

TITLE 5

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CHAPTER 5.04

Billiard and Pool Halls, Bowling Alleys and Places of Similar Amusement

5.04.010 License required.

All persons are prohibited from keeping for gain or hire any billiard, pool, bagatelle, pigeonhole table or any other kind of table or implement kept or used for similar, or any ball and pin alley, striking machine, shooting gallery, ring games, knife boards or any other game or device, within the corporate limits of the Town, unless the persons have first obtained a license or permit therefor as provided in this Chapter. (Ord. 36 §1, 1913)

5.04.020 License; application; bond.

A license to keep for gain or hire any of the tables, alleys or galleries mentioned in Section 5.04.010 above may be granted by the Board of Trustees, in its discretion, to any person or persons who shall make application in writing therefor to the Board of Trustees, stating therein the room or place wherein such tables, galleries or alleys are to be kept and the number of such tables, galleries or alleys proposed to be kept, and shall execute to the Town a good and sufficient bond, with at least two (2) good sureties to be approved by the Mayor in the penal sum of two hundred dollars (\$200.00) conditioned that the person or persons so licensed shall keep and observe all of the ordinances and regulations of the Board of Trustees in force at the time of the issuing of the license, or that may be passed or adopted during the term of the license. The application shall be accompanied by the price of the license. (Ord. 36 §2, 1913)

5.04.030 License fees.

All licenses issued or granted under the provisions of this Chapter shall be paid for at the following rates: For each of the tables or alleys named above in this Chapter, the sum of ten dollars (\$10.00) for one (1) year or five dollars (\$5.00) for each six (6) months, payable in advance. (Ord. 36 §3, 1913)

5.04.040 License; signing; nontransferable.

All licenses and permits shall be signed by the Mayor and attested by the signature of the Town Clerk. No license or permit issued pursuant to the conditions of this Chapter shall be transferable except by and with the consent of the Board of Trustees, and then only upon the filing of a new bond by the transferee; nor shall any license or permit so issued be construed to authorize or permit the person or persons therein licensed to keep any of the tables, galleries or alleys mentioned in Section 5.04.010 in any other building, room or place than that mentioned in such license. (Ord. 36 §4, 1913)

5.04.050 License; revocation.

Any license or permit issued or granted under the provisions of this Chapter may be revoked by the Board of Trustees whenever it shall be made to appear to the Board of Trustees that the person or persons to whom such license or permit was issued or granted, or his or her agent or employees, has directly or indirectly violated any of the conditions of his or her bond or any of the provisions of this Chapter. (Ord. 36 §5, 1913)

5.04.060 Operation prohibitions.

It is unlawful for any person or persons who shall have been granted a license or permit under the provisions of this Chapter, or his or her clerk, agent or employee, to permit any games for money or other

valuable thing to be played upon the tables, alleys or galleries mentioned in Section 5.04.010, or to permit any gaming by means of cards, dice or other device for playing of games of chance or skill and chance, within or about the establishment where such tables, alleys or galleries are kept, or to permit any minor under the age of sixteen (16) years, or any minor between the age of sixteen (16) and twenty-one (21) years, after being notified in writing by the parent or guardian of the minor not to allow the minor in the room or place, or any woman of ill repute, or any vagrant, to play upon any of the tables or alleys, or to shoot in such galleries, or to loiter about or frequent the room or place where such tables, alleys or galleries are kept, or permit any person or persons to enter the room or place where such tables, alleys or galleries are kept, or permit any playing upon the tables, alleys or galleries between the hours of 10:30 p.m. and 6:00 a.m. of the succeeding day, or upon the first day of the week, commonly called Sunday; provided that where any other business or occupation is carried on in such room or place, the room or place may be kept open for the purpose of such other business only. (Ord. 36 §6, 1913)

5.04.070 Permit and bond required to keep certain games.

A permit to keep for gain or hire any striking machine, ring games, ball and puppet games, cane racks, knife boards or any other game or games of a similar nature may be granted by the Board of Trustees in its discretion, to any person or persons who shall make application in writing therefor to the Mayor. All permits issued or granted under the provisions of this Section shall be paid for at such rate and for such time as may be fixed by the Board of Trustees in the permit granting the same. The person or persons to whom such permit is granted shall give such bond as shall be required by the Board of Trustees. (Ord. 36 §7, 1913)

5.04.080 Authority to change hours of closing or rates.

The Board of Trustees may by resolution, to become effective five (5) days after the publication thereof, any upon five (5) days' notice to any person or persons to whom a license or permit shall be issued under the terms of this Chapter, alter and change the hours of closing noted in this Chapter, the rate or rates for permit or license, the amount of the bond fixed in this Chapter and the persons who may be denied admittance to the rooms or places mentioned in this Chapter. (Ord. 36 §8, 1913)

