



## TOWN BOARD REGULAR MEETING AGENDA

Location: Hybrid  
South Metro Fire Protection District Station #42  
7320 South Parker Road

Or

[Meetings | Town of Foxfield \(colorado.gov\)](https://www.colorado.gov/townoffoxfield/meetings)

**Thursday, June 19, 2025: 6:30 p.m.**

### Call to Order

1. Pledge of Allegiance
2. Roll Call of Board Members
3. Audience Participation Period (limit 4 minutes per speaker)
4. Consent Agenda
  - a. Approval of Minutes – June 5, 2025
  - b. May Financials
5. Reports
  - a. Members of Town Board
  - b. Staff

## 6. Future Agenda Items

- a. Tunnel and sidewalk repairs
- b. MHFD public outreach
- c. Culvert Clean-up
- d. Land Use Code Final Draft
- e. Speed Mitigation
- f. Wards Discussion
- g. Home Rule
- h. Social Committee

## 7. Adjournment

STUDY SESSION: LUC Definitions and Final Review



## BOARD OF TRUSTEES MEETING MINUTES

June 5th, 2025

### Call to Order

The meeting was called to order at 6:30 p.m. via Microsoft Teams.

#### 1. Pledge of Allegiance

#### 2. Roll Call

The following Trustees were present in person: Mayor Jones, Trustee Cockrell, Trustee Hodge, Trustee Lawrence, Trustee Pakanati, and Trustee Thompson.

Trustee Shultz was present via zoom.

A quorum was present.

#### 3. Audience Participation

None

#### 4. Consent Agenda

- a. Mayor Jones moved to approve the Consent Agenda, with a second from Trustee Lawrence. The motion passed unanimously.

#### 5. For Discussion

##### a. Speed Mitigation

Mayor Jones stated that the 2018 Traffic Committee Recommendation Report was included in this report. Ms. Proctor stated that Erica and Ken from SEH were present to answer questions and give recommendations to the Board. Mayor Jones emphasized the Board desires to do this work correctly and provided an example of a nearby neighborhood. Erica asked the Board their main goal for this project. The Board mentioned Hinsdale as the primary concern, different areas of town, and factors to consider such as pedestrians. Discussion included types of speed humps, gathering information from surrounding cities, conditions of roads that contribute to speeding, unsuccessful methods of speed mitigation used in the past, and locations of driveways to consider for median placement. The Board decided to start with Hinsdale and asked for recommendations from SEH for placement of speed humps. Erica said that SEH will work with Ms. Proctor, gather the speed data, and come up

with recommendation for Hinsdale in terms of spacing and speed humps or other possible solutions.

## 6. For Possible Action

### a. 2025 Pavement Patching, Crack Sealing & Surface Treatment Bid

Ms. Proctor stated that Erica from SEH was available to answer questions on this and gave a breakdown on what the bid included. Erica mentioned that coordination with Arapahoe County would be necessary for traffic control at Richfield and Arapahoe. Trustees' discussion included questions on the bump being a problem, materials that will be used, and a timeframe that a similar problem may occur again at this area. Erica explained how different constructions can cause this to fail differently and that a thickened edge will help this hold up longer. She stated that this solution should hold up for around 10-20 years, but if heavy vehicles constantly drive in this area then time frame is shorter. Mayor Jones moved to approve the Vance Brothers Bid for the 2025 Pavement Repair and Surface Treatment Program, seconded by Trustee Cockrell. No by Trustee Thompson. Passed.

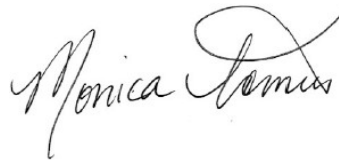
## 7. Reports

### a. Members of Town Board

- i. Mayor Jones informed the Board about a resident that lives in Chenango that raised a concern about gate access. Trustees' discussion included allowing Chenango gate passes as offered in the past, guest codes, and access to bridal trails. Trustees talked about having a temporary code to issue out to residents. Discussion included how to issue this code, in what circumstances it would be needed, how more usage of the gate would impact gate maintenance, and difficulty getting through town. Trustees decided that this should not be decided right now and could be looked at again if/when the Town has remote connectivity at the gates.
- ii. Trustee Thompson requested Ms. Torres to communicate culvert maintenance to residents again. She asked the Board if anyone has noticed anything in the floodplain area with all the rain. Trustee Pakanati said that there has been some wash out, but nothing too concerning. Trustee Thompson mentioned that she will provide Ms. Torres information about the parade for the website.
- iii. Trustee Pakanati said that the new wood polls at Richfield do not have reflective materials and offered to do that. Trustees talked about nuisance properties and code enforcement. Trustee Pakanati requested a technology upgrade for the Board that would include Copilot, Word, Excel, and OneDrive.
- iv. Trustee Hodge provided the Board with an update on 4<sup>th</sup> of July committee meeting. He asked the Board if awards have ever been given out in the past to encourage residents to take care of their properties.
- v. Trustee Cockrell asked for an update on the open space park but there was no update yet.

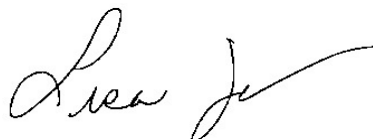
- vi. Trustee Lawrence informed the Board that the STR house has been a concern of neighbors and wondered if he was allowed to tell them that evidence needs to be gathered to present in court. Ms. Proctor will ask Attorney Hoffmann for direction on what can be said and then update the Board.
- b. Staff
  - i. Town Administrator Proctor
    - 1. Ms Proctor stated that Frank had put up the new signs at the gates and he, along with Terracare, had also done some maintenance work.
  - ii. Town Clerk Torres
    - 1. Ms. Torres stated she had received a calls about drainage issues presented at Arapahoe and Buckley and solicitation complaints. She asked the Board about the next two meetings dates. It was decided that the July 3<sup>rd</sup> meeting will be canceled.
- 8. Future Agenda Items
  - a. Tunnel, sidewalk repairs
  - b. MHFD public outreach
  - c. Culvert Clean-up
  - d. Land Use Code Final Draft
  - e. Speed Mitigation
  - f. Ward discussion
  - g. Home Rule
  - h. Social Committee
- 9. Adjournment

Mayor Jones adjourned the meeting at 8:45 pm.



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Monica Torres, Town Clerk



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Lisa Jones, Town Mayor

TOWN OF FOXFIELD  
BALANCE SHEET  
MAY 31, 2025

GENERAL FUND

ASSETS

10-10220	CASH ON DEPOSIT - 1ST BANK	20,648.37	
10-10310	CASH - COUNTY TREASURER	5,426.75	
10-10410	INVESTMENT ACCOUNT - COLOTRUST	2,079,638.62	
10-11500	PROPERTY TAX RECEIVABLE	36,084.37	
10-13110	DUE FROM CTF	1,573.61	
10-13190	DUE FROM ARP FUNDS	16,285.58	
	TOTAL ASSETS		2,159,657.30

LIABILITIES AND EQUITY

LIABILITIES

10-20100	ACCOUNTS PAYABLE	( 5,096.69)	
10-21110	PAYROLL TAXES PAYABLE	3,801.99	
10-22000	A.C. USE TAX PAYABLE	1,039.82	
10-22210	DEFERRED PROPERTY TAX	36,084.37	
10-22950	LAND USE ESCROW- PHILLIPS	232.50	
10-22960	LAND USE ESCROW-VANSTELLE	( 733.50)	
10-22970	LAND USE ESCROW - PATRICK	25.00	
10-22980	STUDER	312.50	
10-23110	DUE TO OTHER FUNDS	2,220.86	
	TOTAL LIABILITIES		37,886.85

FUND EQUITY

10-28970	FUND BAL RESRVD-LAW ENFORCEMNT	21,000.00	
	UNAPPROPRIATED FUND BALANCE:		
10-29800	FUND BALANCE - UNRESTRICTED	1,987,405.14	
	REVENUE OVER EXPENDITURES - YTD	113,365.31	
	BALANCE - CURRENT DATE	2,100,770.45	
	TOTAL FUND EQUITY		2,121,770.45
	TOTAL LIABILITIES AND EQUITY		2,159,657.30

TOWN OF FOXFIELD  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING MAY 31, 2025

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>TAXES AND FRANCHISE FEES</u>					
10-31-111 CURRENT PROPERTY TAX	8,674.14	101,941.63	138,026.00	36,084.37	73.9
10-31-121 SPECIFIC OWNERSHIP TAX	576.94	3,104.46	7,000.00	3,895.54	44.4
10-31-161 XCEL FRANCHISE FEE	1,010.96	8,217.90	10,000.00	1,782.10	82.2
10-31-162 CORE FRANCHISE FEE	.00	5,361.15	22,000.00	16,638.85	24.4
10-31-163 CABLE TELEVISION FEES	.00	( 131.26)	4,800.00	4,931.26	( 2.7)
10-31-191 CURRENT PROPERTY TAX INTEREST	14.22	16.20	100.00	83.80	16.2
10-31-311 SALES TAX	47,317.44	186,552.83	570,000.00	383,447.17	32.7
10-31-312 USE TAX	5,862.00	7,962.00	25,000.00	17,038.00	31.9
TOTAL TAXES AND FRANCHISE FEES	63,455.70	313,024.91	776,926.00	463,901.09	40.3
<u>LICENSES AND PERMITS</u>					
10-32-211 LIQUOR LICENSES	.00	400.00	350.00	( 50.00)	114.3
10-32-215 BUSINESS LICENSES	.00	175.00	280.00	105.00	62.5
10-32-221 BUILDING PERMITS	6,567.48	16,303.42	40,000.00	23,696.58	40.8
10-32-222 STREET CUT PERMITS/ROW	.00	.00	300.00	300.00	.0
10-32-223 GRADING PERMITS	.00	.00	150.00	150.00	.0
10-32-224 ZONING REVIEW REVENUE	.00	.00	100.00	100.00	.0
10-32-225 ENGINEERING REVIEW REVENUE	.00	.00	500.00	500.00	.0
10-32-226 DRIVEWAY PERMITS	.00	.00	250.00	250.00	.0
TOTAL LICENSES AND PERMITS	6,567.48	16,878.42	41,930.00	25,051.58	40.3
<u>INTERGOVERNMENTAL</u>					
10-33-321 MOTOR VEHICLE REGISTRATN FEES	222.26	1,530.54	3,500.00	1,969.46	43.7
10-33-342 CIGARETTE TAX	71.44	248.02	1,000.00	751.98	24.8
10-33-350 SEVERANCE TAX	.00	.00	600.00	600.00	.0
10-33-352 HIGHWAY USER TAX	3,407.51	16,474.97	25,672.00	9,197.03	64.2
10-33-360 MINERAL LEASE	.00	.00	200.00	200.00	.0
10-33-371 COUNTY ROAD/BRIDGE LEVY	.00	.00	6,500.00	6,500.00	.0
TOTAL INTERGOVERNMENTAL	3,701.21	18,253.53	37,472.00	19,218.47	48.7
<u>CHARGES FOR SERVICES</u>					
10-35-510 TRAFFIC COURT REVENUES	.00	.00	500.00	500.00	.0
10-35-540 CHARGEBACK ADMINISTRATION FEE	.00	.00	150.00	150.00	.0
TOTAL CHARGES FOR SERVICES	.00	.00	650.00	650.00	.0

TOWN OF FOXFIELD  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING MAY 31, 2025

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
	<u>MISCELLANEOUS</u>					
10-36-600	GATE VIOLATION	250.00	1,250.00	700.00	( 550.00)	178.6
10-36-601	GATE TAG REVENUE	84.00	361.00	800.00	439.00	45.1
10-36-611	INTEREST EARNINGS	7,625.93	36,560.74	60,000.00	23,439.26	60.9
10-36-680	MISCELLANEOUS/OTHER INCOME	.00	.00	1,000.00	1,000.00	.0
	TOTAL MISCELLANEOUS	7,959.93	38,171.74	62,500.00	24,328.26	61.1
	TOTAL FUND REVENUE	81,684.32	386,328.60	919,478.00	533,149.40	42.0



TOWN OF FOXFIELD  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING MAY 31, 2025

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>ADMINISTRATION</u>					
10-41-110 PERSONNEL EXPENSES	12,537.07	63,133.28	167,760.00	104,626.72	37.6
10-41-116 PAYROLL TAXES	959.08	4,852.62	12,834.00	7,981.38	37.8
10-41-118 WORKERS COMPENSATION INS.	.00	630.00	900.00	270.00	70.0
10-41-120 SUPPLIES/MATERIALS	.00	87.34	1,500.00	1,412.66	5.8
10-41-130 POSTAGE/BULK MAIL CHARGES	.00	382.00	550.00	168.00	69.5
10-41-140 PRINTING	.00	.00	100.00	100.00	.0
10-41-143 MUNICIPAL CODE SUPPLEMENTS	.00	1,000.00	3,000.00	2,000.00	33.3
10-41-145 LEGAL NOTICES	.00	33.34	250.00	216.66	13.3
10-41-148 RECORDING FEES	.00	.00	50.00	50.00	.0
10-41-151 AUDIT	.00	5,000.00	7,750.00	2,750.00	64.5
10-41-152 LEGAL	.00	12,170.04	15,000.00	2,829.96	81.1
10-41-160 COUNTY TREASURER FEES	86.88	1,019.57	1,380.00	360.43	73.9
10-41-170 COMMUNICATIONS/IT	403.74	5,140.86	9,000.00	3,859.14	57.1
10-41-171 TELEPHONE/INTERNET	24.08	126.73	1,500.00	1,373.27	8.5
10-41-172 E-MAIL SERVER	44.00	220.00	550.00	330.00	40.0
10-41-180 INSURANCE	2,460.45	4,955.62	9,842.00	4,886.38	50.4
10-41-182 MEMBERSHIP/DUES/TRAINING	.00	2,000.96	5,500.00	3,499.04	36.4
10-41-190 MISCELLANEOUS EXPENSE	.00	.00	5,000.00	5,000.00	.0
10-41-192 BANK SERVICE CHARGES	2.00	2.00	24.00	22.00	8.3
TOTAL ADMINISTRATION	16,517.30	100,754.36	242,490.00	141,735.64	41.6
<u>JUDICIAL</u>					
10-44-211 MUNICIPAL JUDGE	250.00	1,250.00	3,000.00	1,750.00	41.7
10-44-220 COURT RELATED EXPENSES	.00	.00	5,000.00	5,000.00	.0
TOTAL JUDICIAL	250.00	1,250.00	8,000.00	6,750.00	15.6
<u>PUBLIC SAFETY</u>					
10-46-311 LAW ENFORCEMENT	.00	138,019.83	138,026.00	6.17	100.0
10-46-314 OFF DUTY OFFICER PATROLS	.00	499.50	10,000.00	9,500.50	5.0
10-46-400 ANIMAL CONTROL	.00	.00	500.00	500.00	.0
TOTAL PUBLIC SAFETY	.00	138,519.33	148,526.00	10,006.67	93.3

