

ORDINANCE NO. 01-2021

AN ORDINANCE OF THE TOWN OF SEDGWICK, ADOPTING AND ENACTING A NEW CODE OF ORDINANCES FOR THE TOWN OF SEDGWICK; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR THE ADOPTION OF SECONDARY CODES BY REFERENCE; AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF

WHEREAS, Town staff and American Legal Publishing Corporation have prepared a new codification of the general and permanent ordinances of the Town of Sedgwick; and

WHEREAS, the Board of Trustees desires to adopt the new code of ordinances; and

WHEREAS, the Board of Trustees after proper notice has held a public hearing on this ordinance providing for the adoption of the new Town of Sedgwick Code of Ordinances.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SEDGWICK, COLORADO:

Section 1. The Code entitled the *Town of Sedgwick, Colorado Code of Ordinances*, published by American Legal Publishing Corporation, consisting of Titles I through XV, Chapters 10 through 154 and the tables and indices thereto, each inclusive (the "Code"), is hereby adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before the adoption date of this Ordinance, which are inconsistent with the provisions of the *Town of Sedgwick, Colorado Code of Ordinances*, to the extent of such inconsistency, are hereby repealed.

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in Section 2 of this Ordinance shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance.

Section 4. The following secondary code was previously adopted by reference and incorporated in the *Town of Sedgwick, Colorado Code of Ordinances*. One (1) copy is on file in the Town Clerk's office:

(1) The *Model Traffic Code for Colorado*, 2010 edition, promulgated and published as such by the Colorado Department of Transportation, as adopted and amended in Chapter 70 of the Code.

Section 5. The following secondary code is hereby adopted by reference and incorporated in the *Town of Sedgwick, Colorado Code of Ordinances*. One (1) copy is on file in the Town Clerk's office:

(1) The *Official Zoning Ordinance of the Town of Sedgwick*, promulgated and published as such by the Town of Sedgwick, as adopted in Chapter 153 of the Code.

Section 6. The penalties provided by the *Town of Sedgwick, Colorado Code of Ordinances* are hereby adopted as follows:

§ 11.02 GENERAL PENALTY FOR VIOLATION.

(A) Unless otherwise provided in this code or by ordinance, whenever in this code or any other ordinance, resolution or rule of the Town, the doing of any act is required, prohibited or declared to be unlawful or an offense or a misdemeanor, and no

definite fine or specific penalty is provided for a violation thereof, any person who shall be convicted of or plead guilty or no contest to a violation of any such provision of this code or other ordinance, resolution or rule of the Town, whether now in existence or hereinafter enacted, shall be punished by a fine of not more than \$2,650, as shall be adjusted for inflation annually in accordance with C.R.S. § 13-10-113 or by imprisonment not exceeding 364 days or by both such fine and imprisonment, except as hereinafter provided in § 11.04. In addition, such person shall pay all costs and expenses in the case, including attorney fees. Every day such violation continues shall constitute a separate offense.

(B) Whenever in this code or any ordinance of the Town a minimum but not a maximum fine or penalty is imposed, the court may, in its discretion, fine the offender any sum exceeding the minimum fine or penalty so imposed, but not exceeding the maximum fine set forth in division (A) above.

(C) The suspension or revocation of any license, permit or other privilege conferred by the Town shall not be regarded as a penalty for the purposes of this code.

(D) All penalties in codes adopted by reference in this code are hereby superseded by this section.

§ 11.03 APPLICATION OF PENALTIES TO JUVENILES

Every person who, at the time of commission of the offense, was at least ten but not yet 18 years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to a violation of any provision of this code, shall be punished by a fine of not more than the maximum fine set forth in § 11.02 above per violation or count. Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge. Nothing in this section shall be construed to prohibit incarceration in an appropriate facility, at the time of charging, of a juvenile violating any section of this code.

§ 11.04 PENALTY FOR VIOLATIONS OF ORDINANCES ADOPTED AFTER ADOPTION OF CODE.

Any person who violates any provision of any ordinance of a permanent and general nature passed or adopted after adoption of this code, either before or after it has been inserted in this code by a supplement, shall, upon conviction thereof, be punishable as provided by § 11.01 unless another penalty is specifically provided for the violation.

§ 11.05 INTERPRETATION OF UNLAWFUL ACTS.