5.04.090 Loud, boisterous or profane language prohibited in game rooms.

It is unlawful for any person or persons to whom a license or permit shall be granted under the provisions of this Chapter to permit any loud, boisterous or profane language to be used in and about the room or place, or to permit any boisterous or unseemly conduct; and the person or persons shall have a sign or signs to that effect posted in a conspicuous place or places in the room or place. (Ord. 36 §9, 1913)

5.04.100 Violation; Penalty.

Any person or persons who violate any of the provisions of this Chapter shall, upon conviction thereof, be fined for each offense in a sum not less than five dollars (\$5.00), nor more than one hundred dollars (\$100.00), or may be imprisoned in the Town jail for a period not exceeding ninety (90) days, and shall pay the costs of suit; provided that each day this Chapter is violated shall be considered a separate offense. (Ord. 36 §10, 1913)

CHAPTER 5.06

Gas Franchise

5.06.010 Grant of franchise.

There be and hereby is granted to Kinder Morgan, Inc., a corporation, its successors and assigns, hereinafter collectively referred to as "Grantee" the sole and exclusive right, authority, privilege and franchise to construct, erect, build, operate and maintain, within the Town of Swink, Colorado, hereinafter referred to as "Municipality," such mechanical or other appliances and equipment as may be necessary for the manufacture and distribution of manufactured, or mixed manufactured and natural gas, or for the distribution of natural gas, for lighting, power, heating, industrial or other purposes to which gas may be applied, whether manufactured, mixed or natural, with the sole and exclusive right and privilege for the period and upon the terms and conditions hereinafter specified, to construct, maintain and operate a transmission line or lines for the purpose of conducting into, from or to the Municipality, gas generated there or elsewhere, and to sell or furnish natural, manufactured or mixed gas to the Municipality and the inhabitants thereof, and to distribute the same by means of mains, conduits or pipes laid over, upon, along, under, and/or across the streets, alleys, bridges, public ways and the public places in the Municipality and upon the extension or continuation of any such streets, alleys, bridges and public ways and places or upon any new streets, alleys, bridges and public ways and places that may hereafter be laid out, opened or constructed. Consent is hereby given to construct, operate and maintain through the Municipality a main transmission line or lines for the service of other cities and communities outside of the Municipality. (Ord. 2004-14)

5.06.020 Use of streets and public areas.

For the purposes aforesaid, the Grantee may enter upon, through or under any street, avenue, alley, viaduct, subway or public place or grounds and take up any pavement or sidewalk then existing therein or thereon and make excavations necessary for the laying of such conduits, mains, pipes and appurtenances, provided that any such use of said streets, avenues, alleys, viaducts, subways and public grounds be made with the least possible inconvenience to the inhabitants of the Municipality; that such excavations be barricaded when necessary and lighted at night; and that such sidewalks, pavements or excavations be refilled and replaced without unnecessary delay, by and at the expense of the Grantee, in as good condition as they were before said work was commenced. However, the Grantee shall not have the absolute right to cut into or remove any permanent sidewalks, but shall be required wherever practicable in laying mains, conduits or pipes to tunnel under said sidewalks and, further, the Grantee shall not have the right to enter into any public park or public grounds in the Municipality for the purpose of laying conduits, pipes or mains until it has first obtained the consent of the Board of Trustees so to do. (Ord. 2004-14)

5.06.030 Placement of conduits, pipes and mains.

(a) All conduits, pipes and mains shall be placed in alleys wherever practicable and in any event in such manner as will not unnecessarily interfere with the use of said streets, alleys and public highways, places and grounds, nor with the established grade of streets or gutters, nor with water pipes or sewers or any character of drain pipes which are now installed in said streets or alleys by the Municipality.

(b) If at any time it shall be necessary to change the position of any gas main or service connection of the Grantee to permit the Municipality to lay, make, replace or change street or other grades, sanitary or storm sewers, water mains or other Municipal works, such changes shall be made by the Grantee at its own expense; provided, however, that the Municipality shall confer with the Grantee and seek the

Grantee's input during the initial phase of planning and engineering of any Municipal project which may require the Grantee to relocate its facilities in order to explore means of reducing the costs to the Grantee; and the Municipality shall make reasonable efforts to mitigate the financial impact of any such project on the Grantee. If the Municipality does not confer with the Grantee during the initial phase of planning and engineering of any Municipal project which may require the Grantee to relocate its facilities, such Grantee relocation expenses shall be paid by the Municipality.

(c) If the Municipality and Grantee confer and do not agree on a facilities relocation plan, the Grantee may request and Municipal representatives shall participate in good-faith mediation before a mutually agreeable third party in an effort to resolve their differences.