TOWN OF FOXFIELD  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING MAY 31, 2025

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>PUBLIC WORKS</u>					
10-48-451 PLANNING	.00	1,563.75	5,000.00	3,436.25	31.3
10-48-452 ENGINEERING	.00	6,719.00	20,000.00	13,281.00	33.6
10-48-453 CODE ENFORCEMENT	.00	1,916.25	10,000.00	8,083.75	19.2
10-48-454 SNOW REMOVAL	.00	10,430.00	35,000.00	24,570.00	29.8
10-48-455 ROW AND ISLAND MAINTENANCE	.00	5,523.54	80,313.00	74,789.46	6.9
10-48-456 TRAFFIC CONTROL/SIGNAGE	.00	.00	3,810.00	3,810.00	.0
10-48-457 BUILDING PERMIT EXPENSES	.00	3,483.23	35,000.00	31,516.77	10.0
10-48-458 ST. CUT/ROW PERMIT EXPENSES	.00	.00	500.00	500.00	.0
10-48-459 STREET LIGHTS	121.23	597.59	1,400.00	802.41	42.7
10-48-460 ENGINEERING ROAD MAINTENANCE	.00	1,125.00	12,500.00	11,375.00	9.0
10-48-461 GATE ELECTRICITY & MAINTENANCE	60.84	596.24	11,000.00	10,403.76	5.4
10-48-500 COMM EVENTS (PARADE,DIRECTORY)	.00	.00	8,000.00	8,000.00	.0
10-48-600 STORAGE UNIT	97.00	485.00	924.00	439.00	52.5
TOTAL PUBLIC WORKS	279.07	32,439.60	223,447.00	191,007.40	14.5
<u>CAPITAL EXPENDITURES</u>					
10-58-800 CAPITAL EXP > \$5,000.00	.00	.00	86,312.00	86,312.00	.0
TOTAL CAPITAL EXPENDITURES	.00	.00	86,312.00	86,312.00	.0
TOTAL FUND EXPENDITURES	17,046.37	272,963.29	708,775.00	435,811.71	38.5
NET REVENUE OVER EXPENDITURES	64,637.95	113,365.31	210,703.00	97,337.69	53.8

TOWN OF FOXFIELD  
BALANCE SHEET  
MAY 31, 2025

OPEN SPACE FUND

ASSETS

22-10410	INVESTMENT ACCOUNT - COLOTRUST	327,495.88	
22-13120	DUE TO GENERAL FUND	( 3,604.31)	
	TOTAL ASSETS		323,891.57

LIABILITIES AND EQUITY

FUND EQUITY

UNAPPROPRIATED FUND BALANCE:			
22-29800	FUND BALANCE	289,296.32	
	REVENUE OVER EXPENDITURES - YTD	34,595.25	
	BALANCE - CURRENT DATE	323,891.57	
	TOTAL FUND EQUITY		323,891.57
	TOTAL LIABILITIES AND EQUITY		323,891.57

TOWN OF FOXFIELD  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING MAY 31, 2025

OPEN SPACE FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
	<u>REVENUES</u>					
22-30-130	ARAPAHOE CO OPEN SPACE DISTRIB	28,641.57	29,182.47	25,000.00	( 4,182.47)	116.7
22-30-611	INTEREST EARNINGS	1,137.85	5,412.78	10,000.00	4,587.22	54.1
	TOTAL REVENUES	29,779.42	34,595.25	35,000.00	404.75	98.8
	TOTAL FUND REVENUE	29,779.42	34,595.25	35,000.00	404.75	98.8

TOWN OF FOXFIELD  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING MAY 31, 2025

OPEN SPACE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>EXPENDITURES</u>					
22-40-511 MAINTENANCE	.00	.00	4,000.00	4,000.00	.0
22-40-530 PLANNING	.00	.00	7,500.00	7,500.00	.0
22-40-620 IMPROVEMENTS	.00	.00	10,000.00	10,000.00	.0
TOTAL EXPENDITURES	.00	.00	21,500.00	21,500.00	.0
TOTAL FUND EXPENDITURES	.00	.00	21,500.00	21,500.00	.0
NET REVENUE OVER EXPENDITURES	29,779.42	34,595.25	13,500.00	( 21,095.25)	256.3

TOWN OF FOXFIELD  
BALANCE SHEET  
MAY 31, 2025

AMERICAN RESCUE PLAN FUND

ASSETS

23-10410	INVESTMENT ACCOUNT - COLOTRUST	24,668.04	
	TOTAL ASSETS		24,668.04

LIABILITIES AND EQUITY

FUND EQUITY

UNAPPROPRIATED FUND BALANCE:			
23-29800	FUND BALANCE	24,201.67	
	REVENUE OVER EXPENDITURES - YTD	466.37	
	BALANCE - CURRENT DATE	24,668.04	
	TOTAL FUND EQUITY		24,668.04
	TOTAL LIABILITIES AND EQUITY		24,668.04

TOWN OF FOXFIELD  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING MAY 31, 2025

AMERICAN RESCUE PLAN FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
	<u>REVENUE</u>					
23-30-611	INTEREST INCOME	91.42	466.37	5,500.00	5,033.63	8.5
	TOTAL REVENUE	91.42	466.37	5,500.00	5,033.63	8.5
	TOTAL FUND REVENUE	91.42	466.37	5,500.00	5,033.63	8.5

TOWN OF FOXFIELD  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING MAY 31, 2025

AMERICAN RESCUE PLAN FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>GOVERNMENT SERVICES</u>					
23-41-140 GOVT SERVICES- ADMIN EXP	.00	.00	67,554.00	67,554.00	.0
TOTAL GOVERNMENT SERVICES	.00	.00	67,554.00	67,554.00	.0
TOTAL FUND EXPENDITURES	.00	.00	67,554.00	67,554.00	.0
NET REVENUE OVER EXPENDITURES	91.42	466.37	( 62,054.00)	( 62,520.37)	.8



TOWN OF FOXFIELD  
BALANCE SHEET  
MAY 31, 2025

CTF

ASSETS

31-10410	INVESTMENT ACCOUNT - COLOTRUST	20,555.06	
	TOTAL ASSETS		20,555.06

LIABILITIES AND EQUITY

FUND EQUITY

	UNAPPROPRIATED FUND BALANCE:		
31-29800	FUND BALANCE	20,194.52	
	REVENUE OVER EXPENDITURES - YTD	360.54	
	BALANCE - CURRENT DATE	20,555.06	
	TOTAL FUND EQUITY		20,555.06
	TOTAL LIABILITIES AND EQUITY		20,555.06

TOWN OF FOXFIELD  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING MAY 31, 2025

		CTF				
		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUES</u>						
31-30-611	INTEREST EARNINGS	76.16	360.54	1,000.00	639.46	36.1
31-30-634	CTF DISTRIBUTION	.00	.00	7,800.00	7,800.00	.0
TOTAL REVENUES		76.16	360.54	8,800.00	8,439.46	4.1
TOTAL FUND REVENUE		76.16	360.54	8,800.00	8,439.46	4.1

TOWN OF FOXFIELD  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING MAY 31, 2025

		CTF				
		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>EXPENDITURES</u>						
31-40-550	MAINTENANCE	.00	.00	16,000.00	16,000.00	.0
	TOTAL EXPENDITURES	.00	.00	16,000.00	16,000.00	.0
	TOTAL FUND EXPENDITURES	.00	.00	16,000.00	16,000.00	.0
	NET REVENUE OVER EXPENDITURES	76.16	360.54	( 7,200.00)	( 7,560.54)	5.0

Exhibit #3b

May

## Treasurer's Report

2025

First Bank Checking			
Activity	Credit	Debit	Account Balance
<b>Beginning Balance</b>	-	-	<b>\$ 26,224.51</b>
Colo Interac - gate tags	\$ 84.00	-	-
Colo Interac - building permits	\$ 6,567.48	-	-
Colo Interac- Use tax	\$ 5,862.00	-	-
Colo Interac - Gate Violations	\$ 250.00	-	-
Arapahoe County Use Tax	\$ 533.76	-	-
CIRSA	-	\$ 2,460.45	-
Storquest	-	\$ 97.00	-
Caselle - monthly support	-	\$ 383.00	-
Microsoft Online email hosting	-	\$ 52.92	-
Microsoft Phone	-	\$ 15.26	-
CORE- Irrigation	-	\$ 23.89	-
CORE- Gate electricity Richfield	-	\$ 30.24	-
CORE- Gate electricity Fremont	-	\$ 30.60	-
CORE- Lewiston way lights	-	\$ 32.12	-
Colorado Mediation & Resolution Service-Municipal Judge	-	\$ 500.00	-
ACWWA	-	\$ 79.53	-
CORE - 6806 S Parker Road lights	-	\$ 89.11	-
Adobe	-	\$ 20.74	-
EFTPS	-	\$ 2,692.71	-
George Poggioli	-	\$ 92.35	-
Debra Farreau	-	\$ 346.31	-
Jeffrey Briar	-	\$ 300.14	-
Karen Proctor	-	\$ 5,761.42	-
Monica Torres	-	\$ 3,631.94	-
<b>Ending Balance</b>	<b>\$ 13,297.24</b>	<b>\$ 16,639.73</b>	<b>\$ 17,200.23</b>

May	Treasurer's Report		2025
ColoTrust General Fund			
Activity	Credit	Debit	Account Balance
Beginning Balance	-	-	\$ 1,986,013.88
Sales Tax	\$ 47,317.44	-	-
AC Property Tax	\$ 34,191.46	-	-
Cigarette Tax	\$ 71.44	-	-
HUTF Distribution	\$ 3,407.51	-	-
Public Service	\$ 1,010.96	-	-
Interest Income	\$ 7,625.93	-	-
Ending Balance	\$ 93,624.74	\$ 0.00	\$ 2,079,638.62
ColoTrust CTF Fund			
Activity	Credit	Debit	Account Balance
Beginning Balance	-	-	\$ 20,478.90
Interest Income	\$ 76.16	-	-
Ending Balance	\$ 76.16	\$ 0.00	\$ 20,555.06
ColoTrust Open Space Fund			
Activity	Credit	Debit	Account Balance
Beginning Balance	-	-	\$ 297,065.86
MV Sales Tax	\$ 650.60		
Open Space Distribution	\$ 28,641.57	-	-
Interest Income	\$ 1,137.85	-	-
Ending Balance	\$ 30,430.02	\$ 0.00	327,495.88
ColoTrust American Rescue Plan Fund			
Activity	Credit	Debit	Account Balance
Beginning Balance	-	-	\$ 24,576.62
Interest Income	\$ 91.42	-	-
Ending Balance	\$ 91.42	\$ 0.00	\$ 24,668.04





## MEMORANDUM

**TO:** Mayor Jones and Members of the Board

**FROM:** Monica Torres, Town Clerk

**DATE:** June 19<sup>th</sup>, 2025

**RE:** LUC – Article 6: Definitions Part 2, Article 4: Signs, and Outdoor Storage.

During this session we will be going over the second part of Article 6: Definitions, Article 4 – Signs, and the Outdoor Storage portion of the current code, The last session definitions were left off at “Nuisance or Public Nuisance.” Some changes have been made to the sign portion, so please look those over.

**ATTACHMENT:**

Exhibit A: LUC – Article 6: Definitions

Exhibit B: LUC – Article 4: Signs

Exhibit C: Chapter 7 of Foxfield Municipal Code

Any sound, which: a) endangers or injures the sanity or health of humans or animals; b) is audible at a residential property boundary; c) otherwise violates the specific prohibitions of this Section; or d) endangers or injures personal or real property.

#### **NONCONFORMING LOT**

Pertains to a defined lot where the area, width or other characteristic of which fails to meet requirements of the zoning district in which it is located.

#### **NONCONFORMING STRUCTURE**

A structure legally existing and/or used at the time of adoption of this Chapter, or any amendment thereto, which does not conform to the regulations of the zoning district in which it is located.

#### **NONCONFORMING USE**

A use legally existing and/or used at the time of adoption of this Chapter, or any amendment thereto, which does not conform to this Chapter.

#### **NUISANCE OR PUBLIC NUISANCE**

This includes:

- a. The conducting or maintaining of any activity in violation of statute or ordinance:
- b. Any unlawful pollution or contamination of any air, water or other substance or material; any activity, operation or condition which, after being ordered abated, corrected or discontinued by a lawful order of an agency or officer of the Town, the Arapahoe County Health Department, County or State, continues to exist or be conducted in violation of statute, ordinance or regulation of the Town, the County or the State;
- c. Any activity, operation, condition, building, structure, place, premises or thing which is injurious to the public health, safety and welfare of the citizens of the Town, which contributes to blight or property degradation or which is indecent or offensive to the senses of an ordinary person, so as to interfere with the comfortable enjoyment of life or property. For the purposes of this Subsection, an accumulation of activities, operations, conditions or things that might individually not arise to the level of a nuisance may be deemed a nuisance if, taken together, they would be indecent or offensive to the senses of the ordinary person; and
- d. Any nuisance defined or declared as such by applicable statute or ordinance.

#### **NURSING HOME, INCLUDING ASSISTED LIVING**

Facilities which make medical services and nursing care available for a continuous period of 24 hours or more to three or more persons not related to the operator.

#### **OFF-PREMISES SIGN**

Any sign, including, without limitation, a billboard or general outdoor advertising device, that advertises or directs attention to a land use, business, commodity, service or activity not located or available upon the premises whereon the sign is located.

#### **OFF-STREET PARKING**



A site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas.

**OPEN FENCE**

A fence that is seventy percent (70%) or more open. Examples of open fences include split rail and ornamental iron.

**OPEN SPACE**

A parcel of land, an area of water or a combination of land or water within the site designated for a Planned Development or subdivision, designed and intended primarily for the use or enjoyment of residents, occupants and owners of the P.D. and/or the general public for uses, including but not limited to recreation areas and facilities, gardens, parks, walkways, paths and trails and areas of native vegetation left substantially in their natural state or supplemented by additional plant material. The term shall not include space devoted to buildings, streets, roads and other ways, parking and loading areas. Open space credit for nonresidential developments shall be given for treatments such as berms, sodded areas, trees, water features, decorative rock treatments and, in some cases, landscaped plazas and atriums.

