

**STATE OF COLORADO
TOWN OF CRESTONE, COLORADO**

ORDINANCE NO. 2020-002

AN ORDINANCE OF THE TOWN OF CRESTONE, COLORADO, ADOPTING BY REFERENCE AND ENACTING A NEW MUNICIPAL CODE FOR THE TOWN OF CRESTONE, PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR THE ADOPTION OF A SECONDARY CODES BY REFERENCE, NAMELY: THE CRESTONE MODEL TRAFFIC CODE FOR COLORADO, 2020 EDITION; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

Be It Ordained by the Board of Trustees of the Town of Crestone, Colorado:

Section 1. The Code entitled the *Crestone Municipal Code*, published by Municipal Code Corporation, consisting of Chapters 1 through 18, with Tables and index, is adopted by reference.

Section 2. All ordinances of a general and permanent nature enacted on or before the adoption date of this Ordinance, which are inconsistent with the provisions of the Crestone Municipal Code, to the extent of such inconsistency, are hereby repealed. The repeal established in this Section 2 shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance.

Section 3. The following codes are hereby adopted by reference and incorporated in the Crestone Municipal Code. One (1) copy of such code is on file in the Town Clerk's office:

- The *Crestone Model Traffic Code for Colorado*, 2020 edition, published by the Town of Crestone, Colorado, as adopted in Chapter 11, Section 11-1-10 et seq.;

Section 4. Additions or amendments to the Code, when passed in the form as to indicate the intention of the Town to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

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

(1) Sec. 1-4-10. General penalty for violation (Chapter 1 General Provisions; Article 4, General Penalty)

(c) General penalty for violation. Whenever in this Code or any other ordinance of the town hereafter enacted or any section of an order, rule or regulation promulgated under the provisions of this Code or any other ordinance hereafter enacted, any act is prohibited, made or declared to be unlawful, an offense, nuisance or misdemeanor, where no specific penalty is provided therefor any person who is convicted of the violation of any such provision of the Code or other ordinance, or of such orders, rules or regulations

shall be punished by a fine not to exceed \$2,650.00 or by imprisonment not to exceed one year, or by both such fine and imprisonment. In addition, such person shall pay all costs and expenses in the case, including attorney fees

(2) Sec. 1-4-20. Application of general penalty to juveniles. (Chapter 1, General Provisions; Article 4, General Penalty)

Every person who, at the time of commission of the offense, was at least ten but not yet 18 years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to a violation of any provision of this Code, shall be punished as hereafter provided by a fine set by the municipal judge for each violation or count. Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge. Nothing in this section shall be construed to prohibit incarceration in a juvenile detention center in accordance with C.R.S. § 13-10-113(4)(5). Any confinement for contempt of court shall not exceed 48 hours.

(3) Sec. 1-4-30. Altering Code; penalty. (Chapter 1, General Provisions; Article 4, General Penalty)

It shall be unlawful for any person in the town to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the town to be misrepresented thereby, unless so authorized by ordinance or resolution or other official act of the board of trustees. Any person violating this section shall be punished as provided in section 1-4- 10.

(4) Sec. 2-4-80. Jurisdiction and powers. (Chapter 2, Administration; Article 4, Municipal Court)

(a) The municipal court shall have original jurisdiction of all cases arising under this Code and other ordinances of the town, with full power to carry the same into effect and to punish violations thereof by the imposition of fines and penalties in accordance with section 1-4-10.

(b) The municipal court shall also have power to compel attendance of witnesses and to punish for contempt of such court by fine, not to exceed \$100.00, or by jail sentence not to exceed five days, and shall have all powers accorded by state statutes in relation to same.

(5) Sec. 6-1-170. Penalty. (Chapter 6, Business Licenses & Regulations; Article 1, Business Licenses)

Failure to comply with the terms of this article shall constitute a violation of this Code. Any person who is found guilty of, or pleads guilty or nolo contendere to, the violation of any section of this Code shall be punished in accordance with the provisions of section 1-4-10.