(d) The Municipality will not oppose in proceedings before the Colorado Public Utilities Commission just and reasonable recovery of costs which the Grantee incurs in complying herewith. (Ord. 2004-14)

5.06.040 Responsibility for damage.

The Grantee shall be and remain solely and exclusively responsible for all damage to persons or property that may arise by reason of any negligence of the Grantee or any of its agents, servants or employees, in exercising any of the privileges, rights or franchises herein granted. The Grantee shall hold and save harmless the Municipality from and against any and all loss and damage of any kind or description whatever by reason of the Grantee's negligent exercise of any right, privilege or franchise hereby granted. (Ord. 2004-14)

5.06.050 Term of franchise.

The ordinance codified herein and the rights, privileges and franchises hereby granted shall be and remain in full force and effect for the period of twenty-five (25) years from and after its effective date, provided that the Grantee shall, before such effective date, have filed with the Town Clerk of the Municipality its written acceptance of said ordinance and, in case of failure of said Grantee to file such acceptance within the time so limited, the ordinance codified herein and the rights, privileges and franchises thereby granted shall be and become null and void, but the rights and franchises granted by the ordinance codified herein are granted upon the express condition that the Municipality shall have the right and power to purchase or to condemn at the time or times and under the conditions and in the manner provided by the laws of the State at such time in full force and effect, all works plants erected hereunder and all property of the Grantee actually used or useful for the convenience of the Municipality. (Ord. 2004-14)

5.06.060 Franchise fee; increases discussed.

(a) In consideration of the rights and privileges herein granted, the Grantee shall assess, effective the first billing cycle after this franchise becomes effective, to residential, commercial and industrial customers of the Grantee within the Town of Swink, Colorado, a franchise tax or fee equivalent to \$0.0175 per ccf (100 cubic feet) for gas delivered to residential, commercial and industrial customers within the Municipality on the Grantee's distribution system. The Grantee shall pay to the Town Treasurer an annual payment for each year of the duration of this franchise, in an amount equal to the franchise fee or tax funds collected by the Grantee hereunder. Payment shall be made on or before March 1 of each year for the preceding year, and each such payment shall be accompanied by a statement supporting the payment.

(b) Such payment shall be in lieu of any and all other fees, charges, licenses, taxes or assessments which the Municipality may impose for the rights and privileges herein granted or for the privilege of doing business within the Municipality; and, in the event any such fee, charge, license, tax or assessment shall be imposed by the Municipality, the payment to be made in accordance with the provisions of this Section shall be refunded in an amount equal to the annual burden of such fee, charge, license, tax or assessment imposed upon the Grantee. Ad valorem property taxes imposed generally upon all real and personal property within the Municipality shall not be deemed to affect the obligation of the Grantee under this Section.

(c) Every five (5) years, on the anniversary date of the initiation of this franchise (i.e., on or about October 1, 2009, 2014, 2019 and 2024), the parties shall discuss whether an increase in the franchise fee paid herein by Kinder Morgan, Inc., should be considered due to changes in economic or other circumstances. (Ord. 2004-14)

5.06.070 Successors and assigns.

The rights, privileges, franchises and easements hereby granted shall inure to the benefit of the Grantee, its successors and assigns. Whenever the term "Grantee" is used herein, it shall be held to mean and include Kinder Morgan, Inc., its successors and assigns; and wherever the word "Municipality" is used herein, it shall be held to mean the Town of Swink, County of Otero and State of Colorado. (Ord. 2004-14)

CHAPTER 5.08

Cable Distribution System

5.08.010 Permit required.

A nonexclusive permit to install, operate and maintain a cable distribution system within all or any portion of the Town of Swink, sometimes called "Town," shall first be obtained from the Board of Trustees before any person, firm or corporation commences to operate a cable distribution system within the Town, and the permit shall be obtained under and pursuant to the terms and provisions of this Chapter. A cable distribution system, sometimes called "cable company" or "permittee," means any facility which, in whole or part, receives, amplifies or otherwise converts the signals broadcast by one (1) or more television stations or transmits programs originating locally and distributes such signals by wire or cable to subscribing members of the public who pay for such service, but such terms shall not include any facility which serves only the residents of one (1) or more apartment dwellings under common ownership, control or management and commercial establishments located on the premises of such an apartment house, nor does the term include any closed-circuit television systems that are used for the exclusive use of private or public organizations and institutions. (Ord. 184 §1, 1982)

5.08.020 Permit; application.

Any person, firm or corporation desiring a permit for a cable distribution system in the Town shall file a written application with the Town Clerk setting forth among other things a statement showing the financial condition, responsibility and resources of the applicant, the ownership of the applicant's stock, outstanding stock subscriptions and contingent commitments involving stock ownership in the applicant, the experience of the applicant in the cable distribution system field and similar businesses, the ability of the applicant to furnish efficient and dependable service to the public and potential users of cable television in the Town, the channels or program coverage of service of the applicant, with any particular

features thereof and other pertinent information bearing upon the quality, scope and type of service. The applicant shall also state the percentage of its gross revenue which it will pay the Town annually. Before advertising for or soliciting applications for a permit for a cable distribution system, the Board of Trustees may prescribe additional commitments or information which shall be included within the application as submitted. (Ord. 184 §2, 1982)

