

CODE
OF THE
TOWN OF MILLIKEN, COLORADO

2003

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

Published by

COLORADO CODE PUBLISHING COMPANY
323 West Drake Road, Suite 200
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of the

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MILLIKEN MUNICIPAL CODE

Supplementation Instructions

This supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 608, adopted April 22, 2009.**

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COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

September 2009

MILLIKEN MUNICIPAL CODE

Supplementation Instructions

This supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 575, adopted February 27, 2008.**

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Fort Collins, Colorado

April 2008

* Please ensure that all indicated pages are removed.

** Appendix A is being removed from the Municipal Code and replaced by the Fee Schedule, a copy of which is available at the Town Clerk's office.

**MILLIKEN
MUNICIPAL CODE**

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COLORADO CODE PUBLISHING COMPANY
Fort Collins, Colorado
August 2007

Filed by: _____

Date: _____

**MILLIKEN
MUNICIPAL CODE**

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COLORADO CODE PUBLISHING COMPANY
Fort Collins, Colorado
July 2005

Filed by: _____

Date: _____

**MILLIKEN
MUNICIPAL CODE**

Supplementation Instructions

This supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 491 effective August 11, 2004.**

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COLORADO CODE PUBLISHING COMPANY
Fort Collins, Colorado
September 2004

SUPPLEMENTATION

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

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

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

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

AMENDMENTS

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

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

The *Milliken Municipal Code* is amended by the addition thereto of a new Section 2-2-90, which is to read as follows:

(Set out full section number, title and contents)

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

The *Milliken Municipal Code* is amended by the addition of the following:

(Set out section title and contents)

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

Section 2-2-90 of the *Milliken Municipal Code* is repealed in its entirety and readopted to read as follows:

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

or as follows:

Section 2-2-90 of the *Milliken Municipal Code* is amended to read as follows:

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

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

Section 2-2-90 of the *Milliken Municipal Code* is repealed in its entirety.

COLORADO CODE PUBLISHING COMPANY

PREFACE

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

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

The *three-place section numbering system* places the chapter number first, followed by the article number and section number, separated by hyphens. Each section may be cited by the chapter, article and section number which are in sequence within each chapter.

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

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

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

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

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**STATE OF COLORADO
TOWN OF MILLIKEN, COLORADO**

ORDINANCE NO. 481, 2003

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

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

Section 1. The Code entitled the Milliken Municipal Code published by Colorado Code Publishing Company, consisting of Chapters 1 through 18, is adopted.

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 Milliken Municipal Code, to the extent of such inconsistency, are hereby repealed.

Section 3. The repeal established in Section 2 of this Ordinance shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance.

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

(1) The *Model Traffic Code for Colorado Municipalities*, 2003 edition, published by the Colorado Department of Transportation, as adopted and amended in Section 8-1-10 et seq.

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

(1) Sec. 1-4-20. General penalty for violation. (Article IV, General Penalty)

Any person who shall violate or fail to comply with any provision of this Code for which a different penalty is not specifically provided shall, upon conviction thereof, be punished by a fine not exceeding three hundred dollars (\$300.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment, except as hereinafter provided in Section 1-4-30. If the Municipal Court becomes a qualified court of record, such maximum fine shall not exceed one thousand dollars (\$1,000.00) and such period of imprisonment shall not exceed one (1) year. In addition, such person shall pay all costs and expenses in the case, including attorney fees. Each day such violation continues shall be considered a separate offense.

(2) Sec. 1-4-30. Application of penalties to juveniles. (Article IV, General Penalty)

Every person who, at the time of commission of the offense, was at least ten (10) but not yet eighteen (18) years of age, and who is subsequently found liable, convicted of or pleads guilty or nolo contendere to, a violation of any provision of this Code, shall be punished by a fine of not more than three hundred dollars (\$300.00) per violation or count. If the Municipal Court becomes

a qualified court of record, such maximum fine shall not exceed one thousand dollars (\$1,000.00). 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 an appropriate facility, at the time of charging, of a juvenile violating any section of this Code.

