Extension or alteration. No building or structure, or the nonconforming use of a building, structure or land shall, after August 12, 1960, be extended or altered unless such extension or alteration conforms to the provisions of this division for the district in which it is located; provided, however, that a nonconforming use may be extended throughout those parts of the building which were manifestly arranged or designed for such purpose prior to August 12, 1960. (Ord. 220 §11(2), 1960)

18.28.030 Change to similar nonconforming use. A nonconforming use of a building may be changed to one of a similar or more restricted classification. (Ord. 220 §11(3), 1960)

18.28.040 Destruction or damage. If a building housing a nonconforming use is destroyed or materially damaged such building may be replaced, repaired or remodeled; provided, that such building is not extended beyond its original foundations, provided that such foundations were beyond the setback lines established for such district; otherwise, such building shall be subject to the restrictions contained in Section 18.28.020. (Ord. 220 §11(4), 1960)

18.28.050 Discontinuance--Reestablishment. No nonconforming use may be reestablished where such nonconforming use has been permanently discontinued. Failure to exercise such nonconforming use for a period of five years shall be prima facie evidence that such nonconforming use has been permanently discontinued. (Ord. 220 §11(5), 1960)

## Chapter 18.32

## OFFENSIVE BUSINESSES

Sections:

18.32.010 Unlawful.
18.32.020 Designated.

18.32.010 Unlawful. It is unlawful to maintain or permit the existence within the city of Wray or within one mile beyond the outer limits of the city any offensive or unwholesome business or establishment or to carry on within the city or within one mile beyond the outer limits of the city any business or establishment in an offensive and unwholesome manner. (Ord. 252 §2(part), 1966: Ord. 220 §8a(1), 1960)

18.32.020 Designated. "Offensive or unwholesome business or establishment" includes but is not limited to the following uses:

A. Acid manufactures;

B. Cement, lime, gypsum or plaster of paris manufacture;

C. Fireworks, explosives manufacture or storage;

D. Fertilizer manufacture and potash refining;

E. Fuel manufacture;

F. Garbage, offal or dead animal reduction or dumping;

G. Glue manufacture, fat rendering or distillation of bones;

H. Petroleum refining;

I. Smelting or refining of metals;

J. Stockyards or abattoirs;

K. Feed yards for livestock;

L. Junkyards and auto wrecking yards;

M. Any other trade, industry or use that is injurious, noxious, offensive or hazardous by reason of the emission of odor, dust, fumes, smoke, noise or vibration, or that is dangerous to life or property, or unsightly. (Ord. 252 §2(part), 1966: Ord. 220 §8a(2), 1960)

## Chapter 18.34

## UNCLAIMED PROPERTY

Sections:

18.34.010 Purpose.
18.34.020 Definitions.
18.34.030 Procedure for disposition of property.

18.34.010 Purpose. The purpose of this chapter is to provide for the administration and disposition of unclaimed property which is in the possession of or under the control of the municipality. (Ord. 422 §1, 1992)

18.34.020 Definitions. Unless otherwise required by context or use, words and terms shall be defined as follows:

"Director" means the chief of police or designee thereof.

"Municipality" means the city of Wray, Colorado.

"Owner" means a person or entity, including a corporation, partnership, association, governmental entity other than this municipality, or a duly authorized legal representative or successor in interest of same, which owns unclaimed property held by the municipality.

"Unclaimed property" means any tangible or intangible property, including any income or increment derived therefrom, less any lawful charges, that is held by or under the control of the municipality and which has not been claimed by its owner for a period of more than five years after it became payable or distributable. (Ord. 422 §2, 1992)

18.34.030 Procedure for disposition of property. A. Prior to disposition of any unclaimed property having an estimated value of fifty dollars or more, the chief of police shall send a written notice by certified mail, return receipt requested, to the last known address, if any, of any owner of unclaimed property. The last known address of the owner shall be the last address of the owner as shown by the records of the municipal department or agency holding the property. The notice shall include a description of the property, the amount or estimated value of the property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the chief of police with a written claim for the return of the property within sixty days of the date of the notice, the property shall become the sole property of the municipality and any claim of the owner to such property shall be deemed forfeited.

B. Prior to disposition of any unclaimed property having an estimated value of less than fifty dollars or having no last known address of the owner, the chief of police shall cause a notice to be published in a newspaper of general circulation in the municipality. The notice shall include a description of the property, the owner of the property, the amount or estimated value of the property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the chief of police with a written claim for the return of the property within sixty days of the date of the publication of the notice, the property shall become the sole property of the municipality and any claim of the owner to such property shall be deemed forfeited.