- a. Common open space means open space designed or intended primarily for the common use of the lawful owners, residents and occupants of a P.D. or subdivision, but not necessarily including the general public, which is owned and maintained by an organization established for such purpose or by other adequate arrangements.
- b. Public open space means an open area developed, designed and dedicated to a public authority for use by the occupants of the development and by the general public. Portions of areas containing steep slopes (angle of incline greater than 45 degrees) and special sub- areas of floodplains (such as bogs) may not be dedicated as public open space.

**OUTDOOR STORAGE**

The storage of materials, equipment or vehicles, which material is either wholly or partially visible from the any right-of-way, any neighbor or abutting lot.

**PARKING SPACE**

That part of a parking area, exclusive of drives, turning areas or loading spaces, devoted to parking of one (1) vehicle or automobile.

**PERMANENT SIGN**

A sign constructed of durable material and affixed, lettered, attached to or placed upon a fixed, nonmovable, nonportable supporting structure.

**PERSON**

An individual, proprietorship, partnership, corporation, limited liability company, association or other legal entity.

**PETS<sup>175</sup>**

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<sup>175</sup> Combined Pet Animal and Domestic Animal definitions.

Dogs, cats, small animals, reptiles and birds which are customarily kept in the home or on the premises, as those that may be purchased at local pet stores, for the sole pleasure and enjoyment of the occupants.

#### **PLACE OF WORSHIP**

A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

#### **PLANNING COMMISSION**

The Town of Foxfield Planning Commission. In the absence of a separate appointed Planning Commission, the Board of Trustees is hereby authorized to act as the Planning Commission for purposes of these regulations within the meaning of Part 2 of Article 23 of Title 31, C.R.S.

#### **PLANNED DEVELOPMENT (PD)**

An area of land controlled by one or more landowners to be developed under unified control or unified plan of development for a number of residential, commercial, educational, recreational or industrial uses or any combination of the foregoing, the plan for which may not correspond to lot size, bulk or type of use, lot coverage, open space and/or restrictions of the existing land use regulations.

#### **PLANNED SIGN PROGRAM**

A program designed to provide flexibility in signage for business, commercial, institutional and Planned Development uses.

#### **PLAT, FINAL**

The map of a proposed subdivision and specific supporting material drawn and submitted in accordance with the requirements of adopted regulations as an instrument for recording of real estate interests with the County Clerk and Recorder.

#### **PLAT, PRELIMINARY**

The map of a proposed subdivision, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design.

#### **PLAT, SKETCH**

A map of a proposed subdivision, drawn and submitted in accordance with the requirements of the subdivision regulations, to evaluate feasibility and design characteristics at an early state in the planning.

#### **PLOT PLAN**

A surveyed overhead view plan that shows the location of the building on the lot and includes all easements, property lines, setback lines and a legal description of the lot.

#### **POCKET PARK**

A small park that accommodates passive recreation activities and other unstructured activities. Pocket Parks are between 70 and 2,500 square meters in size, have frontage on at least one public street, and are primarily hard surfaced with limited soft surface elements.

**PORTABLE SIGN**

A freestanding temporary sign, which is not affixed to the ground, a sign structure, building, canopy or awning and which is capable of being carried or moved about.

**PRINCIPAL USE**

The primary use located on a given lot or parcel of land, as opposed to an accessory use; also, a use which is listed as a use by right in any given zone district in this Chapter.

**PRINCIPAL USE OR STRUCTURE**

The primary use or structure located on a given lot or parcel of land, as opposed to an accessory use or structure.

**PRIVACY FENCE**

A fence that is less than seventy percent (70%) open. Examples of solid fences include board on board, stockade, brick, stone and masonry.

**PROJECTING SIGN**

A sign which projects, in whole or in part, more than 18 inches horizontally beyond the face of the building on which it is displayed. A blade sign is a projecting sign.

**PROJECTIONS**

Parts of buildings, such as architectural features that are exempted, to a specified amount, from the setback requirements of this Chapter.

**PROPERTY BOUNDARY**

An imaginary line along the ground surface and its vertical extension which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

**PUBLIC RIGHT-OF-WAY**

Any street, avenue, boulevard, highway, sidewalk or alley or similar place, which is owned or controlled by a governmental entity. This term includes Town right-of-way.

**PUBLIC SPACE**

Any real property or structures thereon which are owned or controlled by a governmental entity.

**PUBLIC UTILITIES**

Every firm, partnership, association, cooperative, company, corporation and governmental agency and the directors, trustees or receivers thereof, whether elected or appointed, which is engaged in providing railroad, airline, bus, electric, rural electric, telephone, telegraph, communications, gas, gas pipeline carrier, water, sewerage, pipeline, street transportation, sleeping car, express or private car line facilities and services.

**RAIL FENCE**

Typically, an open fence with vertical posts spaced approximately six to eight feet apart and two to four horizontal rails.

**REAL ESTATE SIGN**

A sign indicating the availability for sale, rent or lease of the specific lot, building or portion of a building upon which the sign is erected or displayed.

#### **RECREATIONAL FACILITIES**

Uses, structures and/or land utilized for the provision of recreational activities and/or open space that may be developed, operated and/or maintained by a public entity.

#### **RETAIL ESTABLISHMENT<sup>176</sup>**

An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, including furniture and appliance sales and business centers. These establishments are characterized by the following: 1) They buy and receive as well as sell merchandise; 2) They may process some products, but such processing is incidental or subordinate to the selling activities; and 3) They predominantly sell to customers for their own personal or household use.

#### **RESIDENTIAL PROPERTY**

Property that is zoned primarily for residential use.

#### **RESUBDIVISION**

The changing of any existing lot on any subdivision plat previously recorded with the County Clerk and Recorder.

#### **REZONING**

A revision to the Official Zoning Map.

#### **RIGHT-OF-WAY<sup>177</sup>**

An area or strip of land over which a right of passage has been recorded for use by vehicles, pedestrians and/or facilities of a public utility.

#### **ROOF SIGN**

A sign that is mounted on or projects above any part of the roof of a building or which is wholly dependent upon a building for support and which projects above the roof of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

#### **SCHOOL, PUBLIC OR PRIVATE<sup>178</sup>**

A public, parochial or private school which provides an educational program for one or more grades between grades one and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.

#### **SCREENING**

A structure erected or vegetation planted to conceal from viewers the area behind it.

#### **SEPARATION DISTANCE**

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<sup>176</sup> New.

<sup>177</sup> Combined duplicative definition.

<sup>178</sup> New.

The distance between structures measured from the foundation of one structure to the foundation of an adjoining structure.

#### **SETBACK**

The distance required between the face of a building and the lot line opposite that building face, measured perpendicularly to the building. Where angled buildings or lots, curved streets, etc., exist, the setback shall be taken as an average distance. Setback also refers to the horizontal distance (plan view) between the delineated edge of wetlands, stream/river corridors, riparian areas or wildlife habitat and the closest projection of a building or structure.

#### **SETBACK, FRONT YARD OR FRONT LOT**

A line which forms a vertical plane parallel with a front lot line of a lot, tangent to that part of a building or structure situated on such a lot which is closest to such lot line and intersecting two (2) other lot lines of such lot.

#### **SETBACK LINE**

A line or lines within a property defining the minimum horizontal distance required between a building or structure and property line.

#### **SETBACK, REAR YARD OR REAR LOT**

A line which forms a vertical plane parallel with a rear lot line of a lot, tangent to that part of a building or structure situated on such a lot which is closest to such rear lot line and intersecting two (2) other lot lines of such lot.

#### **SETBACK, SIDE YARD OR SIDE LOT**

A line which forms a vertical plane parallel with a side lot line of a lot, tangent to that part of a building or structure situated on such a lot which is closest to such side lot line and intersecting two other lot lines of such lot.

#### **SHED**

A simple roofed structure, typically made of wood or metal, used as a storage space or a workshop.

#### **SHORT-TERM RENTAL**

A rental of any dwelling, in whole or in part, to any person(s) for transient use of 30 consecutive days or less.

#### **SIDE WALL**

Any exterior wall that is not a front wall or a rear wall and is situated perpendicular to the front wall and rear wall of the same building.

#### **SITE DEVELOPMENT PLAN**

A plan view of land drawn to scale showing accurate dimensions and containing the information required in this Chapter, including uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, parking, building sites, reserved open space, buildings, major landscape features, both natural and man-made, and the locations of proposed utilities and easements.

**SIGHT TRIANGLE**

An area of land located at intersections of streets, drives and other public and/or private ways situated to protect lines of sight for motorists, within which the height of materials and/or structures is limited.

**SIGN**

Any object or device containing letters, figures and/or other means of communication or part thereof, situated outdoors or indoors, of which the effect produced is to advertise, announce, communicate, identify, declare, demonstrate, direct, display and/or instruct potential users of a use, product, service or event.

**WIND ENERGY CONVERSION SYSTEM (WECS), GROUND- OR BUILDING-MOUNTED<sup>179</sup>**

All necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to the Substation(s).

**SOLAR COLLECTOR, GROUND- OR BUILDING-MOUNTED<sup>180</sup>**

A photovoltaic (PV) panel, array of panels or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating. Ground-Mounted Solar Collector may be a principal or accessory use. Building-Mounted Solar Collector is an accessory use. Building-Mounted Solar Collector includes agrivoltaic systems and parking canopy solar systems.

**SOLID FENCE**

A fence that is less than seventy percent (70%) open. Examples of solid fences include board on board, stockade, brick, stone and masonry.

**SOUND**

An oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, volume and frequency.

**SOUND WALL**

A wall constructed for the purpose of reducing roadway noise.

**SPECIAL EVENT**

A temporary use for events such as weddings, receptions, banquets, dinners or fairs.

**SPECIAL REVIEW USE**

A use that shall have approval of the Board of Trustees before being allowed in the specific zoning district.

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<sup>179</sup> New.

<sup>180</sup> New.

**STABLE**

A structure to house domestic livestock and farm animals, which shall be limited to the capacity of not more than one domestic livestock and farm animals per acre or portion thereof.

**STREET<sup>181</sup>**

A dedicated public right-of-way which provides vehicular and pedestrian access to adjacent properties. This definition shall include the terms road, lane, place, avenue, drive and other similar descriptions.

**STRUCTURE**

The result of arranging materials and parts together, such as buildings, tanks, and fences (but not including tents or vehicles) and placing them or attaching them to a lot. It shall also mean a mobile or manufactured home, anything constructed or erected, any edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner, which is located on or in the ground or is attached to something having a location on or in the ground, including swimming and wading pools and covered patios. Paved areas and walks are excepted.

**SUBDIVIDER**

Any person, firm, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision, and who either owned the land or has written authorization from the owner of the land to proceed with the subdivision.

**SUBDIVISION**

The division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivisions and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

**SUBDIVISION IMPROVEMENTS AGREEMENT**

One or more security arrangements which may be accepted by the Town to secure the construction of such public improvements as are required by the subdivision regulations within the subdivision, and shall include collateral such as, but not limited to, performance or property bonds, private or public escrow agreements, loan commitments, assignments of receivables, liens on property, deposit of certified funds or other similar surety agreements.

**TEMPORARY SIGN**

A nonpermanent sign, banner or similar device that is intended for a temporary period of use. A temporary sign does not include a sign display area that is permanent but the message displayed is subject to periodic changes.

**TOWN**

The Town of Foxfield, Colorado.

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<sup>181</sup> Combined duplicative definition.

**TOWN ENGINEER**

The employee or consultant designated by the Board of Trustees as the Engineer for the Town.

**TOWN PLANNER**

That individual appointed or designated by the Board of Trustees to enforce these Regulations.

**TOWN RIGHT-OF-WAY**

Same as Public right-of-way and Right-of-way.

**USE**

The purpose for which land or premises or a building thereon is designed, arranged or intended or for which it is or may be occupied, and includes the activity or function that actually takes place or is intended to take place on a lot.

**VARIANCE**

A decision of the Board of Adjustment which grants a property owner relief from certain provisions of this Chapter when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience.

**VEHICLE**

A machine propelled by power other than human power, designed to travel along the ground, in the air or through water by use of wheels, treads, runners, slides, wings or hulls and to transport persons or property, to pull non-self-propelled vehicles or machinery and includes, but is not limited to: automobile, airplane, boat, bus, truck, trailer, motorcycle, motor home, recreational vehicle, camper and truck tractor. For the purpose of this Section, the term vehicle includes implements of husbandry, mobile machinery and self-propelled construction equipment.

**VIBRATION**

An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

**WALL SIGN**

A sign attached to or painted on the wall of a building or structure whose display surface is parallel to the face of the building or structure and whose height does not exceed the height of the wall to which said sign is attached or painted upon. Awning, marquee and canopy signs are to be considered wall signs.

**WEEKDAY**

Any day Monday through Friday which is not a legal holiday.

**WINDOW SIGN**

A sign that is painted on, attached to or located within three (3) feet of the interior of a window and that can be seen through a window from the exterior of the structure.

**YARD**



An open space on the same lot with a building or building group lying between the front, rear or side wall of a building and the nearest lot line, unoccupied except for projections and the specific minor uses or structures allowed in such open space under the provisions of this Chapter.

**YARD, FRONT**

A yard extending the full width of the lot on which a building is located and situated between the front lot line and a line parallel thereto and passing through the nearest point of the building.

**YARD, REAR**

A yard extending the full width of the lot on which a building is located and situated between the rear lot line and a line parallel thereto and passing through the nearest point of the building.

**YARD, SIDE**

A yard on the same lot as a building situated between the side lot line and a line parallel thereto and passing through the nearest point of a building and extending from the front yard to the rear.

**ZONING DISTRICT**

A portion of the Town within which the use of land and structures and the location, height and bulk of structures are governed; i.e., the RR classification is a district.

3. Wireless Service Facilities Definitions<sup>182</sup>

**ACCESSORY EQUIPMENT**

Equipment, including buildings and structures, used to protect and enable radio switching equipment, backup power and other devices incidental to a WSF, but not including antennae.

**ANTENNA**

Communications equipment that transmits or receives electromagnetic radio frequency signals used to provide wireless service.

**BASE STATION**

A structure or equipment, other than a tower, at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network. The term includes any equipment associated with wireless communications services, including radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks). The term includes any structure, other than a tower, to which any of the equipment described hereof is attached.

**BUILDING ROOF-MOUNTED WSF**

A WSF that is mounted and supported entirely on the roof of a legally existing building or structure.