Whenever in this code any act or omission is made unlawful, it is also unlawful to cause, allow, permit, aid, abet or suffer such unlawful act or omission. Concealing or in any manner aiding in the concealing of any unlawful act or omission is similarly unlawful.

§ 31.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 11.02 of this code of ordinances.

(B) Any person or persons, firm, or corporation violating any of the provisions of §§ 31.60 through 31.63 or any of its sections shall, upon conviction, forfeit and pay a fine of not more than \$25 for every day thereafter so long as the said violation exists, and a fine of not more than \$100 for subsequent violations.

(C) (1) If a majority of the Board of Trustees determines that an elected official has violated §§ 31.75 through 31.80, the Board of Trustees may impose one or more of the following sanctions after giving the elected official an opportunity to address the Board of Trustees in a public meeting: (a) Issue a verbal or written public warning; (b) Issue a verbal or written public reprimand or censure; or (c) Require the elected official to attend remedial education or training given by an organization such as CIRSA or the Colorado Municipal League regarding the issues that gave rise to the violation.

(2) Repeated or egregious violations of §§ 31.76 through 31.80 may constitute grounds for removal of an elected official in which case the statutory process for removal as set forth in C.R.S. § 31-4-307, as amended from time to time, shall apply. (3) In addition to the sanctions set forth in subsections (1) and (2) of this division (C), the prosecuting attorney for the Town, or special counsel authorized to act on behalf of the Town, may prosecute any violation of this §§ 31.75 through 31.80 in Municipal Court in the same manner that other municipal offenses are prosecuted. Any person convicted of a violation of this §§ 31.75 through 31.80 shall be punished by a fine of not more than \$2,650 (as adjusted for inflation from time to time pursuant to C.R.S. § 13-10-113). Each day a violation exists shall be considered a separate punishable violation.

§ 50.99 PENALTY. Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 11.02 of this code of ordinances.

§ 51.99 PENALTY. Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 11.02 of this code of ordinances.

§ 52.99 PENALTY. Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 11.02 of this code of ordinances.

§ 70.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 11.02 of this code of ordinances.

(B) (1) Any person who violates any of the provisions of §§ 70.01 and 70.02 or the Town's Traffic Code commits a traffic infraction unless expressly defined otherwise.

(2) Except as set forth in division (B)(4) below, violations of the Town's Traffic Code are hereby deemed non-criminal traffic infractions. Traffic infractions are divided

into two classes which shall be subject to the following penalties which are authorized upon entry of judgment against the defendant.

Class	Minimum Penalty	Maximum Penalty
A	\$15 penalty	\$100 penalty
B	\$15 penalty	\$100 penalty

(3) For any violation of the Town's Traffic Code as adopted that is a traffic infraction, no trial by jury shall be available, no arrest warrant shall issue for failure to appear or to pay, no privilege of self incrimination shall apply, the standard of proof shall be a preponderance of the evidence, and the conduct of all proceedings applicable to such a violation shall otherwise be in conformity with those generally applicable to civil matters. For any violation which is a traffic infraction, the court may enter a judgment of liability by default against the defendant for failure to appear or to pay, and may assess such penalties, together with such court costs and surcharges, as are established by law.

(4) Any violation of the Town's Traffic Code declared by such Code or by §§ 70.01 and 70.02 to be a misdemeanor shall be a misdemeanor traffic offense. Misdemeanor traffic offenses are divided into two classes that are distinguished from one another by the following penalties that are authorized upon conviction.

Class	Minimum Penalty	Maximum Penalty
A	Ten days imprisonment or \$300 fine, or both	364 days imprisonment, or \$1,000 fine, or both
B	Ten days imprisonment or \$150 fine, or both	90 days imprisonment, or \$500 fine, or both

(5) Any person convicted of a class 1 or class 2 misdemeanor traffic offense may be required to pay court costs and surcharges as established by law, restitution as required by C.R.S. Title 16, Article 18.5, and may be sentenced to perform a certain number of hours of community service or useful public service in addition to any other sentence.

(6) Any traffic infraction or misdemeanor traffic offense defined by law outside of the Model Traffic Code shall be punishable as provided in the statute defining it or as otherwise provided by law.

(7) The penalty assessment procedure in C.R.S. § 16-2-201 shall be followed by the arresting officer for violations of the Town's Traffic Code, except that references to "county" shall be replaced with the term "municipal" and except as otherwise expressly defined in this division (B)(7).

(a) When a penalty assessment notice is left on an unattended vehicle, it shall be a rebuttable presumption that the registered owner of such vehicle was the driver/offender.