C. If the chief of police receives no written claim within the above sixty-day claim period, the property shall become the sole property of the municipality and any claim of the owner to such property shall be deemed forfeited.

D. If the chief of police receives a written claim within the sixty-day claim period, the chief of police shall evaluate the claim and give written notice to the claimant within ninety days thereof that the claim has been accepted or denied in whole or in part. The chief of police may investigate the validity of a claim and may re-

quest further supporting documentation from the claimant prior to disbursing or refusing to disburse the property.

E. In the event that there is more than one claimant for the same property, the chief of police may, in the chief of police's sole discretion, resolve said claims, or may resolve such claims by depositing the disputed property with the registry of the district court in an interpleader action.

F. In the event that all claims filed are denied, the property shall become the sole property of the municipality and any claim of the owner of such property shall be deemed forfeited.

G. Any legal action filed challenging a decision of the chief of police shall be filed pursuant to Rule 106 of the Colorado Rules of Civil Procedure within thirty days of such decision or shall be forever barred. If any legal action is timely filed, the property shall be disbursed by the chief of police pursuant to the order of the court having jurisdiction over such claim.

H. The chief of police is authorized to establish and administer procedures for the administration and disposition of unclaimed property consistent with this chapter, including compliance requirements for other municipal officers and employees in the identification and disposition of such property.

I. The city shall dispose of the property in the manner provided by CRS 38-13-115-121. (Ord. 422 §§3, 4, 1992)

## Chapter 18.36

## BOARD OF ADJUSTMENT

Sections:


| | |
|---|---|
| 18.36.010 | Established--Membership--Rules of procedure. |
| 18.36.020 | Appeals from rulings of building inspector. |
| 18.36.030 | Power to vary and modify regulations. |
| 18.36.040 | Rules and regulations. |


### 18.36.010 Established--Membership--Rules of procedure.

A board of adjustment is established. The board shall consist of five members, who are to be appointed by the city

council, and whose term of office shall be two years. The board shall adopt its own rules of procedure and shall keep a record of its proceedings, showing the action on each question considered. The presence of three members shall be necessary to constitute a quorum. (Ord. 220 §10(1), 1960)

18.36.020 Appeals from rulings of building inspector.

Appeal from the ruling of the building inspector concerning the enforcement of the provisions of this division may be made to the board of adjustment. The appellant shall file with the building inspector or with the chairman of the board of adjustment a notice of appeal, specifying the grounds thereof. (Ord. 220 §10(2), 1960)

18.36.030 Power to vary and modify regulations.

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this division, the board of adjustment shall have power in passing upon appeals to vary and modify the application of any of the regulations or provisions of this division relating to the use, construction or alteration of buildings or structures or the use of land so that the spirit of this division shall be observed, public safety and welfare secured, and substantial justice done. (Ord. 220 §10(3), 1960)

18.36.040 Rules and regulations.

The board of adjustment shall adopt, from time to time, such rules and regulations as may be deemed necessary to carry into effect the provisions of this division. (Ord. 220 §10(4), 1960)

## Chapter 18.40

## SUPPLEMENTAL REGULATIONS

Sections:

18.40.010 Alley houses--Houses behind others.
18.40.020 Small lots of record.
18.40.030 Projection of architectural features.
18.40.040 Stoop and terrace extension into yards.
18.40.050 Front yard in developed blocks.
18.40.060 Shipping containers and trailers as storage buildings prohibited.

18.40.010 Alley houses--Houses behind others.

No dwelling shall be located on the back of any interior lot having a dwelling on the front of the lot, nor shall any dwelling front on an alley. (Ord. 220 §12(1), 1960)

18.40.020 Small lots of record.

Where an individual lot was held in separate ownership from adjoining properties or was platted or recorded as of August 12, 1960, and has less area or less width than required in other sections of this division, such lot may be occupied according to the permitted uses provided for the district in which such lot is located. (Ord. 220 §12(2), 1960)

18.40.030 Projection of architectural features.

Cornices, canopies, eaves or similar architectural features may extend into a required yard not more than two feet. (Ord. 220 §12(3), 1960)

18.40.040 Stoop and terrace extension into yards.

Open, unenclosed, uncovered stoops and terraces at foundation level may extend in to required yards not more than six feet. (Ord. 220 §12(4), 1960)

18.40.050 Front yard in developed blocks.

In developed areas, where lots comprising fifty percent or more of the frontage on one side of a street between intersecting streets have been improved with buildings on August 12, 1960, the average front yard of such buildings shall be the minimum front yard required for all new construction in such block. (Ord. 220 §12(5), 1960)

18.40.060 Shipping containers and trailers as storage buildings prohibited.

A. It is the intent of this section to limit, except as provided herein, the placement and use of any shipping container as an accessory building, storage building, or living unit on residentially zoned, commercially zoned and other zoned land where residential uses are established. This limitation is to protect the public health and safety and the aesthetic quality of the City of Wray.