**ELIGIBLE TELECOMMUNICATIONS FACILITY REQUEST**

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<sup>182</sup> Sec. 16-4-30. All of these definitions were duplicative of what appears to be older wireless regulations (previously called CMRS). These definitions were carried forward while the others were removed.

A request for approval of the modification of an existing tower or base station that involves the colocation of new transmission equipment, the removal of transmission equipment or the replacement of transmission equipment.

#### **EQUIPMENT STORAGE SHELTER**

Buildings, storage shelters, and cabinets used to house WSF equipment.

#### **FREESTANDING WSF**

A WSF that consists of a stand-alone support structure such as a tower or monopole, and antennae and accessory equipment.

#### **MICROWAVE ANTENNA**

A disk-type antenna used to link communication sites together by wireless voice or data transmission.

#### **MICRO WIRELESS FACILITY**

A WSF that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, that is no more than 11 inches in length.

#### **SMALL CELL FACILITY**

Either a personal wireless service facility as defined by the federal Telecommunications Act of 1996, or a WSF where:

- (1) Each antenna is located inside an enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and
- (2) Primary equipment enclosures are no larger than 17 cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: Electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

A small cell facility includes a micro wireless facility.

#### **SMALL CELL NETWORK**

A collection of interrelated small cell facilities designed to deliver wireless service.

#### **SUBSTANTIAL CHANGE**

A modification to an existing tower or base station under the following circumstances:

- (1) A substantial change in the height of an existing tower or base station occurs as follows:
  - a. For a tower outside of a public right-of-way, when the height of the tower is increased by more than ten percent (10%), or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater.
  - b. For a tower located in a public right-of-way or for a base station, when the height of the structure increases by more than ten percent (10%) or by more than 10 feet, whichever is greater.
- (2) Changes in height are measured as follows:

- a. When deployments are separated horizontally, changes in height shall be measured from the original support structure, not from the height of any existing telecommunications equipment.
  - b. When deployments are separated vertically, changes in height shall be measured from the height of the tower or base station, including any appurtenances, as the tower or base station existed on February 22, 2012.
- (3) A substantial change in the width of an existing tower or base station occurs as follows:
- a. For a tower outside of public rights-of-way, when the addition of an appurtenance to the body of the tower protrudes from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
  - b. For a tower in a public right-of-way or a base station, when the addition of an appurtenance to the body of the structure would protrude from the edge of the structure by more than six (6) feet.
- (4) A substantial change also occurs for an existing tower in a public right-of-way or an existing base station as follows:
- a. When the change involves the installation of any new equipment cabinets on the ground, if no ground cabinets presently exist; or
  - b. When the change involves the installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any existing ground cabinets.
- (5) A substantial change also occurs for any existing tower or base station when any of the following are found:
- a. When the change involves installation of more than the standard number of new equipment cabinets for the technology involved, or more than four new cabinets, whichever is less.
  - b. When the change entails any excavation or deployment outside the current site.
  - c. When the change would defeat the concealment elements of the eligible support structure.
  - d. When the change does not comply with conditions associated with the original siting approval of the construction or modification of the tower, base station or base station equipment. This limitation does not apply if the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in subsections (1) through (5)(b) hereof.

## **TOWER**

A structure built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

## **WHIP ANTENNA**

An array of antennae that is cylindrical in shape.

- x. Up-lighting is prohibited except for the up-lighting of flags within nonresidential projects and with a limit of two fixtures per flagpole with a maximum of 150 watts each. The fixtures shall be shielded as required by Paragraph 16-3-100(j)(7) of this Article.
- xi. Lighting of any sign shall be permitted subject to the following criteria:
  - (1) Light sources shall be concealed and unobtrusive.
  - (2) Lighting shall be limited to the identification marker (sign) and not used to illuminate landscaping.
- xii. Exterior lights, whether building-mounted or freestanding, shall comply with the provisions of this Chapter. Building-mounted exterior lights shall not protrude above the eave line. Freestanding lights shall not exceed 25 feet in height.<sup>98</sup>

## 15. Signs<sup>99</sup>

- a. Purpose. The purpose of this Section is to:
  - i. Protect the right to free speech by the display of protected message(s) on a sign, while balancing this right against public interests of preserving and protecting the public health, safety and welfare within the Town;
  - ii. Reduce hazards that may be caused or worsened by driver, bicyclist, and pedestrian distraction caused by signs, especially those projecting along public rights-of-way or near roadway intersections;
  - iii. Preserve and enhance the aesthetic and environmental values of the community, while at the same time providing adequate channels of communication to the public; and
  - iv. Regulate signs in a content-neutral manner in accordance with the Town's Municipal Code and intent in a manner consistent with the U.S. and Colorado Constitutions, laws, and court decisions.
- b. Applicability  
This Section shall apply to the display, construction, erection, alteration, use, location and maintenance of all signs within the Town unless specifically exempted.
- c. Exempt Signs. The following signs are exempt from the requirements of this Section and do not require a sign permit.
  - i. Signs of a duly constituted governmental body, required to be maintained by law or governmental order, rule or regulation, including without limitation traffic or similar regulatory devices,

<sup>98</sup> Sec. 16-2-50(d).

<sup>99</sup> Loosely based on Sec. 16-3-100. This section was significantly simplified and revised to comply with Supreme Court precedent.

address numerals, legal notices, warnings at railroad crossings, and other instructional or regulatory signs concerning public health, safety and welfare provided, that the copy and size of the sign do not exceed the requirements of such law, order, rule or regulation.

- ii. Decorations associated with any national, local, or religious holiday; provided, that such signs shall be displayed for not more than 60 days in any given year.
- iii. Signs located inside a building at least four feet away from any window through which the sign could be viewed from outside the building.
- iv. Memorial tablets and plaques installed and authorized by a duly constituted governmental agency or recognized historical society.
- v. Sandwich boards signs if:
  - (1) Such signs are limited in size to six square feet;
  - (2) The sign shall be placed in a location that will cause an issue for the average pedestrian traffic walking to an abutting property; and
  - (3) The sign shall not block any access point, pedestrian path, or ingress/egress point provided to meet the standards of the Americans with Disabilities Act (ADA).
- vi. Flags smaller than 15 square feet and not affixed to any pole or structure that exceeds the maximum building height.
- vii. Any sign of not more than two square feet in area, if located in the right of way this must be removed in 72 hours.

d. Prohibited Signs

The following signs shall be prohibited in the Town.

- i. Any sign which in any way obstructs the view of, may be confused with or purports to be an official traffic sign, signal or device or any other official sign.
- ii. Any sign which creates in any way an unsafe distraction for motor vehicle operators.
- iii. Any sign which obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare.
- iv. Any sign which is located in a street intersection sight triangle and exceeds three feet in height.
- v. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.
- vi. Any sign which is structurally unsafe; constitutes a hazard to safety or health; is not kept in good repair; is capable of causing electrical shocks to persons likely to come in contact with it; or does not

**Commented [Cf1]:** From Lisa - Signs like this were not allowed in the ROW before in the last code. Are the items that are exempt allowed in the ROW? We do want to allow real estate signs, but if we allow that, does that mean that we need to allow all signs in the ROW? Is this last portion allowed? How can we get around needing to allow residents to advertise their homes for sale? The current code only allows a sign attached to a fence or 4 feet back from the property line.

conform to the design, structural and material standards for signs as adopted by the Town.

- vii. Any sign located within utility easements, on public property or public rights-of-way.
  - viii. Signs painted or affixed to benches.
  - ix. Signs mounted, attached or painted on motor vehicles, trailers or boats when used as additional advertising on or near the premises and not used in conducting a business or service on the premises.
  - x. Portable signs, except those required for traffic control and sandwich boards and A-frame signs unless located on a sidewalk of sufficient width so as not to block pedestrian circulation.
  - xi. Roof signs.
  - xii. Electronic message center signs unless approved as part of a planned sign program.
  - xiii. Animated signs.
  - xiv. Flashing signs.
  - xv. Revolving beacons and searchlights.
  - xvi. Strings of light bulbs used in connection with commercial premises for commercial purposes, other than traditional holiday decorations used in compliance with these regulations.
  - xvii. Exposed neon tubing or signs unless approved as part of a planned sign program.
  - xviii. Any sign emitting sound.
  - xix. Signs with more than two faces.
  - xx. Off-premises signs.
  - xxi. Signs announcing a proposed use or land development prior to approval of the proposed use on that property by the Town.
- e. Sign Permits
- i. Sign permits shall be submitted to the Town Clerk on forms provided by the Town and with the applicable application fee.
  - ~~ii. All requests for signage shall be accompanied by a drawing, fully dimensioned, showing the sign construction specifications, color, method and intensity of illumination, and site plan showing the location, setback, height and sign area of all proposed and existing signage.~~
  - ~~iii. If the sign is to be placed on an existing building in a nonresidential zone district or within a Planned Development~~

~~District, a photo simulation of the sign on the wall on which it is to be placed shall be included.~~

~~iv.ii. If the sign is a freestanding or monument sign in a nonresidential zone district or within a Planned Development District, a stamped structural drawing of the proposed sign shall be included.~~

v.iii. The Town Planner shall have the authority to approve, deny or approve with conditions sign permit applications upon determining conformance with this LUC.

vi.iv. Any decision or recommendation made by the Town Planner may be appealed to the Board of Trustees within 15 days of the Town Planner's decision by submitting a written appeal to the Town Clerk.

vii.v. Following approval by the Town, the sign owner or sign contractor shall apply to the Town for a building permit, which permit shall be issued prior to placement of the signs on the property.

~~viii.vi. The expiration date for such permits shall be specified in each permit and, with respect to installation of signs, shall not exceed 180 days and shall be issued in conjunction with building permits.~~

**Commented [AF2]:** All of this can be removed and put into the application.

**Commented [AF3]:** This can go in the permit itself.

f. Erection and Maintenance

- i. Unless otherwise stated in this Section, signs may only be erected, altered, and maintained on the same lot as the permitted use(s) which the sign is appurtenant to.
- ii. All signs shall be maintained and kept in good repair, including without limitation, the repair of glass, plastic or other sign face material that is missing, broken, damaged, or deteriorated; and the repair of any pole, frame support, or similar structure that is broken, damaged, or deteriorated.

g. Sign Standards

Table 4-3 states the general standards for all sign types in the Town. The standards apply to each use on a property.

Table 4-3: Sign Standards		
Zoning Districts	Large Lot Rural Residential (RR)	Village Commercial (VC)
<b>Permanent Signs</b>		
Maximum Number	2 [1]	4 [1]
Maximum Total Area for All Signs	400 square feet	600 square feet
Maximum Area per Sign	200 square feet	
Maximum Height	3 feet [2]	14 feet [2]
<b>Temporary Signs</b>		
Maximum Number	2	
Maximum Area per Sign	32 square feet	
Maximum Duration per Sign	30 days in each calendar year [3]	

**Commented [Cf4]:** Under permanent signs, can we specifically say flags and limit a size? Also that they have to be located within the property?

**Table 4-3: Sign Standards**

Zoning Districts	Large Lot Rural Residential (RR)	Village Commercial (VC)
<b>Permanent Signs</b>		

**Footnotes**

- [1] Additional signs may be permitted as stated in Article IV(15)(h).  
 [2] Wall signs shall not exceed the height of the structure to which it is affixed.  
 [3] Following a written request, Staff may extend to a maximum of 60 days in each calendar year upon a showing of good cause. Only one temporary sign per use shall be permitted to exceed the 30-day limit in any calendar year.

**Commented [Cf4]:** Under permanent signs, can we specifically say flags and limit a size? Also that they have to be located within the property?

h. Additional Signs Permitted

The following signs shall be permitted in addition to the permitted signs allowed for each use in Table 4-3:

- i. At each primary entrance to a residential subdivision, an additional two freestanding signs are permitted each with a maximum height of six feet and a maximum gross surface area 100 square feet.
- ii. Signs located on sites where subdivision, development, redevelopment, initial construction or other major improvement of the property is under way shall be permitted an additional two freestanding, wall, or window signs that shall not exceed 64 square feet in total area nor 32 square feet per face and shall not exceed 8 feet in height.

**Commented [Cf5]:** From Lisa: Can we remove this?

i. Sign Area Measurement

The area of a sign shall be measured as follows:

- i. The measured area of a sign shall be the entire area within a single continuous perimeter of not more than eight straight lines enclosing the extreme limits of a writing, representation, emblem or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate a sign designed with more than one exterior surface.
- ii. The supports, structure or bracing of a sign shall be omitted from measurement unless such supports, structure or bracing are part of the message or face of the sign or form an integral background of the display.
- iii. The area of all faces shall be included in determining the total area of a sign.
- iv. The building footprint on the approved site plan shall be used to calculate wall sign area allowances on each building. Only one floor level shall be used.

j. Setbacks

Unless stated otherwise in this Section, all signs on private property shall be entirely within the property line boundaries when attached to an accessory or primary structure and in all other cases be set back four feet from any public right of way and may not be placed in street medians, corner sight triangles or within a parking space.



- k. **Illuminated Signs**  
Illuminated signs shall be shaded to avoid casting bright light upon property in any residential district or upon any public street, park, public facility, or hospital facility.
- l. **Message Substitution**  
A noncommercial message may be substituted for a commercial message and vice versa on any sign permitted by this Section.
- m. **Planned Sign Program**
  - i. **Purpose**  
The planned sign program allows for additional flexibility for commercial uses and requires additional standards for certain sign types.
  - ii. **Applicability**
    - (1) The following sign types shall require approval of a planned sign program:
      - (a) Signs or building accents which use exposed neon.
      - (b) Illuminated window signs.
      - (c) Awnings, canopies and marquees.
      - (d) Projecting signs.
      - (e) Signs with interchangeable copy or electronic message.
    - (2) Any commercial use in any zoning district may apply for a planned sign program.
    - (3) A planned sign program shall not alter the maximum sign area permitted stated in Table 4-3.
  - iii. **Application**  
Applications for a planned sign program shall be submitted to the Town Clerk on forms provided by the Town and with the applicable application fee. The application shall include:
    - (1) For commercial uses, a narrative describing why deviation from the standards in this Article IV(15) is warranted.
    - (2) A copy of the approved site plan for the use.
    - (3) Building elevation drawing or sketches indicating the exterior surface design details of all buildings on the site.
    - (4) Drawings or photo simulation, to scale, indicating the size, materials, method and intensity of illumination, height, color, sign area and general location of all signs proposed to be included within the planned sign program.