(3) **Sec. 1-4-40. Altering or tampering with Code; penalty. (Article IV, General Penalty)**

Any person who shall alter, change or amend this Code, except in the manner prescribed in this Chapter, or who shall alter or tamper with this Code in any manner so as to cause the ordinances of the Town to be misrepresented thereby, shall, upon conviction thereof, be punishable as provided by Section 1-4-20 hereof.

(4) **Sec. 1-4-50. Penalty for violations of ordinances adopted after adoption of Code. (Article IV, General Penalty)**

Any person who shall violate any provision of any ordinance of a permanent and general nature passed or adopted after adoption of this Code, either before or after it has been inserted in this Code by a supplement, shall, upon conviction thereof, be punishable as provided by Section 1-4-20 unless another penalty is specifically provided for the violation.

(6) **Sec. 2-4-130. Additional fines. (Article IV, Municipal Court)**

(a) Imposition of additional fine. After determining the appropriate fine for each person who is convicted of violating an ordinance of the Town or this Code, the Municipal Judge shall add thereto an amount (to be known as the *additional fine*) equal to ten percent (10%) of such fine. The total fine, including the additional fine, may not exceed three hundred dollars (\$300.00). If the Municipal Court becomes a qualified court of record, such maximum fine shall not exceed one thousand dollars (\$1,000.00).

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

(7) **Sec. 2-4-140. Detention and incarceration surcharge. (Article IV, Municipal Court)**

(a) Each person who pleads guilty or no contest to a violation of the Town's ordinances or this Code, or who is found guilty after a trial, shall pay a surcharge of five dollars (\$5.00) to defray the costs incurred by the Town for incarcerating municipal offenders.

(b) The Municipal Court shall assess, and the Town Attorney shall use financially appropriate efforts to collect, the amount of the costs of detention and incarceration from those individuals whose violation of the Town's ordinances or this Code necessitates detention or incarceration.

(8) **Sec. 5-1-320. Penalties. (Article I, Cable Television Franchise)**

For violation of the following provisions of this Article, penalties shall be chargeable to a letter of credit or other security as follows:

(1) For failure to complete CATV system construction in accordance with the plans as submitted by the applicant and as required hereunder unless the Board of Trustees specifically approves the delay by motion or resolution, or when the delay is due to occurrence of conditions beyond the Company's control, the Company shall pay one hundred dollars (\$100.00) per day for each day, or part thereof, the deficiency continues.

(2) For failure to provide data, documents, reports or information, or to cooperate with the Town during an application process for CATV system review, the Company shall pay fifty dollars (\$50.00) per day for each day, or part thereof the violation occurs or continues.

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

(4) For failure to pay a franchise fee when due pursuant to Section 5-1-230, the Company shall pay one hundred dollars (\$100.00) per day, or part thereof, that the violation continues.

(5) For failure to refund the cash deposit as required in Section 5-1-330 within the specified thirty (30) days, the Company shall pay one hundred dollars (\$100.00) per day, or part thereof, that the violation continues.

(9) Sec. 5-4-50. Penalty clause. (Article IV, Telephone Occupation Tax)

If any officer, agent or manager of a telephone utility company which is subject to the provisions of this Article shall fail, neglect or refuse to make or file the annual statement of accounts provided in Section 5-4-30, said officer, agent, manager or person shall, on conviction thereof, be punished by a fine not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00); provided that each day after said statement shall become delinquent during which said officer, agent, manager or person shall so fail, neglect or refuse to make and file such statement shall be considered a separate and distinct offense.

(10) Sec. 6-1-120. Renewals; penalty for nonrenewal. (Article I, Business Licenses)

Any registrant may make application for a new registration for the succeeding year and pay the required fee therefor on or before the expiration date of any registration issued to him or her for the current year. Whenever any application and registration fee payment therefor is not received on or before the expiration date of any registration issued for the current year and the registrant continues to engage in the business activity for which the registration was issued, a penalty of twenty dollars (\$20.00) shall be imposed and collected. In addition to the above penalty provision, it shall be unlawful for a registrant to continue to engage in any business or activity after his or her registration therefor has expired, and the general penalty provision of the Code shall apply hereto.