B. No person shall place or cause to be placed or use or permit the use of any shipping container as an ac-

cessory building, storage building, or living unit on residentially zoned land, commercially zoned land and/or land used for residential purposes.

C. No trailers manufactured primarily for conveyance of goods and property shall be utilized for permanent storage purposes in any residential or commercial zoning district of the city. Temporary exemptions for storage purposes, when granted, must be obtained in conjunction with and accompanied by a valid building permit. The temporary storage exemption will expire upon substantial completion of the construction permitted by the building permit.

D. This section shall apply to all trailers and or shipping containers manufactured with or without axles and wheels.

E. A variance to permit shipping containers and trailers as storage buildings as a permanent accessory building or storage building may be granted by the City of Wray Planning Committee (Board of Adjustment) in B-A (Business District), B-B (Business District), H-C (Highway Commercial District), or L-I (Light Industrial District) zoned properties on a case-by-case basis. No variance to permit shipping containers and trailers as storage buildings as a permanent accessory building or storage building shall be granted in R-A or R-B (Residential Districts) zoned properties.

F. The ordinance from which this section derives shall become effective immediately upon adoption.

G. Whenever the city council discovers or it is brought to their attention that there is a storage trailer or shipping container located on residential or commercial property within the city, the city clerk shall cause written notice to be served upon the owner of the property on which the trailer and or shipping container is located by registered mail or by personal service. Such notice shall state that the trailer and or shipping container shall be removed within ten business days of receipt of notice.

H. If the owner or occupant of the lot or piece of ground fails to comply with the order to abate and remove the trailer and or shipping container within ten days from receipt of the notice to abate, the city may have such work done and the cost and expense of such work shall be paid by the owner of the property. If unpaid for two months after such work is done, the city may either levy and assess the costs and expenses of the work upon the lot or piece of

ground so benefited in the same manner as other special taxes for improvements are levied and assessed, or recover in a civil action the costs and expenses of the work. (Ord. No. 542, § 1, 5-12-2009)

## Chapter 18.44

## ENFORCEMENT

Sections:

18.44.010 Violation--Penalty.
18.44.020 Violation--Actions at law.

### 18.44.010 Violation--Penalty.

Any person or corporation, whether as principal, agent, employee or otherwise, who violates any of the provisions of this division, shall be fined not to exceed one hundred dollars for each offense, such fine to inure the city of Wray. Each day of the existence of any violation is a separate offense. (Ord. 220 §13(1), 1960)

### 18.44.020 Violation--Actions at law.

The erection, construction, enlargement, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated or maintained contrary to any of the provisions of this division is a violation of this division and unlawful. The city attorney shall immediately, upon any such violation having been called to his attention, and upon being so instructed by the city council, institute injunction, or any other appropriate action to prevent, enjoin, abate and remove such violation. Such action may also be instituted by any property owner who may be especially damaged by any violation of this division. (Ord. 220 §13(2), 1960)

# DIVISION II. INDUSTRIAL PARK

## Chapter 18.48

## GENERAL PROVISIONS

Sections:

18.48.010 Title of ordinance.
18.48.020 Purpose.
18.48.030 Authority.

18.48.040 Conveyances of property.
18.48.050 Applicability--Map.
18.48.060 Interpretation as minimum for public good.
18.48.070 Use districts designated.
18.48.080 Conflicting regulations.
18.48.090 Separability.

18.48.010 Title of ordinance.

The ordinance codified in this division shall be known and may be cited as "The Official Zoning Ordinance of the Wray Industrial Park," located in the NE1/4, Section 36, Township 2 North, Range 44 West of the 6th Principal Meridian, Yuma County, Colorado. (Ord. 292 §101, 1974)

18.48.020 Purpose.

The regulations for the zoning districts as set forth in this division are made for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the community. They are designed to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; and to facilitate the adequate provision of transportation and other public requirements. They are made with responsible consideration, among other things, as to the character of each district and its peculiar suitability for particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the development area. (Ord. 292 §201, 1974)

18.48.030 Authority.

This division is adopted pursuant to the provisions of Article 1, Section 1-4 of the Charter of the City of Wray, Colorado and Article 139-59-6, CRS 1963, as amended, and with the approval of the planning commission of the city, and the Yuma County planning commission, and pursuant to resolution of the Yuma County planning commission under the provisions of Article 139-59-6, the city of Wray shall be responsible for building and maintaining all roads and rights-of-way within the Wray Industrial Park. (Ord. 292 §202, 1974)