- (5) For buildings whose tenants have not been determined, the location, materials, method and intensity of illumination and maximum area for each sign that an individual business is permitted.
- iv. Review and Approval
  - (1) The Town Planner shall have the authority to approve, approve with conditions, or deny a planned sign program application based on the following:
    - (a) The quality of the proposed signs.
    - (b) The visual impact of the proposed signs.
    - (c) Compatibility with the surrounding uses and buildings.
  - (2) The Town Planner shall have the discretion to require Board of Trustees review of any sign program which may result in a significant visual impact or is located in an area which has a significant impact upon the image of the Town.
- v. Failure to Comply

A permit for a new planned sign program shall be obtained within 90 days of receipt of notice from the Town Planner that an existing sign program for any structure does not satisfy the terms of the approved planned sign program or if signs displayed in or upon any structure do not comply with the provisions of this Section.
- n. Nonconforming Signs
  - i. Definition of Nonconforming Signs

A nonconforming sign shall be any sign which:

    - (1) Was lawfully maintained on the effective date of the ordinance from which the provisions of this Chapter concerning nonconformity derive and had been lawfully erected in accordance with the provisions of any prior zoning ordinance but which sign does not conform to the limitations established by this Chapter in the district in which the sign is located; or
    - (2) Was lawfully maintained and erected on or after the effective date of the ordinance from which the provisions of this Chapter concerning nonconformity derive in accordance with the provisions of this Chapter but which sign, by reason of amendment to this Chapter, after the effective date of said ordinance, does not conform to the limitations established by the amendment in the district in which the sign is located.
  - ii. Continuance of Nonconforming Signs

Subject to termination as provided below, any nonconforming sign located on private property may be continued in operation and maintained after the effective date of the ordinance which caused the sign to become nonconforming, provided that the sign shall not be changed in any manner that increases noncompliance of such sign with any Town regulations.

iii. Termination of Nonconforming Signs

- (1) Upon expiration of a lease agreement for said sign, unless extended by the Town.
- (2) By abandonment. Abandonment of a nonconforming sign shall terminate immediately the right to maintain such sign.
- (3) By application to change any zoning or use of the property on which the nonconforming sign is located.
- (4) By destruction, damage or obsolescence. The right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the sign is damaged or destroyed from any cause whatsoever or becomes obsolete or substandard under any applicable ordinance of the Town to the extent that the sign becomes a hazard or a danger.
- (5) Alteration. The right to maintain a nonconforming sign shall terminate immediately whenever the business name, size, configuration, height, setback or other attribute is altered in any manner or the sign is abandoned.

## Article 5: Administration and Review Procedures

### 1. Decision-Making Bodies<sup>100</sup>

#### a. Town Planner

- i. There is hereby established the office of Town Planner. The Town Planner shall be appointed by the Board of Trustees and shall be charged with the responsibility for interpretation of and enforcement of this Chapter. Interpretation of this Chapter includes, but is not limited to, clarification of intention, classification and approval of land uses not specified in this Article, clarification of zoning district boundaries and delegation of procedure.
- ii. No oversight or dereliction or error on the part of the Town Planner or on the part of any other official or employee of the Town shall legalize, authorize or excuse the violation of any provisions of this Chapter.

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<sup>100</sup> Sec. 16-5-10. Simplified throughout.

Foxfield, Colorado, Municipal Code  
CHAPTER 7 Rural Residential Property Standards

**CHAPTER 7**  
**Rural Residential Property Standards**

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## **ARTICLE 1 Administration and Abatement of Nuisances**

### **Sec. 7-1-10. Definitions.**

As used in this Chapter, the following terms shall have the meanings indicated:

*Abate* means to repair, replace, remove, destroy or otherwise remedy a condition which constitutes a violation by such means, in such a manner, and to such an extent as the applicable authorized inspector or Municipal Judge determines is necessary in the interest of the general health, safety and welfare of the community.

*Agent* means and includes any person acting on behalf of or in place of the owner.

*Authorized inspector* means any police officer, Building Inspector, Tri-County Health Officer, Code Enforcement Officer, the Town Administrator or any other officer of the Town appointed by the Town to

examine any public or private property within the Town for the purpose of ascertaining the nature and existence of any nuisance.

*Blight and property degradation* means the condition of a property or group of properties that is so defective, unsightly or in such condition of disrepair that it substantially diminishes the value of surrounding property or is otherwise substantially detrimental to surrounding properties; and the condition of the property would be offensive in the eyes of the public.

*Brush* means voluntary growth of bushes and such as are growing out of place at the location where growing, and includes all cuttings from trees and bushes and high and rank shrubbery growth which may conceal filthy deposits.

*Business vehicle* means class 1—5 (under 19,500 pounds) including trailers and marked with the business name, logo or other business information.

*Collector's item* means a motor vehicle or implement of husbandry that is at least twenty-five (25) years old and is of historic or special interest. In order to be considered a collector's item, a motor vehicle must meet all criteria of a "collector's item" as defined in Section 42-12-101, et seq., C.R.S., in addition to all other applicable statutes and ordinances.

*Fully enclosed structure* shall conform to all Town zoning and building regulations contained in Chapters 16 and 18 of this Code regarding principal or accessory structures on a residential lot. Tarps, portable, movable or temporary storage or trash or recycling containers are not allowed as a means of enclosing outdoor storage in any residential zoning district.

*Garbage* means and includes any vegetable or animal refuse, food or food product, matter from a kitchen, offal or carcass of a dead animal which, if deposited within the Town other than in a garbage receptacle, tends to create a danger to public health, safety and welfare or to impair the local environment. The use in this Section is not meant to prohibit properly maintained, odorless compost or manure piles.

*Hazard to public health, safety and welfare* shall include any activity so recognized by the laws and regulations of the United States, the State or the ordinances of the Town. Such hazards shall also include, but not be limited to, activities likely to cause foul or offensive odors, promote the growth or propagation of disease-carrying insects, pollute the air or ground waters of adjacent property, create loud or offensive sounds, cause drainage and runoff to occur in other than historical patterns or dead trees or vegetation that constitute such a hazard.

*Implement of husbandry* means every vehicle, farm tractor or machine that is designed, adapted or used for agricultural purposes.

*Inoperable vehicle* includes any vehicle that:

- a. Would be required to be licensed if operated on a public highway, but does not display current, valid license plates;
- b. Does not work, move or run;
- c. Is not functioning;
- d. Is not operable for the function for which it was designed; or
- e. Does not comply with the minimum safety requirements of the Colorado Motor Vehicle Law.

*Junk* shall include any old, used or secondhand materials of any kind including, without limitation, cloth, rags, clothing, paper, rubbish, bottles; rubber, iron, tires, brass, copper or other metal; furniture; refrigerators, freezers, all other appliances; the parts of vehicles, apparatuses and contrivances and parts

thereof which are no longer in use; any used building materials, boards or other lumber, cement blocks, bricks or other second hand building materials; or any discarded machinery, vehicles or any other article or thing commonly known and classified as *junk*.

*Noxious weed* means an alien plant or parts thereof which is classified as a List A, List B or List C Noxious Weed pursuant to the Colorado Noxious Weed Act, Sections 35-5.5-101 through 119, C.R.S. "List A" includes rare noxious weed species that by law are subject to eradication wherever detected statewide in order to protect neighboring lands and the State as a whole. "List B" includes noxious weed species with discrete statewide distributions that by law are subject to eradication, containment or suppression in portions of the State designated by the Commissioner in order to stop the continued spread of these species. "List C" includes widespread and well-established noxious weed species for which control is recommended but not required by the State, although local governing bodies may require management.

*Nuisance*: See Section 7-1-20 below.

*Other vehicles* means class 4—5 (14,000—19,500 pounds) and recreational vehicle classes A, B and C. Other vehicles also include licensed trailers (with or without vehicles on them), ATVs, jet skis and boats.

*Passenger vehicle* means class 1—3 (weighing under 14,000 pounds). Including, but not limited to, automobiles and motorcycles.

*Refuse* means and includes any grass clippings, leaves, hay, straw, manure, shavings, excelsior, paper, ashes, rubbish containers, boxes, glass, cans, bottles, garbage, waste and discarded building and construction materials, including, but not limited to plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks or loose discarded or unused material; all rubbish of any kind or nature whatsoever; and any other materials commonly known as rubbish or refuse of any kind or character or by any means known.

*Rural residential property* means any property located within a Rural Residential (RR) zoning district of the Town, including any building or structure located on such property.

*Town Administrator* shall mean the duly appointed Town Administrator of the Town, or his authorized designee.

*Trash* means that which is worthless or useless and includes but is not limited to any and every refuse, rubbish, garbage, debris, waste material, paper, cartons, bottles, boxes, crates, barrels, plastic object, wooden object: wood (except stacked firewood and stacked construction materials),; wood or upholstered furniture or bedding; rubber, metals, tin or aluminum cans, metal furniture; chemical compound, petroleum product or compound, paint; automobile part or accessory, tire, wheel; food or food product; solvent, dye, beverage; offal composed of animal matter or vegetable matter or both; dirt, rock, pieces of concrete, bricks, glass, crockery or other minerals or mineral wastes; or any noxious or offensive matter whatsoever. However, such does not include earth and waste from building construction during the period in which a valid building permit issued by the Town is applicable.

*Weed* means any plant or vegetation which is not intentionally cultivated or is unsightly and economically useless.

## **Sec. 7-1-20. Nuisance defined.**

*Nuisance* includes:

- (1) The conducting or maintaining of any activity in violation of federal law, state statute or Town ordinance;
- (2) Any unlawful pollution or contamination of any air, water or other substance or material;

- (3) Any activity, operation or condition which, after being ordered abated, corrected or discontinued by a lawful order of an agency or officer of the Town, the Tri-County Health Department, the County or the State, continues to exist or be conducted in violation of a statute, ordinance or regulation of the Town, the County or the State;
- (4) Any activity, operation, condition, building, structure, place, premises or thing which is injurious to the public health, safety and welfare of the citizens of the Town which contributes to blight or property degradation; or which is indecent or offensive to the senses of an ordinary person, so as to interfere with the comfortable enjoyment of life or property;
- (5) For the purposes of this Section, an accumulation of activities, operations, conditions or things that might individually not arise to the level of a nuisance may be deemed a nuisance if, taken together, would be indecent or offensive to the senses of the ordinary person;
- (6) Any nuisance defined or declared as such by applicable statute or ordinance;
- (7) The existence, without limitation, of any of the following conditions:
  - a. Outdoor storage.
    1. No person shall be permitted to store items or materials in a public right-of-way.
    2. The accumulation of junk, trash, stale or odorous matter, including improperly maintained compost or manure piles that emit odor or similar materials that constitute a threat to the health or safety of any person, or that contribute to blight and land degradation, is prohibited.
    3. Attractive nuisances generally considered dangerous to children, including abandoned, broken or neglected vehicles, equipment, machinery, refrigerators and freezers, hazardous pools or excavations related to construction sites is prohibited
    4. The outdoor storage or accumulation of the following items on private property, other than in a fully enclosed structure or properly screened from view from the public right-of-way and neighboring properties is prohibited:
      - a) Tools, equipment, inventory and other supplies utilized in the operation of a business and no more than two (2) (of the 10 allowed) business vehicles, whether such business is a home occupation being conducted in accordance with the zoning regulations contained in Chapter 16 of this Code or is conducted off-site. Tools, equipment, inventory and other supplies with current, valid building permits may be stored in small quantities of required supplies during the term of the building permit.
      - b) The parking or storage of any unlicensed or inoperable vehicle. This Subparagraph is not meant to prohibit outside storage of bona fide collector's items when stored in compliance with Section 42-12-101, et seq., C.R.S., and other applicable ordinances.
      - c) The parking or storage of any passenger vehicle, other vehicle or other articles of personal property, not owned by the occupant of the property upon which it is parked, stored or used, for longer than a period of ten (10) days.
      - d) The unscreened parking or storage of more than a total of ten (10) vehicles so long as no more than five (5) of the ten (10) vehicles are "other vehicles" as defined by this Article 1 of Chapter 7. Any additional vehicles, beyond the ten



(10) vehicle limit in this Section must be parked in an enclosed structure or properly screened from view from the public right-of-way and neighboring properties.

- e) The parking or storage of any class 6—9 vehicle (weight exceeding 19,501 pounds).
- 5. No person shall park, store, leave, keep or maintain any vehicle, other vehicle, any items or materials on vacant lots or parcels except when such vehicles or items are being used in connection with an active building permit.
- 6. Properly screened shall mean behind a fence of sufficient height to screen the vehicle or other vehicle, but in compliance with applicable height limitations; or behind a mature hedge, or similar dense vegetation, of sufficient height to completely screen the vehicle or other vehicle from view of adjacent streets or properties; properly screened shall specifically not mean or include screening by use of a temporary covering such as a tarp, fabric, plastic, or similar covering.
- b. Buildings, structures and premises.
  - 1. Buildings or structures that are dilapidated, abandoned, boarded up, partially destroyed, have broken windows or boarded up windows, are left in a state of partial construction, demolition or disrepair; have substantial peeling paint; have broken or missing shutters or fascia; have bent, broken or poorly attached, missing or rusted gutters; or have damaged or missing roof, shingles or support structures for the roof.
  - 2. Buildings, structures or premises that are illuminated in such a manner that is offensive or interferes with the comfortable enjoyment of life or property of others or which is otherwise a detriment to the health, safety or welfare of the inhabitants of the Town.
- c. Landscaping and vegetation.
  - 1. Noxious weeds. The presence of or continued spread of any noxious weed as defined in Section 7-1-10 of this Article on any such lot or tract of land, including any public or private easement adjoining such lot or tract of land.
  - 2. Weeds, brush and other vegetation grown in a rank or unsightly fashion. In addition to an owner's property, adjoining rights-of-way along road sides, including ditches and berms, are to be maintained by each property owner. No person, firm or corporation owning or occupying any property within the Town shall permit any grass or any vegetation whatsoever to grow or remain in the rights-of-way adjoining their property so as to exceed a height of twelve (12) inches.
  - 3. Trees, shrubs and other vegetation which:
    - a) Are dead, broken, diseased or infested by insects so as to endanger the well-being of other trees, shrubs or vegetation or constitute a potential threat or hazard to public health, safety and welfare; or
    - b) Contribute to blight and property degradation.