(b) Tender by an arresting officer of the summons or penalty assessment notice shall constitute notice to the violator to appear in court at the time specified on such summons or to pay the required fine and surcharge thereon by the due date listed.

(8) The Town's Traffic Code adopts as the assessed points reported to the State's Department of Revenue, either by the County Sheriff's Office or by the Clerk of the Court, the point system set forth in C.R.S. § 42-2-127(5), as that section may be amended at the time of the issuance of the penalty assessment, adopted by reference, inasmuch as those points correspond to the sections of the Town's Traffic Code, for all offenses where the defendant acknowledges guilt or liability, is found guilty by a court of competent jurisdiction, or has a judgment entered against him or her.

(a) In accordance with the provisions of C.R.S. § 42-2-127(5.5), if a person receives a penalty assessment notice for a violation of the Town's Traffic Code, and such person acknowledges guilt by paying the fine and surcharge on the notice before the due date on the notice, the points assessed against the person's Colorado driver's license and/or Colorado driving privilege will be reduced. 1. For violations having an assessment of three points or more, the points assessed shall be reduced by two points. 2. For violations having an assessment of two points, the points assessed shall be reduced by one point.

(b) The judge shall have no authority to assess any points under C.R.S. § 42-2-127 upon entry of judgment for any Class B traffic infraction

§ 71.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 11.02 of this code of ordinances.

(B) Any person who violates any provision of § 71.01 shall be given a verbal warning; after such warning, a person will be allowed five days to comply, after which the person will be punished by a fine in an amount of \$50 for the first violation; \$100 for the second violation; and \$200 for three or more violations. Each day a violation continues shall be considered a separate offense.

(C) It shall be a misdemeanor for any person to violate the provisions of §§ 71.15 through 71.21. Any person convicted violating any provision of §§ 71.15 through 71.21 shall be subject to a fine not to exceed \$300 for each separate violation.

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 11.02 of this code of ordinances.

(B) (1) Any person who violates any provision of § 90.02(A) shall be punished by a fine in an amount established by resolution of the Board of Trustees.

(2) Any person who violates any provision of § 90.02(B) shall be punished by a fine in an amount established by resolution of the Board of Trustees.

(C) Violation of § 90.03 will be punished as follows: (1) For the first offense, the owner, keeper, or custodian shall be notified that such person is in violation of the Town's dog ordinance; and (2) For the second and any subsequent offense, the owner,

keeper, or custodian shall pay to the Town a civil fine in an amount established by resolution of the Board of Trustees.

(D) Any person who violates any provision of § 90.04 shall be punished by a fine in an amount established by resolution of the Board of Trustees.

(E) Any person who violates any provision of § 90.05 shall be punished by a fine in an amount established by resolution of the Board of Trustees.

(F) Any person who violates any provision of § 90.06 shall be punished by a fine in an amount established by resolution of the Board of Trustees.

(G) Any person found in violation of this § 90.07 shall be punished by a fine in an amount established by resolution of the Board of Trustees. This civil fine is in addition to the remedy as set forth in § 90.07(C).

(H) Violations of any of the provisions of §§ 90.20 through 90.24 shall be considered misdemeanors and shall be punishable by a fine of not less than \$5 nor more than \$300 or by imprisonment for not to exceed 30 days, or by both such fine and imprisonment.

§ 91.99 PENALTY.

(A) Whenever in any section of this chapter the doing of any act is required, prohibited, or declared to be unlawful, any person who shall be convicted of a violation of any section of this chapter shall be fined in a sum not less than \$300 and not more than \$1,000 or imprisoned for a period not to exceed 30 days, or both. Each day that such condition continues shall be regarded as a new and separate offense.

§ 92.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 11.02 of this code of ordinances.

(B) Any person or persons violating any of the provisions of §§ 92.01 to 92.07 shall, upon conviction thereof, be fined not less than \$5 nor more than \$50 for each and every offense.

(C) Any person who shall violate § 92.24 shall, on conviction thereof, be fined not less than \$5 not more than \$50.

(D) Any person violating any of the provision of § 92.28 shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than \$5 not more than \$50 for each and every offense, provided, that if any such post, prop, or hitching post shall have been erected, put up, or maintained upon any such sidewalks or curbs prior to the passage of this subchapter, the owner, agent, tenant, or other person having possession or control of the premises in front of which the same may be so erected, put up or maintained, shall have ten days time, after notice by the Street

Commissioner to remove the same; and any such owner, agent, tenant, or other person who shall fail, neglect, or refuse the same within ten days after such notice, shall be deemed guilty of a violation of this section and shall be fined as herein provided.