18.48.040 Conveyances of property. All conveyances of property in the Wray Industrial Park shall contain a recital that such conveyance is "subject to Zoning Ordinance No. 292 of the City of Wray, as amended," or similar reference to this division. (Ord. 292 §203, 1974)

18.48.050 Applicability--Map. The provisions of this division shall apply within the boundaries of the industrial park as fixed as of the effective date of the ordinance codified in this division or thereafter fixed, as established on the two maps entitled "The Official Zoning Map of the Wray Industrial Park." The maps and all explanatory matter thereof accompany and are made a part of this division. (Ord. 292 §301, 1974)

18.48.060 Interpretation as minimum for public good. In interpreting and applying the provisions of this division, they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. (Ord. 292 §302, 1974)

18.48.070 Use districts designated. For the purpose of this division, the Wray Industrial Park is divided into two districts, designated as follows:

(HC) highway commercial district;
(I-1) light industrial district.

(Ord. 292 §501, 1974)

18.48.080 Conflicting regulations. Whenever the regulations of this division require a greater width or size of yards, courts or other open space, or require a lower height of buildings or lesser number of stories, or impose other more restrictive standards than are required in or under any other statutes or agreements, the regulations and requirements of this division shall govern. (Ord. 292 §1201, 1974)

18.48.090 Separability. Should any provision or provisions of this division be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the division as a whole or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. 292 §1202, 1974)

# Chapter 18.52

## DEFINITIONS

Sections:

18.52.010 Tense--Number--Shall--May--Used--Occupied.
18.52.020 Generally.
18.52.030 Accessory use or structure.
18.52.040 Automobile service station.
18.52.050 Buildable area.
18.52.060 Building.
18.52.070 Drive-in restaurant or refreshment stand.
18.52.080 Feedlot, commercial.
18.52.090 Height of building.
18.52.100 Loading space, off-street.
18.52.110 Lot.
18.52.120 Lot depth.
18.52.130 Lot frontage.
18.52.140 Lot of record.
18.52.150 Lot width.
18.52.160 Person.
18.52.170 Sign.
18.52.180 Sign, off-site.
18.52.190 Sign, on-site.
18.52.200 Street line.
18.52.210 Structure.
18.52.220 Variance.
18.52.230 Yard.
18.52.240 Yard, front.
18.52.250 Yard, rear.
18.52.260 Yard, side.
18.52.270 Zoning inspector.

18.52.010 Tense--Number--Shall--May--Used--Occupied. For the purpose of this division, unless otherwise stated, words used in the present tense include the future; the singular number includes the plural and the plural, the singular; "shall" is mandatory, not discretionary; "may" is permissive; and "used" or "occupied" include "intended," "designed" or "arranged" to be "used or occupied." (Ord. 292 §401(part), 1974)

18.52.020 Generally. For the purposes of this division, certain terms or words used herein shall be interpreted as set out in this chapter. (Ord. 292 §402(part), 1974)

18.52.030 Accessory use or structure. "Accessory use or structure" means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. (Ord. 292 §402(part), 1974)

18.52.040 Automobile service station. "Automobile service station" means buildings and premises where gasoline, oil, grease, batteries, tire and automobile accessories may be supplied and dispensed at retail. Uses permissible at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automobile service stations. An "automobile service station" is not a repair garage or body shop. (Ord. 292 §402(part), 1974)

18.52.050 Buildable area. "Buildable area" means the portion of a lot remaining after required yards have been provided. (Ord. 292 §402(part), 1974)

18.52.060 Building. "Building" includes "structure" and is a structure which is entirely separated from any other structure by space or by walls in which there are no communicating doors or windows or similar openings. A "principal building," including covered porches and paved patios, is a building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the principal building on the lot on which it is located. (Ord. 292 §402(part), 1974)

18.52.070 Drive-in restaurant or refreshment stand. "Drive-in restaurant or refreshment stand" means any place or premises used for sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises. (Ord. 292 §402(part), 1974)

18.52.080 Feedlot, commercial. "Commercial feedlot" means a place where the principal business is the feeding of livestock and such feeding is not done as a subordinate activity to the production of crops on the premises of which the feedlot is a part. (Ord. 292 §402(part), 1974)

18.52.090 Height of building. The "height" of a building means the vertical distance from the established average sidewalk, or street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building. (Ord. 292 §402(part), 1974)

18.52.100 Loading space, off-street. "Off-street loading space" means a space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such

vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be used as off-street parking space in computation of required off-street parking space. (Ord. 292 §402(part), 1974)