4. Vegetation likely to:
- a) Harbor animals or insects dangerous to public health;
  - b) Cause a detriment to neighboring property;
  - c) Contribute to conditions that cause blight and property degradation; or
  - d) Grow into the public right-of-way such that it obstructs the view of drivers on public streets or private driveways or blocks the free use of a public trail, sidewalk, street or other public easement.
- d. Fences and gates. Fences, gates and similar structures that are sagging, leaning, missing boards, fallen or otherwise in an unsafe condition, constitute an unsightly appearance, have substantial peeling paint or are left in a state of partial construction or disrepair.
- e. [Reserved.]
- f. Streets, streams and water supply. No person shall throw or deposit or cause or permit to be thrown or deposited trash, junk or other offensive matter upon any street, avenue, alley, sidewalk or public or private grounds. No person shall throw or deposit or cause or permit to be thrown or deposited trash, junk or any other substance that would tend to have a polluting effect, into the water of any stream, ditch, pond, well, cistern, trough or other body of water, whether artificially or naturally created or so near any such place as to be liable to pollute the water.
- g. Stagnant ponds. The permitting or maintaining of stagnant water on any lot or piece of ground within the Town limits is hereby declared to be a nuisance. Every owner or occupant of a lot or piece of ground within the Town is hereby required to drain or fill up said lot or piece of ground whenever the same is necessary so as to prevent stagnant water or other nuisances from accumulating thereon.
- h. Sewer inlet. No person shall, in the Town, deposit in or throw into any sewer (sanitary or storm), sewer inlet or privy vault that has a sewer connection any article that might cause such sewer, sewer inlet or privy vault to become noxious to others or injurious to public health.
- i. Noxious liquids. No person shall discharge or permit to be discharged out of or from or permit to flow from any house or property any foul or noxious liquid or substance of any kind into or upon any adjacent ground or lot or into any street, alley or public place.
- j. Miscellaneous. Any other condition or use of a property that gives rise to a reasonable determination by any police officer, Building Inspector, Health Inspector, Code Enforcement Officer, the Town Administrator or any other officer of the Town that such condition or use represents a hazard to public health safety and welfare by virtue of its unsafe, dangerous or hazardous nature, is out of harmony with the standards of properties in the vicinity so as to cause a diminution of the enjoyment and use of property; or contributes to blight or property degradation, shall be deemed a nuisance.

#### **Sec. 7-1-30. Common law nuisances.**

Any nuisance which has been declared to be such by state courts or statutes or known as such at common law shall constitute a nuisance in the Town, and any person causing or permitting any such nuisance shall be in violation of this Chapter.

**Sec. 7-1-40. Author of nuisances.**

Any state of things prohibited by this Article shall be deemed to be a nuisance, and any person who shall hereafter make or cause such nuisance to exist shall be deemed to be the author thereof.

**Sec. 7-1-50. Prohibition of nuisances.**

- (a) It shall be unlawful for any person owning, leasing, renting, occupying or having charge or possession of any property within the Town to maintain the property or to allow the property to be maintained in a manner that any of the previous conditions are found to exist thereon for an unreasonable period of time as determined by any police officer, the Building Inspector, a Tri-County Health Department officer, the Code Enforcement Officer, the Town Administrator or any other officer of the Town, except as may be allowed by any other provision of law. Each prohibited condition shall be deemed a nuisance and unlawful.
- (b) No person, being the owner, agent or occupant of or having under his control, any building, lot, premises or unimproved real estate within the limits of the Town, shall maintain or allow any nuisance to be or remain therein.

(Ord. 1 §1, 2012)

**Sec. 7-1-60. Ascertaining nuisances.**

Whenever the pursuit of any trade, business or the manufacturing or maintenance of any substance or condition of things is, upon investigation, considered by the Town Administrator dangerous to the health of any of the inhabitants of the Town, the same shall be considered a nuisance and shall be abated.

**Sec. 7-1-70. Inspection of properties.**

- (a) Authorized inspector. The Town shall have the power and authority to appoint and authorize any police officer, the Building Inspector, the Code Enforcement Officer, the Town Administrator or any other officer of the Town to inspect and examine any public or private property within the Town for the purpose of ascertaining the nature and existence of any nuisance.
- (b) Right of entry, generally. Whenever necessary to make an inspection to enforce any of the provisions of this Section, such inspector may enter such building or premises at all reasonable times with the permission of the owner, occupant or other person having control of the building or premises to inspect the same or to perform any duty imposed on him; provided, however, that if such building or premises are occupied, such inspector shall first present proper credentials and request entry; and if such premises are unoccupied, he shall first make a reasonable effort to locate the owner, occupant or other person having charge or control of the building or premises, and, upon locating the owner, occupant or other person, shall present proper credentials and request entry. If entry is refused, the authorized inspector shall give the owner or occupant or, if the owner or occupant cannot be located after a reasonable effort, he shall leave at the building or premises a written notice of intention to inspect not sooner than twenty-four (24) hours after the time specified in the notice. The notice given to the owner or occupant or left on the premises shall state that the property owner or occupant has the right to refuse entry and that, in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a Municipal Judge or by a judge of any other court having jurisdiction. The requirements of this Section shall not apply to public places or privately owned vacant land, which may be inspected by an authorized inspector at any time without notice.
- (c) Search warrants:

- (1) After the expiration of the twenty-four-hour period from the giving or leaving of such notice, the authorized inspector may appear before the Municipal Court and, upon a showing of probable cause by written affidavit, shall obtain a search warrant entitling him to enter the building or the premises.
  - (2) Jurisdiction of Municipal Court. Any Municipal Judge of the Town shall have power to issue search warrants upon a showing of probable cause and in accordance with the Colorado Rules of Municipal Court Procedure.
- (d) Probable cause for issuance of search warrant. For purposes of this Article, a determination of probable cause will be based upon reasonableness and in accordance with the Colorado Rules of Municipal Court Procedure, and, if a valid public interest and reasonable suspicion of violation justifies the intrusion contemplated, then there is probable cause to issue a search warrant. The person applying for such warrant shall not be required to demonstrate specific knowledge of the condition of the particular structure or premises at issue in order to obtain a search warrant, but must show some factual or practical circumstances that would cause an ordinarily prudent person to act.
- (e) Right of entry; emergencies. Whenever an emergency situation exists in relation to the enforcement of any of the provisions of this Section, an authorized inspector, upon a presentation of proper credentials or identification, in the case of an occupied building or premises, or possession of the credentials in the case of an unoccupied building or premises, may enter into any building or upon any premises within the jurisdiction of the Town.
- (1) In the emergency situation, such person or his authorized representative may use such reasonable force as may be necessary to gain entry into the building or upon the premises.
  - (2) For purposes of this Subsection, an emergency situation includes any situation where there is imminent danger of loss of or injury or damage to life, limb or property. It is unlawful for any owner or occupant of the building or premises to deny entry to any authorized inspector or to resist reasonable force used by the authorized official acting pursuant to this Section.

(Ord. 6 §1, 2009; Ord. 1 §1, 2012)

### **Sec. 7-1-80. Enforcement and abatement of nuisances.**

- (a) Enforcement. No citizen complaint shall be necessary to enforce the provisions of this Article. Complaints of nuisances shall be made verbally or in writing to any Town official or to the Town Clerk. Whenever possible, any complaint shall state the nature of such nuisance, the location, including street address, name of owner, agent or occupant of the building or lot, if known, and the name and address of the complainant. However, the Town may in its discretion investigate an anonymous complaint if the Town determines that the circumstances warrant such a complaint.
- (b) Abatement. The Town may elect to abate any nuisance described in this Article in any one (1) or more of the following methods:
  - (1) Abatement pursuant to Section 7-1-90 of this Article; or
  - (2) Initiate an action for judicial enforcement in the Municipal Court or a County Court pursuant to section 7-1-100 of this Article.
- (c) No remedy provided in this Article shall be exclusive. All remedies shall be cumulative and available concurrently. The taking of any action authorized by this Article or any other provision of this Code, including charge or conviction of violation of this Article, shall not preclude or prevent the taking of other action to abate any nuisance. Any application of this Article that is in the nature of a civil action shall not prevent the

commencement or application of any other charges brought under the municipal ordinances or any other provision of law.

(Ord. 1 §1, 2012)

**Sec. 7-1-90. Notice of abatement.**

- (a) Notice of abatement. An authorized inspector of the Town, upon the discovery of any nuisance on private property in the Town, may notify the owner or occupant of the property to remove and abate from the property the thing or things herein described as a nuisance within the time specified in the notice. However, the abatement process shall not be required for nuisances found on public property.
- (1) The time for abatement of a nuisance posing an imminent danger of damage or injury to or loss of life, limb, property or health may be immediate as determined necessary by the Town.
  - (2) As to other nuisances, the reasonable time for abatement shall not exceed seven (7) days unless it appears from the facts and circumstances that compliance could not reasonably be made within seven (7) days or that a good faith attempt at compliance is being made.
  - (3) If the owner or occupant shall fail to comply with the requirements for a period longer than that named in the notice, either:
    - a. The authorized inspector may proceed to have the nuisance described in the notice removed or abated from the property described in the notice without delay. The authorized inspector shall have the authority to call for any necessary assistance; or
    - b. If the Town elects not to summarily abate the nuisance, it may bring an action in Municipal Court to have the nuisance declared as such by the court and for an order enjoining the nuisance and authorizing its restraint, removal, termination or abatement.
  - (4) In no event shall the notice described by this Section be required prior to issuance of a summons and complaint.
- (b) Service of notice. The written notice to abate shall be served by an authorized inspector by:
- (1) Personally delivering a copy of the notice to the owner of the property described in the notice if the owner also resides at the property;
  - (2) Personally delivering a copy of the notice to the non-owner occupant or resident of the property described in the notice and mailing a copy of the notice by certified mail, return receipt requested, to the last known address of the owner as reflected in the county real estate records; or
  - (3) Mailing a copy of the notice by certified mail, return receipt requested, to the last known address of the owner of the property described in the notice as reflected in the county real estate records if the property is unoccupied, and by posting a copy of the notice in a conspicuous place at the occupied premises.

Service of the notice shall be deemed complete upon the date of personal delivery or three (3) business days after the date of mailing as required herein.

- (c) Contents of notice. The notice to abate issued pursuant to the provisions of this Article to the owner or occupant of property upon which a nuisance was discovered shall contain the following:
- (1) The address and other description of the property upon which the nuisance was discovered;
  - (2) The name and address of the owner of the property upon which the nuisance was discovered;

- (3) The name and address of the occupant of the property upon which the nuisance was discovered, if known and if different from the owner;
  - (4) A description of the violation or condition deemed to be a nuisance;
  - (5) The time in which the violation or condition is to be removed or abated from the property;
  - (6) A statement advising the owner or occupant that he may protest the determination of the authorized inspector with respect to any matters stated in the notice, by filing a written protest pursuant to this Section with the Town Administrator within the time allowed for the removal or abatement of the nuisance described; and
  - (7) A statement that, if the owner or occupant fails to comply with directions contained in the written notice or file a written protest thereto in the time allowed, the Town may:
    - a. Enter the property, abate the nuisance described therein and assess the costs thereof to the owner of the property; or
    - b. Bring an action in Municipal Court to have the nuisance declared as such by the court and for an order enjoining the nuisance and authorizing its restraint, removal, termination or abatement.
  - (8) The notice should state that, if the cost of abatement is not paid, a lien may be placed on any property on which the abatement was performed.
  - (9) If the notice does not substantially comply with this Article, it shall not be grounds for invalidating the notice given.
- (d) Protest of notice of abatement.
- (1) The owner, his agent or the occupant of the property subject to a notice of abatement, within the time stated in such notice for removal of the violation or abatement of the condition described therein, may protest the findings of the authorized inspector with respect to any matter stated in the notice, by filing a written notice of protest with the Municipal Court. The Municipal Court shall deliver a copy of the protest to the authorized inspector who issued the notice. Upon receipt of a notice of protest, the authorized inspector shall file with the Municipal Court the notice to abate and the written notice of protest.
  - (2) Within twenty-one (21) days after receipt of the protest by the Town, the Municipal Court shall schedule and conduct a hearing on the protest. At the hearing, the protesting party and representatives of the Town shall appear in person. Both parties may be represented by legal counsel. The parties shall have the right to present evidence and arguments, to confront and cross-examine any witness and to oppose any testimony or statement relied upon by an adverse party. The Municipal Court may receive and consider any evidence that has probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.
  - (3) Once the Municipal Court has scheduled a hearing on the protest, written notice of such hearing shall be mailed to the protesting party and given to the authorized inspector who signed the notice of abatement. Such notice of hearing shall be mailed to the protesting party and given to the authorized inspector not less than seven (7) days prior to the scheduled hearing.
  - (4) Upon the filing of a written protest as provided herein, the period of time for removal of the thing or abatement of the condition described in the original notice of abatement shall be extended until final disposition of the protest by the Municipal Court, plus the amount of time granted in the original notice or as otherwise ordered by the Municipal Court.

- (e) Assessment and collection of costs of abatement. The author of the nuisance, the property owner or occupant shall be liable for the actual cost of abatement, plus fifteen percent (15%) of the abatement cost for inspection, and any other additional administrative costs. If the cost of the abatement is not paid, the Town may also assess any unpaid costs and expenses for abatement as a lien against the owner's property and certify such lien to the County Clerk and Recorder for collection in the same manner as real estate taxes against the property. Each such lien shall have priority over other liens except general taxes and prior special assessments.
- (f) Penalty.
  - (1) Violations of this Chapter shall be punishable by a fine not to exceed four hundred ninety-nine dollars (\$499.00). Each day such violation continues shall be considered a separate offense. In addition, the Town may seek restitution of all costs associated with any search warrant and enforcement actions in the event a violation is found, abatement and/or prosecution of a nuisance, including but not limited to the actual costs of said search warrant and enforcement actions and any other actual costs incurred by the Town.
  - (2) The Town may elect to file a summons and complaint without first seeking to abate an alleged nuisance condition for any violations of this Chapter.