(6) Sec. 6-2-50. Suspension or revocation; fine. (Chapter 6, Business Licenses & Regulations; Article 2, Alcoholic Beverages)

(a) Whenever a decision of the board of trustees, acting as the local licensing authority (hereinafter, authority), suspending a retail license for 14 days or less becomes final, whether by failure of the retail licensee to appeal the decision or by exhaustion of all appeals and judicial review, the retail licensee may, before the operative date of the suspension, petition the authority for permission to pay a fine in lieu of having his retail license suspended for all or part of the suspension period. Upon the receipt of the petition, the authority may, in its sole discretion, stay the proposed suspension and cause any investigation to be made which it deems desirable and may, in its sole discretion, grant the petition if it is satisfied:

(1) That the public welfare and morals would not be impaired by permitting the retail licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes;

(2) That the books and records of the retail licensee are kept in such a manner that the loss of sales of alcoholic beverages which the retail licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and

(3) That the retail licensee has not had his license suspended or revoked, nor had any suspension stayed by payment of a fine, during the two years immediately preceding the date of the motion or complaint which has resulted in a final decision to suspend the retail license.

(b) The fine accepted shall be equivalent to 20 percent of the retail licensee's estimated gross revenues from sales of alcoholic beverages during the period of the proposed suspension; except that the fine shall be not less than \$200.00 nor more than \$5,000.00.

(c) Payment of any fine pursuant to the provisions of this section shall be in the form of cash, certified check or cashier's check made payable to the town clerk and shall be deposited in the general fund of the town.

(d) Upon payment of the fine pursuant to this section, the authority shall enter its further order permanently staying the imposition of the suspension.

(e) In connection with any petition pursuant to this section, the authority of the authority is limited to the granting of such stays as are necessary for it to complete its investigation and make its findings and, if it makes such findings, to the granting of an order permanently staying the imposition of the entire suspension or that portion of the suspension not otherwise conditionally stayed.

(f) If the authority does not make the findings required in subsection (a) of this section and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date finally set by the authority.

(7) Sec. 6-3-160. Penalty. (Chapter 6, Business Licenses & Regulations; Article 3, Retail Marijuana Business)

Any person who violates the provisions of this article or the rules and regulations promulgated thereunder shall, upon conviction, be punished in accordance with the provisions of section 1-4-10.

(8) Sec. 6-4-320. Penalty for violation. (Chapter 6, Business Licenses & Regulations; Article 4, Retail Marijuana Stores)

In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this article, any person, including, but not limited to, any licensee, manager or employee of a retail marijuana establishment, or any customer of such business, who violates any of the provisions of this article, shall be subject to the following penalties:

(1) The operation of a retail marijuana establishment without a valid license issued pursuant to this article may be enjoined by the town in an action brought in a court of competent jurisdiction, including the municipal court.

(2) The operation of a retail marijuana establishment without a valid license issued pursuant to this article is also specifically determined to be a public nuisance pursuant to section 6-1-130.

(9) Sec. 7-1-30. Fees, Rates, Charges, and Delinquencies. (Chapter 7, Utilities; Article 1, Municipal Water System)

(3) Delinquent accounts; arrears penalty; service discontinuance. Accounts in arrears will be charged a penalty of 1.5 percent per month of the arrears account. Services may be discontinued (water shut off) on accounts 30 days in arrears. In addition, a service charge of \$50.00, which may be amended by resolution of the town board, shall be levied for the reconnection of service to the town water supply. An additional deposit of \$100.00 will be required and will be refunded after 12 months if no late payments are received.

(4) Lien imposed.

a. All arrearages shall constitute a perpetual lien upon any lots, tanks, buildings or premises served or for which water service may be made or kept available. Such unpaid arrearages shall be certified by the town treasurer to the county treasurer at the time of certification of ad valorem taxes to be added to the tax roll upon said property and to be collected and paid to the town by the county treasurer.

b. In addition, payment of such charges may be enforced by any remedy provided by the state statutes and otherwise provided by law; all such remedies are declared to be cumulative.