18.52.110 Lot. "Lot" means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are required in this division. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of a single lot or record, a portion of a lot of record, a combination of complete lots of record, or of portions of lots or record, or a parcel of land described by metes and bounds; provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this division. "Lot" includes "plot" or "parcel." (Ord. 292 §§401(part), 402(part), 1974)

18.52.120 Lot depth. The "depth" of a lot means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. (Ord. 292 §402(part), 1974)

18.52.130 Lot frontage. The "front" of a lot means the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered "frontage," and yards shall be provided as indicated under Section 18.52.230 et seq. (Ord. 292 §402(part), 1974)

18.52.140 Lot of record. "Lot of record" means a lot which is part of a subdivision recorded in the office of the county clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded. (Ord. 292 §402(part), 1974)

18.52.150 Lot width. The "width" of a lot means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard. (Ord. 292 §402(part), 1974)

18.52.160 Person. "Person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual. (Ord. 292 §401(part), 1974)

18.52.170 Sign. "Sign" means any device designed to inform or attract the attention of persons not on the premises on which the sign is located. (Ord. 292 §402(part), 1974)

18.52.180 Sign, off-site. "Off-site sign" means any sign other than an on-site sign. (Ord. 292 §402(part), 1974)

18.52.190 Sign, on-site. "On-site sign" means a sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises. "On-site sign" does not include signs erected by the outdoor advertising industry in the conduct of an outdoor advertising business. (Ord. 292 §402(part), 1974)

18.52.200 Street line. "Street line" means the right-of-way line of a street. (Ord. 292 §402(part), 1974)

18.52.210 Structure. "Structure" means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, "structure" includes, but is not limited to, buildings, mobile homes, walls, fences, billboards and poster panels. (Ord. 292 §402(part), 1974)

18.52.220 Variance. "Variance" means a relaxation of the terms of this division where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this division would result in unnecessary and undue hardship. A variance is authorized only for height, area and size of a structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. (Ord. 292 §402(part), 1974)

18.52.230 Yard. "Yard" means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty inches above the general ground level of the graded lot upward. (Ord. 292 §402(part), 1974)

18.52.240 Yard, front. "Front yard" means a yard across the full width of the lot extending from the front line of the building to the street frontage. (Ord. 292 §402(part), 1974)

18.52.250 Yard, rear. "Rear yard" means a yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building. (Ord. 292 §402(part), 1974)

18.52.260 Yard, side. "Side yard" means an open unoccupied space on the same lot with a building between the building and the side line of the lot extending from the front building line to the rear building line or to the rear line of the lot, where no rear yard is required. (Ord. 292 §402(part), 1974)

18.52.270 Zoning inspector. "Zoning inspector" means that official whose duties include the enforcing of the various provisions of this division who shall also act in an advisory capacity to the board of adjustment. (Ord. 292 §402(part), 1974)

## Chapter 18.56

## HC HIGHWAY COMMERCIAL DISTRICT

Sections:

18.56.010 Intent.
18.56.020 Permitted principal uses and structures.
18.56.030 Permitted accessory uses and structures.
18.56.040 Special exceptions.
18.56.050 Prohibited uses and structures.
18.56.060 Lot area.
18.56.070 Yards.
18.56.080 Lot coverage.
18.56.090 Height limit.

18.56.010 Intent. The intent of the highway commercial (HC) district is to provide commercial areas for those establishments which can function most satisfactorily in an area directly related to a major vehicular circulation route due to the nature of the merchandise handled and the display space required, particularly items requiring expansive display area such as motor vehicles, trailers and farm implements; the method of transport required of the purchaser for the merchandise handled, particularly goods customarily traded in bulk such as lumber or feed requiring access for the customer to the sales area; primary dependence upon vehicular, as opposed to pedestrian, access such as drive-in facilities and all types of automobile and farm implement service; or the clientele toward which the establishment is primarily oriented, particularly travelers on the highway. (Ord. 292 §601, 1974)

18.56.020 Permitted principal uses and structures. The following principal uses and structures are permitted in highway commercial districts:

A. Retail sales of: lumber and other building materials, farm equipment, motor vehicles, marine craft, aircraft, mobile homes, trailers, farm and garden supplies, fuel and ice;

B. Automobile repair and services;

C. Reupholstery and furniture repair services;

D. Contract construction services;

E. Bus garaging and equipment maintenance;

F. Motor freight terminals;

G. Motor freight garaging and equipment maintenance;

H. Automobile parking;]

I. Libraries, museums, art galleries, planetaria, aquariums, historic and monument sites, auditoriums, exhibition halls and penny arcades;