(Ord. 6 §1, 2009; Ord. 1 §1, 2012)

#### **Sec. 7-1-100. Judicial enforcement.**

- (a) The Town may initiate a civil action or criminal prosecution for the judicial enforcement of this Article against any nuisance at any time. Judicial enforcement shall also be available to abate a nuisance following efforts to abate the nuisance through the delivery of a notice and demand as provided in Section 7-1-120.
- (b) If the Town elects to initiate judicial enforcement in a court of competent jurisdiction, which includes the Municipal Court or the Arapahoe County District or County Court depending on the nature of the nuisance, no prior notice regarding the nuisance or abatement need be provided to the defendant other than service of a summons and/or complaint in accordance with the applicable court rules.
- (c) Upon a finding of a nuisance and violation of any provision of this Article by any defendant, if the proceeding is brought in the Municipal Court, the Court shall impose the following minimum penalty unless the Town, through the Town Attorney, requests or consents to a lesser or different penalty:
  - (1) Enjoin or otherwise order the defendant to fully abate and remedy the nuisance within a specified and reasonable period of time not to exceed seven (7) days following the entry of the court's order;
  - (2) Fine the defendant for each violation an amount not to exceed four hundred ninety-nine dollars (\$499.00). Each day such violation continues shall be considered a separate offense.
  - (3) Order the defendant to forthwith pay restitution to the Town for the actual costs or loss caused to the Town by the violation, including but not limited to administrative expenses, costs to protect the public from the nuisance, court costs and attorney fees; and
  - (4) Authorize the Town to assess any unpaid costs and expenses for abatement imposed by the Court in Paragraph (3) above as a lien against the owner's property and certify such lien to the County Clerk and Recorder for collection in the same manner as real estate taxes against the property. Each such lien shall have priority over other liens except general taxes and prior special assessments.
- (d) In addition to the minimum penalty required by this Section, the Court shall be authorized to:
  - (1) Imprison the defendant for a term not more three hundred sixty-four (364) days for each violation;

- (2) Permanently enjoin the defendant from further engaging in the use of the property in a manner that would constitute a nuisance;
- (3) Find the defendant in contempt of court and assess a penalty as specified by the Court, including a fine and/or imprisonment for failure to abide by, comply with or conform to any court order or injunction; and/or
- (4) Impose any other penalty authorized by law.

(Ord. 1 §1, 2012; Ord. 01 §1, 2019)

#### **Sec. 7-1-110. Other remedies.**

No provision of this Article shall be construed to impair any common law or statutory cause of action or legal or equitable remedy therefrom, including injunctive relief, of any person for injury or damage arising from any violation of this Article or from other law.

#### **Sec. 7-1-120. Notice of assessment.**

The Town Clerk, as soon as may be after such assessment is made, shall send by certified mail, return receipt requested, addressed to the owner of such lots or tracts of land at the reputed post office address, a notice of such assessment, which notice shall contain a description of the lots or parcels of land, the name of the owner and the amount of the assessment.

#### **Sec. 7-1-130. Payment of assessment.**

- (a) It shall be the duty of the owner to pay such assessment or object thereto, in writing, within thirty (30) days after the receipt of such notice, or such other time as the Municipal Court may order, and in case of his failure to do so, he shall be liable personally for the amount of the assessment. The same shall be a lien upon the respective lot or parcel of land from the time of such assessment, and the Town shall have all remedies for collection thereof provided by state statutes, for the purpose of having the same placed upon the tax list and collected in the same manner as taxes are now collected. The assessment shall be a lien against each lot or tract of land until it is paid and shall have priority over all other liens except general taxes and prior special assessments.
- (b) The amount of such assessment may be paid to the Town Clerk at any time before the tax list is placed in the hands of the County Treasurer, but thereafter only to the County Treasurer.

(Ord. 1 §1, 2012)

#### **Sec. 7-1-140. Objection to assessment; hearing.**

In the event any owner desires to object to said assessment, he shall, within thirty (30) days after the receipt of said notice, file a written objection thereto with the Town Clerk, who shall thereupon designate the next regular meeting of the Board of Trustees as the date when said objector may appear and have a hearing before the Town Administrator and Board of Trustees.

#### **Sec. 7-1-150. Certified assessment.**

In case the owner fails to pay such assessment or object thereto within the required time as provided above, then it shall be the duty of the Town Clerk to certify the amount of the assessment to the County Assessor, who shall collect the assessment as provided for by state law for the collection of delinquent general taxes.



**Sec. 7-1-160. Cumulative remedies.**

No remedy provided herein shall be exclusive, but the same shall be cumulative. The taking of any action hereunder, including charge or conviction of a violation of this Chapter in the Municipal Court, shall not preclude or prevent the taking of other action hereunder to abate or enjoin any nuisance found to exist.

**Sec. 7-1-170. Concurrent remedies.**

Whenever a nuisance exists, no remedy provided for herein shall be exclusive of any other charge or action, and when applicable, the abatement provisions of this Chapter shall serve as and constitute a concurrent remedy over and above any charge or conviction of any municipal offense or any other provision of law. Any application of this Chapter that is in the nature of a civil action shall not prevent the commencement or application of any other charges brought under this Code or any other provision of law.

**Sec. 7-1-180. Violations and penalties.**

Any violation of the provisions of this Article shall be subject to the penalties as provided for in Section 1-4-20 of this Code.

## **ARTICLE 2 Animals<sup>1</sup>**

**Sec. 7-2-10. Definitions.**

For the purposes of this Article, the following terms shall have the following meanings:

*Abandon* means the leaving of a pet animal without adequate provisions for the animal's proper care by its owner or keeper.

*Aggressive dog* means a dog which, without intentional provocation, engages in any of the following behaviors:

- a. Threatens a person by encroaching onto public property or property of another from a vehicle or from the owner's or custodian's yard through, under or over a fence;
- b. Injures another domestic animal while off the owner's or custodian's property;
- c. Approaches any person in an apparent attitude of attack or in a terrorizing or menacing manner; or
- d. Causes bodily injury to any person.

*Animal Services Officer* means any person authorized by Arapahoe County to enforce the provisions of this Article and shall also include the Arapahoe County Sheriff and any Arapahoe County Sheriffs Deputy.

*At large* means a dog that is not under physical control or voice control, as defined in this Article, while on public property, or, means a dog that is on private property without the permission of the property owner or his/her agent; further, with respect to a dog on a County-owned open space, park, or trail, "at large" also means that the dog is in violation of any requirements as stated in Arapahoe County displayed signage applicable to dogs on such property (for example, designated signage may indicate that all dogs must be under physical control, or indicate that certain areas are off limits to dogs).

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<sup>1</sup>Editor's note(s)—Ord. No. 06, §1, adopted Aug. 19, 2021, repealed the former Art. 2, §§ 7-2-10—7-2-160, and enacted a new Art. 2 as set out herein. The former Art. 2 pertained to similar subject matter and derived from Ord. 3 §3, 2010; ; Ord. 10 §1, 2010; Ord. 1 §1, 2012; Ord. 02 §1, 2012.

*Attack* means an assault against a person or domestic animal, whereby physical contact is made in an apparently hostile or terrorizing manner.

*Bite* means to seize with teeth or jaws so as to enter, grip, wound or cause a puncture to the skin.

*Bodily injury* means a physical injury to a person or animal resulting in bruising, muscle tears, skin lacerations, or broken bones that may or may not require professional medical treatment, which may include, but is not limited to, sutures or cosmetic surgery. Such injuries may or may not result in permanent disfigurement, protracted loss or impairment of the functions of any part or organ of the body, or death.

*Control* means:

- a. Having a dog on a leash, rope or other means of restraint so that freedom of the dog's movement is restricted within a ten-foot radius;
- b. Having a dog exclusively within the private property of the owner, keeper, or possessor of a dog.
- c. Accompanying a dog on public property when said dog is at all times within twenty (20) feet of and immediately responsive to the voice commands of the dog's owner, keeper or possessor.
- d. Accompanying a dog on private property with permission of the owner of such private property, when said dog is at all times within forty (40) feet of and immediately responsive to the voice commands of said dog's owner, keeper or possessor.

*C.R.S.* means the Colorado Revised Statutes.

*Cruelty to animals* means to knowingly, recklessly, or with criminal negligence, overdrive, overload, overwork, torture, torment, deprive of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate, needlessly kill, carry in or upon any vehicle in a cruel manner, or otherwise mistreat or neglect any animal or cause or procure it to be done, or having the charge and custody of any animal, fail to provide it with proper food, drink or protection from the weather consistent with the species, breed, and type of animal, or abandon the animal. See Sections 35-42-107(2) and 18-9-202, C.R.S., as amended.

*Custody* means providing food, shelter, water, other sustenance, or care for a dog.

*Dog* means any member of the species *Canis familiaris*.

*Owner or keeper* means any person eighteen (18) years of age or older, an unemancipated child under the age of eighteen (18) years, or the parent or guardian of any child under the age of eighteen (18) years who owns, keeps, harbors, possesses, has custody of, or is responsible for exercising physical or voice control over a dog or other animal.

*Person* means any natural person or individual, corporation, business trust, estate, trust, partnership, association, business, or any other legal entity, but shall exclude all governments, governmental subdivisions or governmental agencies.

*Pet animal* means an animal as defined in 30-15-101(3), C.R.S., as amended.

*Physical control* means a dog is on a leash, rope, or other means of physical restraint by a person physically capable of handling such dog so that freedom of the dog's movement is restricted.

*Possessor* means a person who, or whose unemancipated child under the age of eighteen (18) years who resides with said person, has voluntarily assumed custody of a dog or the responsibility for the control of a dog, through means other than as an owner or keeper. A person is not a possessor if he, or his unemancipated child under the age of eighteen (18) years who resides with said person, assumes temporary custody of a dog for the sole purpose of summoning animal control authorities or for the sole purpose of seeking emergency aid or medical treatment for a dog.

*Running at large or runs at large* means a dog that is upon public property or upon the private property of a person other than the dog's owner, keeper or possessor, when said dog is not under the control of the dog's owner, keeper or possessor; or a dog that is upon the private property of a person other than the dog's owner, keeper or possessor, without permission from an owner of the private property or his agent, even if said dog is under the control of the dog's owner, keeper or possessor.

*Serious bodily injury* means an injury to a person or domestic animal caused by a dog which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body or breaks, fractures or injuries that require corrective surgery.

*Vicious dog* means:

- a. A dog whose freedom of movement is not restricted by confinement or by attachment to a leash, rope, or other means of restraint; and which dog, in a dangerous or terrorizing manner, has physical contact with a person or domestic animal, with or without causing bodily injury. Said restriction shall prevent the escape of such dog from its owner, keeper or possessor or from such owner's keeper's or possessor's property; and shall prevent such dog from attacking or injuring a human being or domestic animal.
- b. Any dog which has caused bodily injury to a human being or domestic animal during two (2) or more separate episodes.
- c. The control provisions of Subparagraphs a. and b. above shall not apply to any dog while actually working livestock or assisting law enforcement officers or while being trained for any of these pursuits. A dog owned, kept or possessed primarily as a domestic pet on residential property shall not be excluded from Subparagraphs a. and b. above and shall not be considered a guard or police dog;
- d. Episodes wherein a dog attacked, bit, caused bodily injury, caused serious bodily injury or caused death to a human being or domestic animal, when said human being or domestic animal intentionally provoked such dog's action without justifiable reason, shall be excluded from Subparagraphs a. and b. above.
- e. The exclusions provided for in Subparagraphs c. and d. above shall be affirmative defenses.

*Voice control* means a dog is immediately and reliably obedient to any voice or sound command given by an owner or keeper who is able to prevent the dog from charging, chasing, or otherwise disturbing or interfering with any person, pet animal, livestock, or wildlife, regardless of the distance involved or the presence of any distraction or provocation.

### **Sec. 7-2-20. Rabies vaccination required.**

- (a) Any owner or keeper of a dog commits a class 2 petty offense or a municipal offense if such dog is more than four (4) months of age and the owner or keeper is unable to provide proof when requested of a then current rabies vaccination, issued by a licensed veterinarian. A rabies certificate or tag current at the time that it is requested, and supplied by a licensed veterinarian, shall serve as proof of rabies vaccination.
- (b) An owner or keeper of a dog is exempt from the requirements of this Section 7-2-20 if the owner or keeper can produce a signed letter from a licensed veterinarian stating that such vaccination would be detrimental to the health and well-being of such dog.

(Ord. 06, §1, 2021)

**Sec. 7-2-30. Dogs at large.**

- (a) Any owner or keeper of a dog commits a class 2 petty offense or a municipal offense if such dog is found to be at large.
- (b) The provisions of this Section shall not apply to any dog while working livestock, locating, or retrieving wild game in season for a licensed hunter, assisting law enforcement officers, performing search and rescue functions for an emergency services provider, or while being trained for any of these pursuits.
- (c) A violation of this Section 7-3-40 shall not be proven solely by the uncorroborated testimony of a single witness unless the testimony is corroborated by the submission of photographic or video evidence, or unless the witness is an Animal Services Officer.
- (d) Repeated offenses shall be cumulative only within a 365-day period, counting from the day of the last violation.

(Ord. 06, §1, 2021)

**Sec. 7-2-40. Noisy dogs.**

- (a) Any owner or keeper of a dog commits a class 2 petty offense or a municipal offense if such dog individually, or in combination with another dog or dogs together, makes any noises or disturbances by barking, howling, yelping, whining or other utterance which is audible beyond the premises on which the dog is kept, in excess of twenty (20) consecutive minutes during the day (7:00 a.m. to 9:00 p.m.) or in excess of ten (10) consecutive minutes during the night (9:01 p.m. to 6:59 a.m.) and/or a cumulative period in excess of one-hundred twenty (120) minutes during any twenty-four (24) hour period.
- (b) No citation for a violation of this Section 7-2-40 shall be issued unless at least one (1) written warning, signed by the Animal Services Officer and at least one (1) complainant, has been issued to an owner or keeper of the dog or dogs that have exceeded the noise limits. Such written warning shall contain the date and time when the violation occurred and a brief explanation of the nature of the noise complaint. Once a written warning has been issued, a citation may be issued for any violations that occur seven (7) or more days after the written warning is issued without the necessity of an additional warning.
- (c) No citation shall be issued and no conviction shall occur for a violation of this Section 7-2-40 unless there are two (2) complaining witnesses from separate households who have signed such citation; except that only one (1) complaining witness shall be required to sign the citation under either of the following circumstances:
  - (1) An Animal Services Officer or Deputy Sheriff has personally investigated the complaint of a single complainant and observed the nature and duration of the noise created by the dog and can testify as to such observations; or
  - (2) A complainant has presented to the Animal Services Officer, at the time of the complaint, a video and/or audio recording that corroborates the alleged violation.
- (d) Repeated offenses shall be cumulative only within a 365-day period, counting from the day of the last violation.

(Ord. 06, §1, 2021)

**Sec. 7-2-50. Cruelty to animals.**

An owner or keeper of an animal commits a violation of this Section, which is also a class 1 misdemeanor under § 18-9-202, C.R.S., as amended, if he/she commits cruelty to animals.

**Sec. 7-2-60. Approach in an aggressive manner.**

Any owner or keeper of a dog commits a class 2 petty offense or a municipal offense if such dog, while off the owner's premises and without provocation, approaches any person in an apparent attitude of attack and demonstrates aggressive behavior, including, but not limited to lunging, snarling, growling, barking, or snapping. Such behavior may restrict the movement of a person, including, but not limited to, cornering or circling, and such behavior by such dog may, but need not, result in actual physical contact from such

**Sec. 7-2-70. Pet animal causing injury.**

Any owner or keeper of a pet animal commits a class 2 petty offense or a municipal offense if such pet animal, causes injury to another pet animal or livestock.