(10) Sec. 7-3-70. Rates and Charges. (Chapter 7, Utilities; Article 1, Municipal Water System)

(3) Penalty for late payment. At any time the customer is delinquent in payment of any charges due the town, the town shall have the right to assess an interest charge at a rate of \$2.50 the first month, \$5.00 the second month, and \$10.00 the third month late or

thereafter on the unpaid balance. Customers shall be notified of delinquencies in payment for sewer services. Such delinquencies shall become an immediate and perpetual lien upon the real estate served. Such delinquencies shall be collected by additions to the assessment schedules of such rear estate and as certified by the town clerk yearly to the county treasurer. In addition, the town shall have the right to assess to any customer who is tardy in payment of his account, all legal, court, and other costs necessary to or incidental to the collection of said account.

(11) Sec. 8-4-90. Violations and penalties. (Chapter 8, Streets, Sidewalks and Public Property; Article 4, Cemeteries)

The violation of any provision of this article shall be an offense and, upon conviction, any offender shall be punished in accordance with the provisions of section 1-4-10.

(12) Sec. 11-1-20. Penalties. (Chapter 11, Vehicles and Traffic; Article 1, Model Traffic Code)

The following penalties designated by code section, herewith set forth in full, shall apply to this article:

(1) It is unlawful for any person to violate any of the provisions of this code for which no specific penalty has been provided or for which the sole penalty provided is a fine, which violations are hereby deemed traffic infractions. All provisions of the model traffic code which have been deemed traffic infractions, in identical substantive provisions of C.R.S. Title 42, are hereby deemed traffic infractions under this code and are thereby decriminalized. A traffic infraction shall be a civil matter for which punishment by imprisonment shall not be available and for which a penalty assessment notice shall be issued. Every person who is convicted of a traffic infraction is subject to a penalty of at least \$10.00, but not more than \$1,000.00, exclusive of any court costs and surcharges.

(2) For any violation of any provision of this code which is a traffic infraction, no trial by jury shall be available, no arrest warrant shall be issued for failure to appear or to pay, no privilege against self-incrimination shall apply, the standard of proof shall be a preponderance of the evidence, and the conduct of all proceedings applicable to such a violation shall otherwise be in conformity with those generally applicable to civil matters.

(3) For any violation of any provision of this code which is a traffic infraction, the municipal court may enter a judgment of liability by default against the defendant for failure to appear or to pay, and may assess such penalty, together with such court costs and surcharges, as are established by law. The municipal court may establish, by written order, rules and regulations for the administration of any violation of this code which is a traffic infraction, including, but not limited to, schedules establishing the amount of penalties payable without a court appearance as a supplement to the schedule set forth in this article. The municipal court and the town's law enforcement official will utilize state procedures for any penalty assessment notice which constitutes a traffic infraction and as may be printed upon any notice. Any penalty assessment notice which is paid within 20 days of issuance of said notice shall result in the following reduction in points:

- a. A four-point or three-point violation will be reduced to a two-point violation.
- b. A two-point violation will be reduced to a one-point violation.

c. A one-point violation will be reduced to a zero-point violation.

(4) It is unlawful for any person to violate any of the provisions of this code that are specified by its terms or otherwise as traffic offenses. Every person convicted of a traffic offense shall be punished by a fine not exceeding \$1,000.00, exclusive of any court costs and surcharges, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

(5) The violation of the following provisions are deemed traffic offenses:

a. Section 107: Obedience to police officers.

b. Section 1101: Where the speed as driven is 20 miles per hour or more over the lawful speed.

c. Section 1103: Minimum speed regulation.

d. Section 1105: Speed contest.

e. Section 1401: Reckless driving.

f. Section 1402: Careless driving.

g. Section 1409: No insurance.

h. Section 1413: Eluding or attempting to elude a police officer.

i. Section 1903: Stopping for school buses.

j. Any injury accident.

k. Any single offense over four points.

l. Any non-injury accident where estimated damage exceeds \$2,000.00.

m. Any section that by its terms states that a violation is a traffic offense.