5.08.030 Permit; bond.

The permittee shall, concurrently with the acceptance of the permit provided for under this Chapter, obtain at his or her expense and file with the Town Clerk a corporate surety bond, in a company approved by and in form approved by the Town, in the amount of ten thousand dollars (\$10,000.00), renewable annually, or deposit with the Town cash or United States bonds in the amount of ten thousand dollars (\$10,000.00), the permittee to receive all interest therefrom, and conditioned upon and for the faithful performance by the permittee of all the conditions in and requirements and obligations imposed upon the permittee by this Chapter and for compliance with all the provisions of this Chapter. The bonds shall contain a provision that thirty (30) days' written notice of intention not to renew, cancel or for other material change shall be given to the Town. (Ord. 184 §3, 1982)

5.08.040 Permit; regulations.

The permit or privileges provided for in this Chapter shall be personal to the permittee, and it cannot be sold, transferred, leased, assigned and disposed of, in whole or in part, either by voluntary or involuntary resolution of the Board upon such conditions as it may prescribe, except such consent shall not be unreasonably withheld. In the event that the permittee is other than an individual, the change of ownership by more than fifty percent (50%) shall require the consent of the Town by resolution in the manner set forth above. It is understood, and the permittee in accepting a permit under this Chapter agrees, that the permit or license which may be authorized pursuant to this Chapter is a revocable and nonexclusive permission to the nonexclusive use of structures or facilities lawfully in place in streets and ways of the Town and the nonexclusive use of poles or structures to be placed upon or under Town streets and ways by permittee, and which permittee agrees may be used by the telephone company and similar entities upon payment of a reasonable use fee. The permit shall not exceed fifteen (15) years in duration. (Ord. 184 §4, 1982)

5.08.050 Compliance.

The installation, construction, operation and maintenance of the cable system and the conduct of its business shall comply with all current federal, state and town laws, regulations and ordinances applicable thereto, and all laws, ordinances and regulations hereafter passed or adopted. (Ord. 184 §5, 1982)

5.08.060 Installation and maintenance standards.

The cable system of the permittee shall be installed and maintained in accordance with the highest and best accepted standards of the industry to the effect that subscribers shall receive the highest possible service. In determining the satisfactory extent of such standards, the following shall apply:

- (1) Electrical characteristics shall meet National Electrical Safety Codes as published by the National Bureau of Standards to provide safety for personnel and customers;
- (2) Head end equipment shall maintain transmitting station quality of signals; and
- (3) All technical standards adopted as FCC Rules and Regulations. (Ord. 184 §6, 1982)

5.08.070 Poles, cables and facilities.

(a) It is understood, and the permittee shall agree thereto, in accepting the permit provided for in this Chapter that all utility poles in streets and public ways in the Town are presently owned, maintained and controlled by utility companies; that cables and other conduits, appliances and facilities necessary to conduct the cable company business shall be provided or allowed only in anyone or a combination of the following manner:

(1) The permittee shall arrange with the utility company or companies to use the poles and other facilities necessary to operate its system under such reasonable rules and regulations for the installation, repair and maintenance of such cables and facilities as may be prescribed by the company or companies, and evidence of the same shall be furnished to the Town;

(2) The permittee may arrange with the telephone company that the telephone company furnish to the permittee cable, facilities and appurtenant service necessary for the operation of the permittee's system, and if such arrangement is made, the permittee shall furnish evidence of the same to the Town; or

(3) The permittee shall install and operate any or all cable and appurtenant facilities underground in the streets and public ways of the Town.

(b) Subject to the limitations, conditions and exceptions set forth in this Chapter, and in the areas where utility poles are not in existence and it would not be detrimental to allow poles to be erected, the permittee is authorized to construct, install, operate and maintain on, under and above the streets and public ways of the Town such poles, lines, cables, wiring, conductors, vaults and related facilities and appurtenances as are necessary for the purpose of originating, receiving, amplifying and distributing television and radio signals in the conduct of its business. (Ord. 184 §7, 1982)

5.08.080 Nonexclusive rights to streets and public ways.

The right of the permittee to use the streets and public ways of the Town and conduct its business in the Town shall be nonexclusive, and the Town reserves the right to grant a similar use or uses in the streets and public ways and authorized additional cable system business in the Town. (Ord. 184 §8, 1982)

5.08.090 Installation and construction requirements.

Any poles, wires, cable, lines, vaults, conductors, installations or facilities to be constructed or installed in streets or public ways shall be so constructed or installed only at such locations and in such manner as approved by the Town Administrator or his or her duly authorized representative. As provided above in this Chapter, additional poles and like facilities, unless under special conditions and without specific approval, will not be allowed in those streets or ways where there are existing utility poles. In those areas of the Town where public utility lines are underground or thereafter may be placed underground, the permittee shall likewise construct, install and operate all its lines, cables and other facilities underground. Any streets or sidewalks damaged or disturbed in the construction or operation of the permittee's poles, cables and other installations shall be promptly repaired and restored by the permittee at its expense and to the satisfaction of the Town. If the Town elects to change the grade of any street or public way, to vacate or otherwise alter the same, and so long as other utilities situated thereon must relocate their respective poles, the permittee shall relocate its poles and other installations at its expense. (Ord. 184 §9, 1982; Ord. 2004-9 §19)