**Sec. 7-2-80. Affirmative defense.**

If a dog or other pet animal is provoked into biting or attacking, which results in bodily injury, such provocation shall constitute an affirmative defense. Provocation shall be determined by one (1) or more of the following:

- (1) That, at the time of the incident, the victim was committing or attempting to commit a criminal offense against the dog/pet animal owner or the dog/pet animal owner's property; or
- (2) That, at the time of the incident, the victim tormented, abused, or inflicted injury upon the dog or pet animal, which resulted in the incident; or
- (3) That, at the time of the incident involving the dog or other pet animal, which caused injury to or the death of another animal, the injured and/or deceased animal was at large.

**Sec. 7-2-90. Impoundment and disposition of animals.**

- (a) Any Animal Services Officer may impound into the custody of any licensed shelter or other impound facility any dog found to be at large. An Animal Services Officer may also impound any pet animal at the direction of a law enforcement officer made in accordance with and pursuant to lawful process.
- (b) Upon the impoundment of any dog or other pet animal, Arapahoe County shall make a prompt and reasonable attempt to identify the owner or keeper of the dog or other pet animal and, upon identification of the owner or keeper, shall cause written notice to be provided to the owner or keeper of the impoundment and the location of the impoundment facility. As used herein, a reasonable attempt to identify shall mean that the Animal Services Officer checks the dog or other pet animal for any identifying information, including identification tags or imbedded microchip, and a search for social media postings related to the dog or other pet animal. Written notice may be provided by email, text message or other electronic means, personal delivery to the owner or keeper of the dog or other pet animal, or by posting the notice at the residence of the owner or keeper of the dog or other pet animal.
- (c) Dogs and other pet animals impounded pursuant to the provisions of this Section 7-2-90 or pursuant to the direction of a law enforcement officer are subject to disposition in accordance with the requirements of applicable state law, including Section 35-80-106.3, C.R.S., and 18-9-202.5, C.R.S., the requirements of the licensed shelter or other impound facility, and of any applicable order of a Court of competent jurisdiction.

Such requirements may include a requirement for the payment of impound fees prior to the return of the dog or other pet animal.

- (d) In lieu of impoundment of a dog caught running at large, provided that the Animal Service Officer is able to identify and locate the owner or keeper at the time of capture, the dog may be returned directly to that owner or keeper upon payment of a "return to owner fee" in the amount established as provided in Section 7-2-110 of the Foxfield Municipal Code. Upon capture of a dog at large, the Animal Services Officer shall attempt to identify the owner by checking for an identification tag on or microchip in the dog, and if the owner or keeper is identified, the Animal Service Officer shall first make an attempt to contact the owner or keeper and return the dog in exchange for payment of the of the "return to owner fee," prior to taking the dog to an impound facility.

(Ord. 06, §1, 2021)

#### **Sec. 7-2-100. Enforcement and liability.**

The Board of Trustees, the Board of County Commissioners of Arapahoe County, and their officers, agents, employees, or any other persons authorized to enforce the provisions of this Article shall not be held responsible for any accident or subsequent disease that may occur to an animal in connection with the administration of this Article.

#### **Sec. 7-2-110. Fees.**

Fees authorized under this Article shall be set in such amounts as approved in a separate resolution by the Board of Trustees.

#### **Sec. 7-2-120. Enforcement/peace officer designation.**

The provisions of this Article shall be enforced as designated by Arapahoe County. For purposes of enforcement and pursuant to Section 30-15-105, C.R.S., Arapahoe County Animal Services Officers may issue a citation to enforce this Article.

#### **Sec. 7-2-130. Violations/strict liability.**

Violations of any provision of this Article shall be proven by establishing beyond a reasonable doubt that a person voluntarily acted or omitted to perform an act which such person was capable of performing, and that such act or omission was contrary to any provision of this Article constituting a violation. It shall not be necessary to prove a culpable mental state on the part of any person with respect to any material element of any violation. Any violations of this Article are ones of "strict liability," as defined by Title 18, Article 1, C.R.S.

#### **Sec. 7-2-140. Penalties.**

- (a) Each violation of any provision of this Article which constitutes a class 2 petty offense, or a municipal offense shall be punishable upon conviction by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment in the County Jail for not more than ninety (90) days, or by both such fine and imprisonment for each separate offense.
- (b) Any offense and repeated offenses of Section 7-2-70 of this Article shall require a mandatory court appearance. Each violation of Section 7-2-70 shall be punishable, upon conviction, by a fine not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) or by imprisonment in the County jail for not more than ninety (90) days, or by both such fine and imprisonment for each separate offense.

- (c) In addition to Subsection (a) above, the penalty assessment procedures as provided for in Title 16, Article 2, Part 2, C.R.S., are herein adopted by reference. If, in the discretion of the Town, such penalty assessment procedures are utilized in relation to class 2 petty offense violations or municipal offenses of this Article, except for violations of Section 7-2-70 of this Article, the following graduated penalty assessment schedule shall be applicable:

- (1) First offense: fifty dollars (\$50.00).
- (2) Second repeated offense: one hundred dollars (\$100.00).
- (3) Third repeated offense: three hundred dollars (\$300.00).
- (4) Fourth or more offense: mandatory court appearance.
- (5) Each and every incident during which a violation of any section occurs shall be deemed a separate violation.

(Ord. 06, §1, 2021)

**Sec. 7-2-150. Incorporation of state statutes.**

All provisions of Title 30, Article 15, Part 1, C.R.S., to the extent applicable to the Town of Foxfield, are hereby adopted and incorporated by reference into this Article.

**Sec. 7-2-160. Applicability.**

The provisions of this Article shall apply to and may be enforced within all areas of the Town.

## **ARTICLE 3 Discharge of Firearms**

**Sec. 7-3-10. Discharge of firearms.**

- (a) This Article is intended to protect the public health, safety and welfare by regulating the discharge of firearms within the Town of Foxfield.
- (b) It is unlawful and a violation of this Section 7-3-10 for any person to fire, shoot, or discharge any firearm, except as otherwise provided in this Article. For purposes of this Article, any person who was the proximate cause of the discharge shall be deemed to have discharged the firearm.
- (c) It is a violation of this Section if the discharge occurred outdoors and within the jurisdiction of the Town, or if the projectile travels over such jurisdiction.
- (d) The discharge of firearms by any member of any law enforcement office, including wildlife officers, in the course of such member's law enforcement training exercises or official duty shall not be deemed to be a violation of this Section.
- (e) For purposes of this Section, the term "firearm" includes any pistol, revolver, self-loading pistol, rifle, or shotgun that uses gunpowder or other explosive substance.

(Ord. 07 §1, 2013)

Editor's note(s)—Ord. 07, §§ 1, 2, adopted in 2013, amended § 7-3-10 in its entirety to read as herein set out. Former § 7-3-10, pertained to general provisions and derived from Ord. 07, § 1, adopted in 2013.

### **Sec. 7-3-20. Defenses.**

- (a) It is an affirmative defense to a charge of violating Section 7-3-10, "Discharge of Firearms," that the person discharging said firearm was:
- (1) Reasonably engaged in lawful self-defense under the statutes of the State of Colorado; or
  - (2) Reasonably exercising the right to keep and bear arms in defense of the person's or another person's home, person, and property, or in aid of the civil power when legally thereto summoned.
- (b) It shall also be a specific defense to the charge of violating Section 7-3-10, "Discharge of Firearms," if the discharge was for the purpose of putting down a distressed animal.

(Ord. 07 §1, 2013)

Editor's note(s)—Ord. 07, §§ 1, 2, adopted in 2013, amended § 7-3-20 in its entirety to read as herein set out.  
Former § 7-3-20, pertained to similar subject matter and derived from Ord. 07, § 1, adopted in 2013.

### **Sec. 7-3-30. Exemptions from Article.**

Nothing in this Article shall be construed to forbid United States marshals, sheriffs, constables and their deputies; any regular or ex-officio police officer; any other peace officers; or members of the United States Armed Forces, Colorado National Guard, or Reserve Officer Training Corps from discharging such weapons as are necessary in the authorized and proper performance of their official duties.

Editor's note(s)—Ord. 07, §§ 1, 2, adopted in 2013, amended § 7-3-30 in its entirety to read as herein set out.  
Former § 7-3-30, pertained to exemptions and derived from Ord. 07, § 1, adopted in 2013.

### **Sec. 7-3-40. Penalties.**

Any violation of the provisions of this Article shall be subject to the penalties provided for in Section 1-4-20 of this Code.

## **ARTICLE 4 Noise Control**

### **Sec. 7-4-10. Purpose.**

Excessive sound and vibration are a serious hazard to the public health, safety, welfare and quality of life, and a substantial body of science and technology exists by which excessive sound and vibration may be substantially abated. Town residents have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health, safety or welfare or degrade their quality of life. Therefore, it is the purpose of this Section to prevent excessive sound and vibration which may jeopardize the health, safety or welfare of Town residents or degrade their quality of life.

### **Sec. 7-4-20. Definitions.**

The following words and phrases, when used in this Article, have the meanings respectively ascribed to them:

*Emergency* means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

*Emergency work* means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.



*Holidays* means New Year's Day, Martin Luther King Day, President's Day, Memorial Day, July 4th, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and Christmas Day.

*Noise* means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological effect on humans.

*Noise disturbance* means any sound which:

- a. Endangers or injures the safety or health of humans or animals;
- b. Annoys or disturbs a reasonable person of normal sensitivities; or
- c. Endangers or injures personal or real property.

*Person* means any individual, association, partnership or corporation and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

*Residential property boundary* means an imaginary line along the ground surface and its vertical extension which separates the real property owned by one (1) person from that owned by another person.

*Sound* means an oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

*Vibration* means an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

#### **Sec. 7-4-30. Noise disturbances prohibited.**

- (a) No person shall make, continue or cause to be made or continued any noise disturbance, except as provided below, across a residential property boundary between the hours of 9:00 p.m. and 7:00 a.m. the following day, Sundays through Thursdays; between the hours of 9:00 p.m. and 8:00 a.m. the following day on Fridays; and between the hours of 9:00 p.m. and 10:00 a.m. the following day on Saturdays and holidays.
- (b) Live bands and music. No person shall play, practice or perform, or permit to be played, practiced or performed, any music audible at a residential property boundary, between the hours of 9:00 p.m. until 8:00 a.m. the following day, Sunday through Thursday, and between the hours of midnight until 10:00 a.m. the following day, Friday and Saturday.
- (c) Construction noise. Noise generated by construction activities is governed by Section 18-12-60 of this Code.
- (d) This Section shall not apply to sound made or controlled by the Town, the federal government or any branch, subdivision, institution or agency of the government of the State, or any subdivision within it; nor shall it apply to any activity of the governmental unit; nor shall it apply to any event sponsored by a governmental unit or others pursuant to the terms of a contract or lease granted by the governmental unit.

(Ord. 05 §1, 2014)

#### **Sec. 7-4-40. Defenses.**

It shall be a specific defense to a charge of violating this Section that:

- (1) The sound was made by any law enforcement or authorized emergency vehicle when responding to an emergency or acting in time of emergency;

- (2) The sound was made within the terms of a parade, fireworks display or temporary street closure permit issued by the Town;
- (3) The sound was made by the horn of any motor vehicle as a danger warning signal or by any warning device as required by law; or
- (4) The sound was made on property belonging to or leased or managed by a federal, state, county, municipal or special district governmental body and was made by an activity of the governmental body or by another pursuant to a contract lease or permit granted by such governmental body.

#### **Sec. 7-4-50. Violations and penalties.**

Any person who violates any of the provisions of this Chapter shall be punished in accordance with the provisions of Section 1-4-20 of this Code.

#### **Sec. 7-4-60. Cumulative remedies.**

No remedy provided herein shall be exclusive, but the same shall be cumulative. The taking of any action hereunder, including charge or conviction of a violation of this Chapter in the Municipal Court, shall not preclude or prevent the taking of other action hereunder to abate or enjoin any nuisance found to exist.

#### **Sec. 7-4-70. Concurrent remedies.**

Whenever a nuisance exists, no remedy provided for herein shall be exclusive of any other charge or action, and, when applicable, the abatement provisions of this Chapter shall serve as and constitute a concurrent remedy over and above any charge or conviction of any municipal offense or any other provision of law. Any application of this Chapter that is in the nature of a civil action shall not prevent the commencement or application of any other charges brought under this Code or any other provision of law.

### **ARTICLE 5 Trash Collection**

#### **Sec. 7-5-10. Definitions.**

For purposes of this Article 5 of Chapter 7, the following terms shall have the following meanings:

*Hazardous materials* means wastes that are hazardous by reason of their pathological, explosive, radiological or toxic characteristics, and any waste whose storage, treatment, incineration or disposal requires a special license or permit from any federal, state or local government entity, body or agency and any substance that, after the effective date of this agreement, is determined to be hazardous or toxic by any judicial or governmental entity, body or agency having jurisdiction to make that determination.

*Provider* means any person or entity authorized to provide trash collection services within the Town.

*Residential unit* means any residence within the Town that is not an industrial or commercial establishment.

*Trash* means household waste, garbage, waste matter, grass clippings, leaves, trees, bush trimmings and Christmas trees, including recycling materials collected as part of any recycling program, but excluding any unacceptable trash as defined herein.

*Unacceptable trash* means highly flammable substances, hazardous materials, liquid wastes, special wastes, certain biological wastes, material that the disposal facility is not authorized to receive and/or dispose of, and other materials deemed by state, federal or local law, to be dangerous or threatening to health or the

environment, or which cannot be legally accepted at a disposal facility used by the Town's residential trash collection provider.

**Sec. 7-5-20. Unacceptable trash.**

It shall be unlawful for any occupant of a residential unit to provide to any provider of trash disposal and/or recycling services unacceptable trash for pick-up by such provider.

**Sec. 7-5-30. Penalties**

- (a) Any violation of the provisions of this Article shall be subject to the penalties provided for in Section 1-4-20 of this Code.
- (b) A provider may, in its sole discretion, reject any unacceptable trash provided by the occupant of a residential unit.
- (c) The penalties set forth herein shall not be exclusive of any other charge or action, and when necessary to make whole a provider who has incurred costs to remove unacceptable trash from its vehicle or premises or the waste stream, penalties may also include an assessment as restitution or otherwise of the provider's actual costs in so removing such unacceptable trash.

(Ord. 03, § 1, 2015)