J. Miniature golf, gymnasiums and athletic clubs, swimming pools, tennis courts, ice skating, roller skating, bowling;

K. Parks;

L. Amphitheaters, stadiums, drive-in movies, arenas and fieldhouses, racetracks, fairgrounds, amusement parks, golf driving ranges, go-cart tracks, golf courses and country clubs, riding stables, playfields and athletic fields, bowling, and swimming pools;

M. Communication and utility uses;

N. Drive-in eating and drinking places;

O. Automobile service stations;

P. On-site signs. (Ord. 292 §602, 1974)

18.56.030 Permitted accessory uses and structures. The following accessory uses and structures are permitted in highway commercial districts: accessory uses normally appurtenant to the permitted principal uses and structures when established in conformance within the space limits of this district. (Ord. 292 §603, 1974)

18.56.040 Special exceptions. Special exceptions in highway commercial districts are the same as provided for in Section 18.60.040. (Ord. 292 §604, 1974)

18.56.050 Prohibited uses and structures. All other uses and structures which are not specifically permitted or not permissible as special exceptions are prohibited from highway commercial districts. (Ord. 292 §605, 1974)

18.56.060 Lot area. The minimum lot area in highway commercial districts is one acre. (Ord. 292 §606, 1974)

18.56.070 Yards. There shall be in highway commercial districts a front yard of not less than a depth of thirty feet. There shall be a rear yard of not less than a depth of twenty feet. Each side yard shall be not less than ten feet. (Ord. 292 §607, 1974)

18.56.080 Lot coverage. The maximum lot coverage in highway commercial districts for all buildings shall not be more than fifty percent of the total area. (Ord. 292 §608, 1974)

18.56.090 Height limit. The height of all buildings and structures shall not exceed thirty-five feet in highway commercial districts. (Ord. 292 §609, 1974)

## Chapter 18.60

## I-1 LIGHT INDUSTRIAL DISTRICTS

Sections:

18.60.010 Intent.
18.60.020 Permitted principal uses and structures.
18.60.030 Permitted accessory uses and structures.
18.60.040 Special exceptions.
18.60.050 Prohibited uses and structures.
18.60.060 Performance standards.
18.60.070 Lot area.
18.60.080 Yards.
18.60.090 Lot coverage.
18.60.100 Height limit.

18.60.010 Intent. The intent of light industrial (I-1) districts is to provide space for certain commercial and a wide range of industrial uses and structures which are able to meet certain performance standards to protect nearby noncommercial and nonindustrial uses from undesirable environmental conditions. Residential and other similar uses are prohibited from this district in order to limit environmental effects associated with certain commercial and industrial uses, irrespective of their meeting performance standards. (Ord. 292 §701, 1974)

18.60.020 Permitted principal uses and structures. The following principal uses and structures shall be permitted in light industrial districts:

A. Wholesale, storage and warehouse uses;
B. On-site and off-site signs;
C. Agricultural uses;
D. Automobile service stations;
E. Any industrial uses which can meet the performance standards for this district set forth in Section 18.60.060; provided, that such use is not specifically prohibited. (Ord. 292 §702, 1974)

18.60.030 Permitted accessory uses and structures. Permitted accessory uses and structures in light industrial districts are the same as those provided for in Section 18.56.030. (Ord. 292 §703, 1974)

18.60.040 Special exceptions. After the provisions of this division relating to special exceptions have been fulfilled, the city council may permit as special exceptions in light industrial districts any use which is consistent with the intent of this district and which is not prohibited. (Ord. 292 §704, 1974)

18.60.050 Prohibited uses and structures. All residential dwellings of any kind, and all other uses which are not specifically permitted, cannot meet the performance standards for industry or are not permissible as special exceptions, are prohibited. (Ord. 292 §705, 1974)

18.60.060 Performance standards. To be a permitted industrial use in light industrial districts, whether as a permitted use or as a special exception, such use must meet the following performance standards:

A. Physical Appearance. All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from the street.

B. Fire Hazard. No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes or other inherent fire hazard. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other city ordinances.

C. Sewage and Liquid Wastes. No operation shall be carried on which involves the discharge into a sewer, watercourse or the ground of liquid wastes of any radioactive nature, or liquid wastes of a chemical nature which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.

D. Air Contaminants. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public in general or to endanger the comfort, repose, health or safety of any such considerable number of persons or to the public in general or to cause or have a natural tendency to cause injury or damage to business, vegetation or property.

E. Odor. The emission of odors that are generally agreed to be obnoxious to any considerable number of persons is prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor is shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting or nuts and coffee shall not normally be considered obnoxious within the meaning or this division.