5.08.100 Service requirements.

The permittee's system and its services shall be made available to every part of the Town. The permittee shall maintain an office in the Town and provide a maintenance and repair service readily available through telephone and other means in the Town to its subscribers. The permittee shall not discriminate between persons or areas and its services shall be equally available. (Ord. 184 §10, 1982)

5.08.110 Service charges.

The charges made by the permittee for its services, including installation, repair, removal and monthly service charges, shall be uniform for the same or similar services and shall be according to maximum rates as established by the permittee and approved by the Board. No rate shall be increased above the maximum approved without reapproval by resolution of the Board. No rate increase shall be approved by the Board of Trustees unless the Board is furnished with the most recent audited financial statements of the permittee, including but not limited to balance sheet, profit and loss statement and changes in financial position. (Ord. 184 §11, 1982)

5.08.120 Restrictions on operation.

The permittee shall operate its system as not to interfere with the direct broadcast or reception of other signals, whether television, radio, telephone or telegraph signals. In delivery of programs, the permittee shall not delete the commercials of the program sponsor, nor shall it interrupt any programs or parts thereof and substitute commercials or advertisements for those of such program sponsor. (Ord. 184 §12, 1982)

5.08.130 Required outlets and channels.

The permittee will, upon request therefor, provide and furnish without charge to each elementary and secondary public school, private school and municipal buildings within the corporate limits of the Town the following:

- (1) One (1) service outlet for main regular channel television reception for educational and other programming or reception furnished by the permittee;
- (2) Any additional service outlets in each room or area where television reception is desired; provided that the using outlet shall reimburse the permittee at its actual cost bases for labor and materials required in the installation of such service outlets which are additional to the main outlet, but no service or other charge will be made after installation; and
- (3) The permittee shall maintain a channel for local organizations, primarily for educational instruction and like uses. (Ord. 184 §13, 1982)

5.08.140 Liability.

The permittee shall, at its own expense, defend all suits that may be brought against the Town on account of the operations and business of the permittee or the construction or operation of its system and infringement of copyrights, patents or like violations; and shall keep harmless the Town from any and all damages, judgments, costs and expense of every kind growing out of or connected with the business and installations or operation of the system; and the permittee, as further assurance to the Town, shall, during the existence of the permit granted the permittee under this Chapter, furnish the Town with proper evidence of liability insurance coverage with an approved company insuring both the permittee and Town

against the claims, demands or losses for injury to persons or damages to property resulting from or connected with the construction, operation or maintenance of the system and business within the Town. The insurance shall have limitations of not less than five hundred thousand dollars (\$500,000.00) for injury or damages occurring to one (1) person in one (1) occurrence, and not less than one million dollars (\$1,000,000.00) for injury or damages occurring to more than one (1) person in the same occurrence, and not less than one hundred thousand dollars (\$100,000.00) for damage to property owned by a single person, nor more than three hundred thousand dollars (\$300,000.00) for one (1) occurrence. (Ord. 184 §14, 1982)

5.08.150 Payments and fees to Town.

The permittee shall quarterly pay to the Town a percentage of its gross billings derived from the conduct of its business in the Town, and the permittee, in making application for a permit under this Chapter, shall state the percentage of such gross billings that it will pay to the Town each quarter. Within sixty (60) days after the end of each calendar year, the permittee shall file with the Town a financial statement prepared by a corporate officer, under penalty of perjury, showing in detail the total gross billings for the preceding calendar year. The Town shall have the right to inspect the permittee's books and records showing billings. (Ord. 184 §15, 1982)

5.08.160 Prohibited acts.

The permittee shall not engage in the business of selling time or advertising (except advertising shall be allowed as is permitted by FCC regulations), renting, repairing, selling or installing television sets, radios, antennae or other electronic devices for the reception of electronic signals except those required by its system. (Ord. 184 §16, 1982)

5.08.170 Operation without permit unlawful.

The installation, operation or maintenance of a cable distribution system within the Town limits, without first obtaining a permit therefor as provided in this Chapter, is unlawful and a violation of this Chapter and shall subject the violator to the penalty provided in Section 5.08.180. (Ord. 184 §17, 1982)

5.08.180 Violation; penalty.

Any person who violates any provision of this Chapter shall, upon conviction thereof, be punished as follows:

- (1) No fine or imprisonment shall exceed the following limits:
 - a. Fines, three hundred dollars (\$300.00);
 - b. Imprisonment, ninety (90) days; or
 - c. A combination of both fine and imprisonment within the designated limits.
- (2) Each day's failure of compliance with any such provision shall constitute a separate violation. (Ord. 184 §18, 1982)

CHAPTER 5.12

House Trailers and House Trailer Camps

5.12.010 Definitions.

For the purpose of this Chapter, the words set out in this Section shall have the following meanings:

House trailer means any vehicle or structure constructed to permit use as living, sleeping or carrying on any business or occupation therein and capable of traveling on the highways. This definition shall extend to all motorized vehicles that can be utilized for the purposes mentioned in this Subsection.