(E) Any person who shall violate § 92.29 shall, on conviction thereof, be fined in a sum not less than \$5 nor more than \$50 for each and every offense.

(F) Any person violating any of the provisions of § 92.30 shall, upon conviction thereof, be fined in a sum not less than \$5 not more than \$50 for each and every offense.

(G) Any person violating any provisions of § 92.31 shall upon conviction thereof be fined in a sum not less than \$5 nor more than \$50 for each and every offense.

§ 110.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 11.02 of this code of ordinances.

(B) (1) It shall be unlawful for any person to intentionally, knowingly, or recklessly fail to pay the tax imposed by §§ 110.20 to 110.34, or to make any false or fraudulent return, or for any person to otherwise violate any provisions of §§ 110.20 to 110.34. Any person convicted of a violation of §§ 110.20 to 110.34 shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not more than \$1,000 or by imprisonment not exceeding one year or by both such fine and imprisonment. Each day, or portion thereof, that any violation of §§ 110.20 to 110.34 continues shall constitute a separate offense.

(2) A penalty in the amount of 10% of the tax due or the sum of \$10, whichever is greater, shall be imposed upon the vendor and become due in the event the tax is not remitted by the tenth day of the month as required by §§ 110.20 to 110.34, or such other date as prescribed in writing by the Town Clerk, and 1.5% interest shall accrue each month on the unpaid balance. The Town Clerk is hereby authorized to waive for good cause shown, any penalty assessed.

(3) If any part of a deficiency is due to negligence or intentional disregard of the provisions of §§ 110.20 to 110.34 or rules and regulations concerning the same, but without intent to defraud, then there shall be added 10% of the total amount of the deficiency. If any part of the deficiency is due to fraud with the intent to evade the tax, then there shall be added 50% of total amount of the deficiency. The penalty under this division (C)(3) shall be in addition to the penalty under division (C)(2) above, and in all cases, the whole amount of the unpaid tax, together with all penalties and interest, shall become due and payable ten days after written notice and demand by the Town Clerk.

(4) If any vendor fails to make a return and pay the tax imposed by §§ 110.20 to 110.34, the Town may make an estimate, based upon available information of the amount of tax due and add the penalties and interest provided above. The Town shall mail notice of such estimate, by certified mail, to the vendor at his or her address as indicated in the Town records. Such estimate shall thereupon become an assessment, and such assessment shall be final and due and payable from the taxpayer to the Town Clerk ten days from the

date of service of the notice or the date of mailing by certified mail; provided, however, that within the ten-day period such delinquent taxpayer may petition the Town Clerk for a modification of such assessment and shall, within such ten-day period, furnish the Town Clerk the documents, facts, and figures showing the correct amount of the taxes due and owing.

(5) Such petition shall be in writing and the facts and figures submitted shall be submitted either in writing or orally and shall be given by the taxpayer under penalty or perjury. Thereupon, the Town Clerk may modify such assessment in accordance with the facts submitted in order to effectuate the provisions of §§ 110.20 to 110.34. Such assessment shall be considered the final order of the Town Clerk, and may be reviewed under the Rule 106(a)(4) of the State's Rules of Civil Procedure, provided that the taxpayer gives written notice to the Town Clerk of its intention to seek review within ten days after receipt of the final order of assessment.

§ 112.018 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 11.02 of this code of ordinances.

(B) (1) It shall be a misdemeanor for any person to violate the provisions of §§ 112.001 to 112.017. Any person convicted violating any provision of §§ 112.001 to 112.017 shall be punished by a fine of not less than \$100 or more than \$1,000 or imprisonment not to exceed one year, or both such fine and imprisonment. Each day a violation exists shall be considered a separate punishable violation.

(2) The operation of a medical marijuana operation in violation of the terms of §§ 112.001 to 112.017 may be enjoined by the Town in an action brought in a court of competent jurisdiction.

(3) The operation of a medical marijuana operation in violation of the terms of §§ 112.001 to 112.017 is determined to constitute a public nuisance and may be abated by the Town as a nuisance in accordance with Town ordinances.