F. Gasses. The gasses sulfur dioxide and hydrogen sulfide shall not exceed five parts per million. All nitrous fumes shall not exceed one part per million. Measurements shall be taken at the property line of the particular establishment involved.

G. Vibration. All machines, including punch presses and stamping machines, shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths of an inch measured at the property line. The use of steam or broad hammers shall not be permitted in this district.

H. Glare and Heat. All glare, such as welding arcs and open furnaces, shall be shielded so that they are not visible from the property line. No heat from furnaces or processing equipment shall be sensed at the property line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit. (Ord. 292 §706, 1974)

18.60.070 Lot area. The minimum lot area in light industrial districts is one acre. (Ord. 292 §707, 1974)

18.60.080 Yards. In light industrial districts, there shall be a front yard of not less than a depth of twenty-five feet. There shall be a rear yard of not less than a depth of twenty feet. Each side yard shall be not less than ten feet. (Ord. 292 §708, 1974)

18.60.090 Lot coverage. The maximum lot coverage for all buildings in light industrial districts shall be not more than fifty percent of the total lot area. (Ord. 292 §709, 1974)

18.60.100 Height limit. The height of all buildings and structures in light industrial districts shall not exceed thirty-five feet. (Ord. 292 §710, 1974)

# Chapter 18.64

## SPECIAL EXCEPTIONS

Sections:

18.64.010 Authority of board of adjustment.
18.64.020 Standards.
18.64.030 Designated special uses.

18.64.010 Authority of board of adjustment. Upon application, pursuant to the provisions of this division and the rules and regulations of the board of adjustment, the board shall grant or refuse special exceptions in accordance with the standards of this chapter and the intent of this division. (Ord. 292 §801, 1974)

18.64.020 Standards. Classified special exceptions shall be authorized only if they meet the following standards:

A. Fire Hazard. The use shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate firefighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material.

B. Noise. The use shall not include noise which is objectionable due to volume, frequency or beat unless muffled or otherwise controlled.

C. Vibration. The use shall not include vibration which is discernible without instruments on any adjoining lot or property.

D. Air Pollution. The use shall not involve any pollution of air by fly ash, dust, vapors or other substances which are harmful to health, animals, vegetation or other property or which can cause soiling, discomfort or irritation.

E. Odors. The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.

F. Glare. The use shall not involve any direct or reflected glare that is visible from any adjoining property or from any public street, road or highway.

G. Traffic Hazard. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.

H. Character of Neighborhood. The use shall not involve any activity not in character with the majority of the uses in the neighborhood unless, by design, setback, nature of operation and other devices, the character of the neighborhood will be maintained.

I. General Welfare of the Community. The use shall not involve any activity which adversely affects the general welfare of the community. (Ord. 292 §802, 1974)

18.64.030 Designated special uses. The board of adjustment, subject to the conditions and protective restrictions set forth in Section 18.64.020, may authorize the following special uses in any zoning district:

A. Radio, television, electric and telephone transmission towers;

B. Removal of gravel, topsoil or similar natural material, with safeguards for the protection of adjoining property and the community as a whole;

C. Roadside stands, commercial amusements or recreational developments for temporary or seasonal periods;

D. General agriculture. (Ord. 292 §803, 1974)

## Chapter 18.68

## BOARD OF ADJUSTMENT

Sections:

18.68.010 City council to constitute.
18.68.020 Deciding vote--Notice to parties.
18.68.030 Meetings--Records.
18.68.040 Appeals.
18.68.050 Powers and duties.

18.68.010 City council to constitute. The members of the Wray city council shall constitute the board of adjustment. (Ord. 292 §1001, 1974)

18.68.020 Deciding vote--Notice to parties. A. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of the zoning inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this division, or to effect any variation of this division.

B. On all appeals, applications and other matters brought before the board, the board shall inform, in writing, all the parties involved of its decisions, and the reasons therefor. (Ord. 292 §1002, 1974)

18.68.030 Meetings--Records. Meetings of the board shall be held at the call of the mayor and at such other times as the board may determine. The mayor, or in his absence the vice-mayor, may administer oaths and compel the attendance of witnesses. The board shall keep minutes of

its proceedings, show the vote of each member upon each question, and keep records of its examinations and other official actions, all of which shall be filed in the office of the board and shall be a public record. All meetings of the board shall be open to the public. (Ord. 292 §1003, 1974)

18.68.040 Appeals. Any person may appeal to the board of adjustment. The board of adjustment shall fix a reasonable time for the hearing of an appeal, shall give at least ten days' notice to the public and to the parties in interest and shall decide the same within a reasonable time after it is submitted. Upon the hearing, any party may appear in person or by agent or attorney. (Ord. 292 §1004, 1974)

18.68.050 Powers and duties. The board of adjustment shall have the following powers and duties:

A. Administrative Review. The board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the zoning inspector in the enforcement of this division.