House trailer camp means any parcel of land used for the parking of one (1) or more house trailers for occupancy for any purpose. (Ord. 173 §1, 1980)

5.12.020 License; issuance; term; renewal.

House trailer camp licenses may be issued by the Board of Trustees. Any license issued shall be valid for one (1) year from the date of its issue, unless sooner revoked by the Board of Trustees for cause. Any license may be renewed for a like period. (Ord. 173 §2(a), 1980)

5.12.030 License application; requirements.

All applications for such licenses shall be in writing, and verified. They shall show the location, dimensions, ownership, number of trailer spaces to be included, sanitary facilities, electrical wiring and connection, water supply and other pertinent details concerning the house trailer camp. (Ord. 173 §2(b), 1980)

5.12.040 License application; filing and fee.

All applications shall be filed with the Town Clerk and shall be accompanied by a fee of one hundred fifty dollars (\$150.00) for each and every trailer space in the house trailer camp to be licensed, but in no event less than two hundred dollars (\$200.00). (Ord. 173 §2(c), 1980)

5.12.050 License application; inspection and report.

The Mayor or his representative shall make such inspection and report to the Trustees as may be necessary to advise them in their consideration of any application. (Ord. 173 §2(d), 1980)

5.12.060 License; sewer, garbage, water and electrical facilities required.

No license shall be granted unless such proposed licensee shall have made full and adequate provision for sewerage, garbage disposal, water supply, bathing and toilet facilities and electrical supply, and all shall be pure and safe according to the usual standards of such facilities for residences. (Ord. 173 §2(e), 1980)

5.12.070 License revocation.

The Board of Trustees shall revoke any house trailer license if, upon due complaint, notice to the licensee and hearing, it shall find any of the provisions of this Chapter to have been violated by such licensee. (Ord. 173 §5, 1980)

5.12.080 Operation regulations.

(a) No house trailer, structure or motor vehicle shall be parked, built or placed closer than ten (10) feet to any other within a house trailer camp.

(b) No house trailer, structure or motor vehicle shall be parked, built or placed within fifteen (15) feet of the property line of any house trailer camp.

(c) The premises of any house trailer camp shall be kept free and clean of all refuse, trash or weeds at all times.

(d) A record shall be kept by the licensee of the occupants of any house trailer camp at all times, and such record shall be made available to the Town or any law enforcement officer at any time.

(e) The licensee of any house trailer camp shall maintain on the premises at least two (2) fire extinguishers of a type approved by the Underwriters' Laboratories.

(f) No licensee shall permit the occupancy of any house trailer by more than for which the house trailer was designed. (Ord. 173 §3, 1980)

5.12.090 Parking.

It is unlawful for any person to park any house trailer within the corporate limits of the Town other than in a licensed house trailer camp, except that a house trailer may be parked on the streets of the Town for a period not to exceed forty-eight (48) hours when such house trailer is not occupied. (Ord. 173 §4, 1980)

5.12.100 Violation; penalty.

Any person found guilty of violating any provision of this Chapter shall be subject to a penalty in the amount of not less than ten dollars (\$10.00) and not more than three hundred dollars (\$300.00). Every day such violation exists shall be deemed a separate offense. (Ord. 173 §6, 1980)

CHAPTER 5.16

Plumber's and Electrician's Licenses

5.16.010 Plumber's license; required; issuance restriction.

It is unlawful for any person to engage in or work at the business, trade or calling of a journeyman plumber within the Town without first procuring a license therefor. No such license shall be issued to any person unless he or she is duly licensed as a journeyman plumber by the proper authority of the state of Colorado. The above requirement for license shall not apply to the owner of any property doing work in or about his or her own building; provided he or she first obtains the necessary permit therefor and satisfies the Building Inspector that he or she is competent to make such installation or repairs. (Ord. 136 §1, 1971)

5.16.020 Plumber's license; application; fee.

Application for a plumber's license shall be made to the Town Clerk on forms provided for that purpose. At the time of making such application, the applicant shall furnish proof that he or she is

licensed as a journeyman plumber by the state of Colorado. The annual fee for a journeyman plumber shall be ten dollars (\$10.00) per year and shall be renewable annually on January 1st of each year. (Ord. 136 §2, 1971)

5.16.030 Electrician's license; required; issuance restriction.

It is unlawful for any person to engage in or work at the business, trade or calling of a journeyman electrician within the Town without first procuring a license therefor. No such license shall be issued to any person unless he or she is duly licensed as a journeyman electrician by the proper authority of the State. The above requirement for license shall not apply to the owner of any property doing work in or about his own building; providing he or she first obtains the necessary permit therefor and satisfies the Building Inspector that he or she is competent to make such installation or repairs. (Ord. 136 §3, 1971)