(6) Each day of continued violation of this code shall be considered a separate offense.

**(7) Section 1702: PRESUMPTIVE PENALTIES & SURCHARGES
(May be increased or decreased by the municipal court)**

Section Violated	Penalty	Surcharge
106	50.00	35.00
109	35.00	35.00
109 (13)(a)	35.00	35.00
109 (13)(b)	100.00	35.00
109.5	35.00	35.00
109.6	35.00	35.00
116	50.00	35.00
117	50.00	35.00
201	70.00	35.00
202	70.00	35.00
204	70.00	35.00
205	55.00	35.00
206	55.00	35.00
207	55.00	35.00
208	55.00	35.00
209	55.00	35.00
210	15.00	35.00
211	55.00	35.00
212	55.00	35.00
213	70.00	35.00

214	70.00	35.00
215	55.00	35.00
216	55.00	35.00
217	70.00	35.00
218	55.00	35.00
219	55.00	35.00
220	30.00	35.00
221	35.00	35.00
222 (1)(a)	55.00	35.00
223	55.00	35.00
224	55.00	35.00
225 (3)	55.00	35.00
226	55.00	35.00
227	70.00	35.00
228	50.00	35.00
229	55.00	35.00
230	55.00	35.00
231	70.00	35.00
232	60.00	35.00
233	75.00	35.00
234	55.00	35.00
236	80.00	35.00
237	65.00	35.00
239 (5)(a)	50.00	35.00
239 (5)(b)	100.00	35.00
240	35.00	35.00
501	70.00	35.00
502	75.00	35.00
503	70.00	35.00
504	75.00	35.00
505	75.00	35.00
506	70.00	35.00
509	50.00	35.00
510(12)(a)	35.00	35.00
512	75.00	35.00
603	100.00	35.00
604	100.00	35.00
605	70.00	35.00
606	70.00	35.00
607(1)	50.00	35.00
607(2)(a)	100.00	35.00
608(1)	70.00	35.00
608(2)	35.00	35.00
609	70.00	35.00
610	55.00	35.00
612	70.00	35.00
614	double penalty	35.00
615	double penalty	35.00

701	70.00	35.00
702	70.00	35.00
703	70.00	35.00
704	70.00	35.00
705	70.00	35.00
706	70.00	35.00
707	100.00	35.00
708	35.00	35.00
709	70.00	35.00
710	70.00	35.00
711	100.00	35.00
712	70.00	35.00
801	15.00	35.00
802(1)	30.00	35.00
802(3)	15.00	35.00
802(4)	30.00	35.00
802(5)	30.00	35.00
803	15.00	35.00
805	15.00	35.00
806	70.00	35.00
807	70.00	35.00
808	70.00	35.00
901	70.00	35.00
902	70.00	35.00
903	70.00	35.00
1001	70.00	35.00
1002	100.00	35.00
1003	100.00	35.00
1004	100.00	35.00
1005	100.00	35.00
1006	70.00	35.00
1007	100.00	35.00
1008	100.00	35.00
1009	70.00	35.00
1010	70.00	35.00
1101(1)		
(1 to 4 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit)	70.00	35.00
1101(1)		
(5 to 9 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit)	70.00	35.00
1101(1)		
(10 to 19 miles per hour over the reasonable and prudent speed		

or over the maximum lawful speed limit)	135.00	35.00
1101(1)		
(20 (and over) miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit) (traffic offense)	200.00	35.00
1101(8)(g)		
(1 to 4 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)	50.00	35.00
1101(8)(g)		
(5 to 9 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)	75.00	35.00
1101(8)(g)		
(greater than 9 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)	100.00	35.00
1101(3)	100.00	35.00
1103	50.00	35.00
1104	70.00	35.00
1201	70.00	35.00
1202	30.00	35.00
1204	15.00	35.00
1205	15.00	35.00
1206	15.00	35.00
1207	15.00	35.00
1211	70.00	35.00
1402	150.00	35.00
1403	70.00	35.00
1404	70.00	35.00
1405	70.00	35.00
1406	35.00	35.00
1406(5)	70.00	35.00
1407(3)(a)	35.00	35.00
1407(3)(b)	100.00	35.00
1407(3)(c)	500.00	35.00
1408	15.00	35.00
1411	55.00	35.00
1412	15.00	35.00
1414(2)(a)	500.00	35.00