B. Special Exceptions. The board shall hear and decide special exceptions to the terms of this division upon which the board is required to pass under this division.

C. Variances. The board may authorize upon appeal in specific cases such variances from the terms of this division as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this division will in an individual case result in practical difficulty or unnecessary hardship, so that the spirit of this division is observed, public safety and welfare secured, and substantial justice done. (Ord. 292 §1005, 1974)

## Chapter 18.72

## AMENDMENTS

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18.72.020 Public hearing.

18.72.010 Board of adjustment participation. This division, including the official zoning map, may be amended from time to time, but no amendment shall become effective unless it has been proposed by, or has first been submitted to, the board of adjustment for review and recommendation. (Ord. 292 §1101(part), 1974)

18.72.020 Public hearing. A public hearing shall be held by the city council before adoption of any proposed amendment to this division. A notice of public hearing shall be given once a week for two successive calendar weeks in a newspaper of general circulation in the city of Wray, the notice to be published the first time not less than fifteen days prior to the date established for such public hearing. (Ord. 292 §1101(part), 1974)

## Chapter 18.76

## ENFORCEMENT

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18.76.020 Zoning inspector--Enforcement duties.
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18.76.050 Zoning certificate--Application.
18.76.060 Zoning certificate--Term--Records.
18.76.070 Violation--Fine.
18.76.080 Violation--Actions at law.

18.76.010 Zoning inspector--Designated. The office of zoning inspector is authorized. For the purpose of this division, the city clerk is designated as such zoning inspector or the city manager may, at his discretion, designate an inspector other than the city clerk. (Ord. 292 §901, 1974)

18.76.020 Zoning inspector--Enforcement duties. The provisions of this division shall be enforced by the zoning inspector. Appeal from the decision of the zoning inspector may be made to the board of adjustment as provided in Chapter 18.68. (Ord. 292 §902, 1974)

18.76.030 Responsibilities of city. A. The city of Wray will enforce the zoning plan of this division by whatever legal authority exists for it to do so.

B. The city will retain ownership of all streets and utility easements in the Wray Industrial Park.

C. The city will police the streets and utility easements of the Wray Industrial Park.

D. Nothing contained in this section shall relieve the county of Yuma or state of Colorado, or county or state officials, of any police or law enforcement jurisdiction which they have as of December 8, 1976 or may thereafter be given with respect to the area or areas generally outside the corporate limits of the city of Wray. (Ord. 318, 1976)

18.76.040 Zoning certificate--Required--Issuance. A. A zoning certificate shall be required to erect, construct, reconstruct, alter, maintain or use any building or structure, or to use any land as specified in this division.

B. It shall be the duty of the zoning inspector to issue a zoning certificate if the building or other structure and the proposed use thereof, or the proposed use of the land or premises, conforms with all of the requirements set forth in this division. The zoning inspector may request board of adjustment approval of a drawing showing the contemplated ingress and egress from the proposed structure or use onto the adjacent public roadway or roadways. (Ord. 292 §903, 1974)

18.76.050 Zoning certificate--Application. To obtain a zoning certificate, the applicant shall submit the required documents established in this section:

A. An application on a form prescribed by the zoning inspector, containing information sufficient to show compliance with the requirements of this division;

B. A plat drawn to scale showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of existing buildings and structures, the lines within which the proposed building or structure and driveways shall be located or altered, the existing and intended use of the property, and such other information with regard to the lot and neighboring lots and their use as may be necessary to determine compliance and provide for the enforcement of this division;

C. In areas which are not served with public water or sewer, a certified statement that the proposed water and sewer facilities will be installed to conform to the minimum requirements of the State Department of Health. (Ord. 292 §§904.1--904.3, 1974)

18.76.060 Zoning certificate--Term--Records. Any zoning certificate issued shall become invalid unless the work authorized by it shall be commenced within six months of its date of issue or if the work authorized by it is suspended or abandoned for a period of one year. A record of zoning certificates shall be kept on file in the office of the zoning inspector. (Ord. 292 §904.4, 1974)

18.76.070 Violation--Fine. Any person, firm or corporation violating any provision of this division is guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars. Each and every day during which such illegal locating, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense. (Ord. 292 §905, 1974)

18.76.080 Violation--Actions at law. In case any building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of this division, the zoning inspector, or any other appropriate city authority, or any person who would be damaged by such violation, in addition to other remedies, may institute an action for injunction, or mandamus, or other appropriate action or proceeding to prevent such violation. (Ord. 292 §906, 1974)

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