5.16.040 Electrician's license; application; fee.

Application for an electrician's license shall be made to the Town Clerk on forms provided for that purpose. At the time of making such application, the applicant shall furnish proof that he or she is licensed as a journeyman electrician by the State. The annual fee for a journeyman electrician shall be ten dollars (\$10.00) per year and shall be renewable annually on January 1st of each year. (Ord. 136 §4, 1971)

5.16.050 Violation; penalty.

Any violation of this Chapter, from and after the effective date of the ordinance codified in this Chapter, shall be punishable by a fine not exceeding three hundred dollars (\$300.00) or imprisonment for a term not exceeding ninety (90) days or by both such fine and imprisonment. (Ord. 136 §5, 1971)

CHAPTER 5.20

Solicitors, Peddlers, Hawkers, Itinerant Merchants and Transient Vendors

5.20.010 Going in and upon private residences uninvited prohibited.

The practice of going in and upon private residences in the Town by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of goods, wares, merchandise, books, pictures and periodicals, not having been requested or invited to do so by the owner, occupant or occupants of such private residence, for the purpose of soliciting orders for the sale of goods, wares and merchandise or books, pictures or periodicals, or for the purpose of peddling or hawking the same, is declared to be a nuisance and to be unlawful. (Ord. 81 §1, 1956)

5.20.020 Violation; penalty.

Any person, firm, copartnership or corporation convicted of perpetrating a nuisance as defined in this Chapter shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00), or by imprisonment for not less than ten (10) days nor more than ninety (90) days. (Ord. 81 §2, 1956)

CHAPTER 5.24

Liquid Waste Hauling Regulations

5.24.010 Liquid waste haulers; disposal permit required.

All liquid waste haulers wishing to deposit liquid waste or sewage in the designated disposal facilities of the Town are subject to this Chapter. Persons disposing of permitted wastes at the designated disposal facilities of the Town are shall obtain a *liquid waste hauler permit* as specified herein. There shall be and there is hereby established a liquid waste hauler permit charge of fifty dollars (\$50.00). Said permit fee shall be assessed annually. Such charge shall be payable by the applicant at the time the application is submitted. Checks shall be made payable to the Town. (Ord. 2004-8)

5.24.020 Application.

Persons seeking a permit to use the designated disposal facilities of the Town shall complete and file with the Maintenance Supervisor an application on the form prescribed by the Maintenance Supervisor. In support of this application, the user shall be required to submit the following information:

- (1) Name and address of hauler.
- (2) Number, capacity and type of vehicles that will utilize the facility.
- (3) Types of materials pumped by the hauler and the specific disposal methods and location for said materials.
- (4) Other items as the Maintenance Supervisor deems appropriate to assure compliance with this Section. (Ord. 2004-8)

5.24.030 Fees.

(a) There shall be a disposal charge per load of permitted wastes discharged into the designated disposal facility. Such charge shall be payable on a monthly basis and shall be collected by the Town.

(b) Accounting and billing of each load discharged will be accomplished by means deemed appropriate by the Town.

(c) Each vehicle using the designated disposal site must have an authorization document issued by the Town Clerk or Maintenance Supervisor, which document shall identify the company, permit number, identification of vehicles and other items as appropriate or otherwise indicated in the liquid waste hauler permit. (Ord. 2004-8)

5.24.040 Permit restrictions.

Permits to use the disposal facilities of the Town are subject to all the provisions of this Chapter and all other regulations, charges and fees deemed applicable by the Board of Trustees. (Ord. 2004-8)

5.24.050 Permit conditions.

The issuance of liquid waste hauler permits may contain the following conditions:

(1) Liquid waste hauler permits shall be issued for no longer than five (5) years. All terms and conditions of the permit may be subject to modification and change by the Maintenance Supervisor during the life of the permit.

(2) A liquid waste hauler permit may not be transferred, reassigned or sold.

(3) Liquid waste hauler permit renewal must be applied for and an updated permit application submitted to the Maintenance Supervisor at least thirty (30) days prior to the expiration date contained in the permit.

(4) Conditions contained in the liquid waste hauler permit may include but are not limited to:

a. Firm name, address and phone number;

b. Authorized representative information and signature;

c. Certification of permit condition acceptance;

d. Restrictions of hours of operation if applicable;

e. Conditions upon which permit revocation may occur;

f. Limitation on hydrocarbon or other pollutants;

g. Permit number;

h. Recordkeeping and reporting requirements;

i. Compliance with rules and regulations of the Town and the county and state Health Departments regarding proper cleanliness and sanitary conditions; and

j. Other conditions, limitations or prohibitions deemed appropriate by the Maintenance Supervisor.

(5) Requirements for manifesting each load showing origination by address, property or business owner's name and signature, type of waste and statement that waste is not hazardous.

(6) Liquid waste hauler truck contents shall be subject to sampling and analysis by Town employees at any time.