1414(2)(b)	increased penalty	35.00
1414(2)(c)	increased penalty	35.00
1502(1)	30.00	35.00
1502(2)	30.00	35.00
1502(3)	30.00	35.00
1502(4)	30.00	35.00
1502(4.5)	100.00	35.00
1503	60.00	35.00
1504	60.00	35.00
1704	15.00	35.00
1811	100.00	35.00
1901	35.00	35.00

(II) Any person convicted of violating section 507 or 508 shall be fined pursuant to this subparagraph (II), whether the defendant acknowledges the defendant's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction. Any violation of section 507 or 508 shall be punished by a fine and surcharge as follows:

<i>Excess Weight (Pounds)</i>	<i>Penalty</i>	<i>Surcharge</i>
1—3,000	\$ 15.00	\$35.00
3,001—4,250	25.00	35.00
4,251—4,500	50.00	35.00
4,501—4,750	55.00	35.00
4,751—5,000	60.00	35.00
5,001—5,250	65.00	35.00
5,251—5,500	75.00	35.00
5,501—5,750	85.00	35.00
5,751—6,000	95.00	35.00
6,001—6,250	105.00	35.00
6,251—6,500	125.00	35.00
6,501—6,750	145.00	35.00

(13) Sec. 12-2-90. Penalty for Violation. (Chapter 12, Health, Sanitation & Animals; Article 2, Nuisance Responsibility and Abatement)

Any person in the town who is responsible for creating or maintaining any nuisance as provided for in this article shall, in addition to the civil penalties and costs provided herein be subject to a fine in an amount not exceeding \$2,650.00 and imprisonment not exceeding one year or by both such fine and imprisonment. Every

person violating or contributing in any way to the violation of any provision of this article shall be declared guilty of a separate offense for each day during which such violation continues and may be punished for each such violation as provided in this section.

(14) Sec. 12-4-100. Violation; penalty. (Chapter 12, Health, Sanitation & Animals; Article 4, Animals)

Violations of any provision of this article shall be subject to the general penalty provisions in section 1-4-10.

(15) Sec. 13-4-150. Theft or Collection of Waste Disposal Services. (Chapter 13, Offenses and Miscellaneous Provisions; Article 4, Public, Private and Personal Property)

(b) The presumptive fine for a violation of this section shall be \$50.00 for the first offense and \$75.00 for subsequent offenses. The presumptive fine does not remove the ability of a peace officer to issue a summons for any offense under this section.

(16) Sec. 13-7-50. Open Container. (Chapter 13, Offenses and Miscellaneous Provisions; Article 7, Alcoholic Beverages and Drugs)

(c) Any person violating the provisions of this section shall be subject to a fine not exceeding \$1,000.00 or by incarceration for a period not exceeding one year or by both such fine and incarceration (15) Sec. 10-7-120. Possession or use of marijuana. (Chapter 10, General Offenses; Article 7, Alcoholic Beverages and Drugs)

(17) Sec. 13-7-140. Marijuana facilities prohibited. (Chapter 13, Offenses and Miscellaneous Provisions; Article 7 Alcoholic Beverages and Drugs)

(b) Violation. The operation, ownership, establishment or conduct of marijuana cultivation facilities, marijuana product manufacturing facilities, and marijuana testing facilities is unlawful and prohibited within the town.

(c) Penalty. Any person, corporation, company, partnership, business association or organization v

(18) Sec. 13-7-150. Possession of Drug Paraphernalia. (Chapter 13, Offenses and Miscellaneous Provisions; Article 7 Alcoholic Beverages and Drugs)

(a) A person commits possession of drug paraphernalia if he or she possesses drug paraphernalia and knows or reasonably should know that the drug paraphernalia could be used under circumstances in violation of state law.