(11) Sec. 6-2-50. Suspension or revocation; fine. (Article II, Alcoholic Beverages)

(a) Whenever a decision of the Board of Trustees, acting as the Local Licensing Authority (hereinafter "Authority"), suspending a retail license for fourteen (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 or her 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 or her license suspended or revoked, nor had any suspension stayed by payment of a fine, during the two (2) 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 twenty percent (20%) 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 as set forth in Section 1-4-20 of this Code.

(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 for that violation which precipitated the disciplinary action.

(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) above and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date finally set by the Authority.

(12) Sec. 6-2-350. Penalty. (Article II, Alcoholic Beverages)

It is unlawful to operate any malt, vinous or spirituous liquor or fermented malt beverage establishment within the Town without paying the applicable tax imposed by this Division. Any person doing so shall be subject to a fine in a sum not exceeding one hundred dollars (\$100.00). Each day that the delinquency continues shall constitute a separate violation.

(13) Sec. 8-1-60. Penalties. (Article I, Model Traffic Code)

The following penalties, herewith set forth in full, shall apply to this Article:

(1) It is unlawful for any person to violate any of the provisions stated or adopted in this Article.

(2) Every person convicted of a violation of any provision stated or adopted in this Article shall be punished by a fine not exceeding three hundred dollars (\$300.00), or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment.

(14) Sec. 10-8-80. Possession of cannabis. (Article VIII, Alcoholic Beverages and Drugs)

(a) For the purposes of this Section, the term *cannabis* shall include all parts of the plant *Cannabis sativa L.*, whether growing or not; the seed thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt derivative, mixture or preparation of such plant, its seeds or resin; but shall not include the mature stalks of such plant, fiber produced from its stalks, oil or cake, or the sterilized seed of such plant, which is incapable of germination. The term *cannabis concentrate* means hashish, tetrahydrocannabinols or any alkaloid, salt derivative, preparation, compound or mixture, whether natural or synthesized, of tetrahydrocannabinols.

(b) It is unlawful for any person to possess one (1) ounce or less of cannabis or cannabis concentrate, and upon conviction thereof, or plea of guilty or no contest thereto, punishment shall not be by imprisonment, but shall be by a fine of not more than one hundred dollars (\$100.00).

(c) It is unlawful for any person to openly and publicly display or consume one (1) ounce or less of cannabis concentrate, and upon conviction thereof, or a plea of guilty or no contest thereto, punishment shall be as set out in Section 1-4-20 of this Code.

(d) It is unlawful to transfer or dispense not more than one (1) ounce of cannabis concentrate from one (1) person to another for no consideration. Such action shall be deemed possession and not dispensing or sale thereof.

(e) It is unlawful to transfer or dispense not more than one (1) ounce of cannabis concentrate for consideration. Such action shall be considered dispensing or sale thereof.

(f) The provisions of this Section shall not apply to any person who possesses or uses cannabis or cannabis concentrate pursuant to the Dangerous Drugs Therapeutic Research Act.

(15) Sec. 10-12-30. Curfew in parks. (Article XII, Miscellaneous Offenses)

(a) A curfew is established prohibiting anyone from being in the Town parks for any purpose between the hours of 10:00 p.m. and 5:00 a.m.

(b) Upon application to and approval by the Board of Trustees, this Section may be waived for special events.

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

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. The Board of Trustees has determined that a complete compilation of the Town's ordinances will allow the Town's citizens and staff to quickly and accurately have access to the current ordinances of the Town, and that an emergency exists which requires the immediate enactment of this Ordinance. This Ordinance shall become effective immediately upon adoption.

INTRODUCED, ADOPTED AND ORDERED PUBLISHED on this 10th day of December, 2003.

TOWN OF MILLIKEN, COLORADO

ATTEST:

(signature)

Linda Measner, Mayor

(signature)

Nanette Fornof, Town Clerk

(SEAL)

APPROVED AS TO FORM:

(signature)

Bruce Fickel, Town Attorney

TOWN OF MILLIKEN

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