(7) All reports and records to be retained by this Chapter shall be retained for a minimum of three (3) years and shall be made available immediately upon request by the Maintenance Supervisor. (Ord. 2004-8)

5.24.060 Sampling requirements.

Liquid wastes disposed of at the designated disposal facilities of the Town shall be subject to sampling to determine compliance with all applicable provisions of this Code. General limitations and prohibitions governing these pumpings are contained in Ordinance No. _____, and excepting as follows (in milligrams per liter):

Instantaneous Compliance Sample

Pollutant (not to exceed)
Hydrocarbon 5,000

(Ord. 2004-8)

5.24.070 Reporting of changes.

(a) Any significant change in the information provided by the permittee on the liquid waste hauler permit application form shall be reported to the Maintenance Supervisor as follows:

- (1) Fourteen (14) days prior to known date of a planned significant change.
- (2) Within seven (7) days after known date of an unplanned significant change.

(b) For purposes of this Section, *significant change* shall mean:

- (1) Change in number of disposal vehicles operated by the permittee.
- (2) Replacement of a disposal vehicle operated by the permittee.
- (3) Alteration of tank size of any disposal vehicle operated by the permittee.
- (4) Other items as specified in the liquid waste hauler permit. (Ord. 2004-8)

5.24.080 Discontinuance.

Any Town employee shall have the authority to order the immediate discontinuance of the discharge from any liquid waste hauler truck into the designated disposal facilities of the Town. Such order shall be based on the employee's best professional judgment that said discharge may be in violation of any applicable condition of this Code or may otherwise be deleterious to the operation of the Town wastewater treatment facilities or the safety of its own workers. (Ord. 2004-8)

5.24.090 Liquid waste hauler permit; denial.

The Maintenance Supervisor may deny the issuance of a liquid waste hauler permit on the following grounds:

- (1) The applicant knowingly falsified information on his or her application;
- (2) The applicant's previous or other liquid hauler permit is under suspension or probation or has been otherwise revoked and the condition upon which such action was taken still exists;
- (3) The applicant is not current on all disposal and permit-related reports and charges;
- (4) Discharge to the wastewater lagoons of permitted or otherwise prohibited wastes; or
- (5) Other items as the Maintenance Supervisor considers significant. (Ord. 2004-8)

5.24.100 Notification of denial.

In the event an application for a liquid waste hauler permit is denied, the Maintenance Supervisor shall notify the applicant in writing of such denial. Such notification shall state the grounds for the applicant of the measures or actions which must be taken by the applicant prior to issuance of a permit. (Ord. 2004-8)

5.24.110 Liquid waste hauler permit; revocation, suspension, probation.

(a) All liquid waste hauler permits issued to any person may be revoked, suspended or entered into a probationary period upon a finding by the Maintenance Supervisor that any of the following conditions exist:

(1) Such person has failed to pay disposal charges within thirty (30) days after such charges were due and payable;

(2) Such person or representative thereof has improperly used and/or maintained the designated disposal facilities of the Town in violation of requirements established by the Maintenance Supervisor;

(3) Such person or representative thereof failed to display the authorization document upon request by a representative or employee of the POTW Department;

(4) Such person or representative thereof has changed, altered or otherwise modified the face of a permit or authorization document without the permission of the Maintenance Supervisor;

(5) Such person or representative thereof violated any condition of the permit;

(6) Such person or representative thereof has falsified any application, records, reports or monitoring results required to be maintained, or has failed to immediately make available such items to the Maintenance Supervisor upon his or her request; or

(7) Such person or representative thereof failed to immediately halt the discharge from his or her truck into the designated disposal facilities of the Town upon the order of any Town employee.

(b) Suspensions and periods of probation may be effected by the Maintenance Supervisor for any length of time up to one (1) year. (Ord. 2004-8)

5.24.120 Hearings.

Upon receipt of notification of denial of a permit application, the applicant may request and shall be granted a hearing to be held by the Maintenance Supervisor. At such hearing the applicant shall have the burden of establishing that the conditions set out in this Chapter have been met and that the permit should be issued. (Ord. 2004-8)

5.24.130 Conduct of hearing.

The Maintenance Supervisor may conduct the hearing and take the evidence or may designate a representative to:

(1) Issue in the name of the Maintenance Supervisor notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to the matter involved in such hearings;

- (2) Take the evidence; and/or
- (3) Transmit a report of the evidence and hearings, including transcripts and other evidence, to the Maintenance Supervisor together with recommendations for action thereon. (Ord. 2004-8)

5.24.140 Reinstatement.

Any liquid waste hauler permit which has been revoked, suspended or entered into probation pursuant to this Section may be reinstated upon a finding by the Maintenance Supervisor that the condition which resulted in such revocation no longer exists. (Ord. 2004-8)

5.24.150 Violations.

Upon determination of an ordinance, code or liquid waste hauler permit violation, any permittee shall be subject to the enforcement actions and penalties outlined in this Chapter, or as otherwise contained in the liquid waste hauler permit as necessary to protect the sewage lagoons or environment. (Ord. 2004-8)