(b) Any person who commits possession of drug paraphernalia commits an offense and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00).

(19) Sec. 13-7-170. Abusing toxic vapors. (Chapter 13, Offenses and Miscellaneous Provisions; Article 7 Alcoholic Beverages and Drugs)

(d) Any person who knowingly violates the provisions of Subsection (b) or (c) above commits the offense of abusing toxic vapors. Upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) for a first offense; and upon conviction of a second or third offense, by a fine of not more than five hundred dollars (\$500.00) and by not more than six (6) months in jail.

(e) In a prosecution for a violation of this Section, evidence that a container lists one (1) or more of the substances described in Subsection (a) above as one (1) of its ingredients shall be prima facie evidence that the substance in such container contains toxic vapors and emits the fumes thereof.

(20) Sec. 13-10-50. Excessive noise. (Chapter 13, Offenses and Miscellaneous Provisions; Article 10, Noise)

(c) The use of engine brakes or any other similar designated auxiliary braking system upon trucks and other motor vehicles, without mufflers as required by state law, is hereby prohibited, except under emergency conditions, within the confines of the limits of the Town

(d) Any person, who utilizes such braking system and thereby creates an annoying and disturbing noise within the Town, shall be guilty of a violation of this Section and shall be subject to a fine of not more than one hundred dollars (\$100.00) upon the first offense and a fine of not more than three hundred dollars (\$300.00) for each subsequent offense.

(21) Sec. 13-11-100. Penalty for violations. (Chapter 13, Offenses and Miscellaneous Provisions; Article 11, Fireworks)

Any person who violates any of the provisions of this Article, upon conviction thereof, shall be punished by revocation of any license or permit issued hereunder if a license or permit has been issued to such person, and in accordance with the provisions of section 1-4-10. Each day of sale prohibited under this Article shall be deemed a separate offense. Penalties under this Section may be imposed consecutively.

(22) Sec. 13-12-40. Dogs running at large prohibited; impoundment. (Chapter 13, Offenses and Miscellaneous Provisions; Article 12, Offenses Relating to Animals)

(a) *Definition. Running at large* means to be off the premises of the owner and not under immediate control of the owner or of an authorized person over 12 years of age, either by leash or otherwise restrained; however, an animal within the automobile or other vehicle of its owner shall be deemed to be upon the owner's premises. It is unlawful for any owner, possessor or keeper of any dog in the Town to permit or allow any dog to run at large in the Town.

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(e) *Redemption and fines.* The owner of any dog so impounded may reclaim such dog, upon proof of vaccination of the dog against rabies and payment of any unpaid fees, all costs, fees and charges incurred by the Town for impoundment and maintenance of the dog, and any penalty assessment to the Town; provided, however, that the owner or person in charge of any dog running at large shall be subject to the following fine and penalties, regardless of whether any dog has been impounded:

(1) The penalty for the first offense of allowing any dog to run at large is \$25.00.

(2) The penalty for the second offense of allowing any dog to at large within two years following the first offense is \$50.00.

(3) The penalty for all subsequent offenses of allowing any dog to run at large within two years following the second offense is \$100.00.

(23) Sec. 13-12-60. Vicious or dangerous dogs. (Chapter 13, Offenses and Miscellaneous Provisions; Article 12, Offenses Relating to Animals)

(d) In addition to the penalties set forth in section 1-4-10, upon an owner's entry of a guilty plea, the return of a verdict of guilty by the municipal judge or a jury or a deferred judgment for a violation that results in bodily injury to a person or domestic animal, or for a second or subsequent violation or resulting in a conviction, deferred judgment involving the same dog of the same owner, the municipal court shall order that the dangerous dog be immediately removed from, and not allowed to return to, the town or confiscated and placed in a public animal shelter within or without the town, and shall order that, upon exhaustion of any right an owner has to appeal a conviction based on a violation of this section, the owner's dangerous dog be destroyed by lethal injection administered by a licensed veterinarian. The owner shall pay all costs associated with the same.

(1) Seizure of dogs. A code enforcement officer who has probable cause to believe that a dog is dangerous, as defined in subsection (a) of this section, may demand that the dog immediately be removed from and not returned to the town by the owner or person in possession of the dog or that possession of the dog be forthwith relinquished to said code enforcement officer, who may impound said dog and notify the owner of said impoundment or require said dog to be securely contained. The owner of such dog may request the municipal court to conduct a hearing within 15 days from the notification of the dog's impoundment, to determine if the dog is dangerous. Upon such hearing, all interested persons shall have the opportunity to present evidence on the issue of the dog's danger. If no such hearing is requested within 15 days from the notification of the dog's impoundment, the dog shall become the property of the town and shall be subject to lethal injection. All costs shall be billed to the owner and shall become a lien on the property of the owner.

(3) Penalty. Each person convicted of a violation of any provision adopted in this article shall be punished by a fine not exceeding \$2,650.00, and/or up to one-year imprisonment; provided further, if the dog is determined to be a dangerous dog and is

found to be running at-large, the owner or person in possession of said dog shall be subject to a fine of not less than \$250.00 for a first offense and shall double with subsequent offenses thereafter.

(4) Violation. Each day of continued violation of this article shall be considered a separate offense.

(24) Sec. 15-1-150. Penalty. (Chapter 15, Zoning; Article 1, In General)

The owner of any buildings or premises, or part thereof, where anything in violation of this chapter exists or is placed or maintained and any architect, builder, or contractor who assists in the commission of any such violation; and all persons who violate or maintain any violation of any or the provisions of this chapter, or who fail to comply therewith or with any requirements thereof, or who build in violation of any statement or plan submitted and approved thereunder, are in violation of this chapter and, upon conviction thereof, shall be punishable as provided in section 1-4-10. Each day in which the violation continues shall be considered a separate offense.

(25) Sec. 15-2-200. Violations. (Chapter 15, Zoning; Article 2, Administration and Enforcement)

If the town clerk or his designee finds, or if any person files with him a complaint alleging that any of the provisions of this chapter are being violated, the town clerk shall cause the violation to be investigated and, when necessary, give written notice to the person responsible to cease and remedy such violation forthwith.

(26) Sec. 17-1-40. Enforcement Generally. (Chapter 17, Building Regulations; Article 1, Dangerous Building Code)

(g) Violations and penalty. It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure or cause to permit the same to be done in violation of this article. Any person violating any provision of this article shall be punished as provided in section 1-4-10.

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

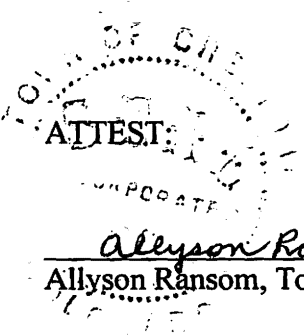
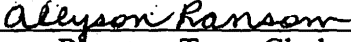
Section 7. Ordinances adopted after this Ordinance that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to those provisions of the Code.

Section 8. This Ordinance shall become effective thirty (30) days after publication thereof.

INTRODUCED this 13th of July, 2020.

TOWN OF CRESTONE, COLORADO

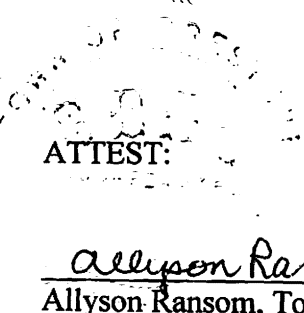

Kairina Danforth, Mayor


ATTEST:

Allyson Ransom, Town Clerk

ADOPTED and ORDERED PUBLISHED on this 13th day of July, 2020.

TOWN OF CRESTONE, COLORADO


Kairina Danforth, Mayor


ATTEST:

Allyson Ransom, Town Clerk

APPROVED AS TO FORM:


Eugene L. Farish, Town Attorney