(4) The remedies set forth in this division (B) shall not be exclusive, but shall be cumulative and shall be in addition to any other remedy available at law or in equity.

(5) Upon conviction, the Town may pursue court costs in the prosecution of the case as allowed under applicable law.

§ 112.049 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 11.02 of this code of ordinances.

(B) (1) It shall be a misdemeanor for any person to violate the provisions of §§ 112.030 to 112.048. Any person convicted violating any provision of §§ 112.030 to 112.048 shall be punished by a fine of not less than \$100 or more than \$1,000 (as

adjusted for inflation from time to time pursuant to C.R.S. § 13-10-113) or imprisonment not to exceed one year, or both such fine and imprisonment. Each day a violation exists shall be considered a separate punishable violation.

(2) The operation of a retail marijuana establishment in violation of the terms of §§ 112.030 to 112.048 may be enjoined by the Town in an action brought in a court of competent jurisdiction.

(3) The operation of a retail marijuana establishment in violation of the terms of §§ 112.030 to 112.048 is determined to constitute a public nuisance and may be abated by the Town as a nuisance in accordance with Town ordinances.

(4) The remedies set forth in §§ 112.030 to 112.048 shall not be exclusive, but shall be cumulative and shall be in addition to any other remedy available at law or in equity.

(5) Upon conviction, the Town may pursue court costs in the prosecution of the case as allowed under applicable law.

§ 112.077 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 11.02 of this code of ordinances.

(B) (1) Any person who violates any provision of §§ 112.060 to 112.076 shall be punished by a fine in an amount established by resolution of the Board of Trustees.

(2) Violation of §§ 112.060 to 112.176 shall also serve as grounds for suspension or revocation of the license of a marijuana cultivation facility, products manufacturer, and testing facility. Suspension or revocation hearings shall be conducted in accordance with applicable statutes and Town ordinances.

§ 112.106 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 11.02 of this code of ordinances.

(B) (1) Any person convicted of a violation of §§ 112.090 to 112.105 shall be punished by a fine of not more than \$2,650 (as adjusted for inflation from time to time pursuant to C.R.S. § 13-10-113) or imprisonment not to exceed one year, or both such fine and imprisonment. Each day a violation exists shall be considered a separate punishable violation.

(2) A penalty in the amount of 10% of the tax due or the sum of \$10, whichever is greater, shall be imposed upon the vendor and become due in the event the tax is not remitted by the twentieth day of the month as required by §§ 112.090 to 112.105, or such other date as prescribed by the Town Clerk, and 1.5% interest shall accrue each month on

the unpaid balance. The Town Clerk is hereby authorized to waive, for good cause shown, any penalty assessed.

(3) If any part of a deficiency is due to negligence or intentional disregard of regulations, but without intent to defraud, there shall be added 10% of the total amount of the deficiency, and interest, from the vendor required to file a return. If any part of the deficiency is due to fraud with the intent to evade the tax, then there shall be added 50% of the total amount of the deficiency together with interest and in such case, the whole amount of the unpaid tax, including the additions, shall become due and payable ten days after written notice and demand by the Town Clerk.

(4) If any vendor fails to make a return and pay the tax imposed by §§ 112.090 to 112.105, the Town may make an estimate, based upon available information of the amount of tax due and add the penalty and interest provided above. The Town shall mail notice of such estimate, by certified mail, to the vendor at its address as indicated in the Town records. Such estimate shall thereupon become an assessment, and such assessment shall be final and due and payable from the taxpayer to the Town Clerk ten days from the date of service of the notice or the date of mailing by certified mail; provided, however, that within the ten-day period such delinquent taxpayer may petition the Town Clerk for a revision or modification of such assessment and shall, within such ten-day period, furnish the Town Clerk the documents, facts, and figures showing the correct amount of such taxes due and owing.

(5) Such petition shall be in writing and the facts and figures submitted shall be submitted either in writing or orally, and shall be given by the taxpayer under penalty of perjury. Thereupon, the Town Clerk may modify such assessment in accordance with the facts submitted in order to effectuate the provisions of §§ 112.090 through 112.105. Such assessment shall be considered the final order of the Town Clerk, and may be reviewed by a Court of competent jurisdiction under the Rule 106(a)(4) of the State's Rules of Civil Procedure, provided that the taxpayer gives written notice to the Town Clerk of such intention within ten days after receipt of the final order of assessment.

§ 112.131 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 11.02 of this code of ordinances.

(B) (1) Any person convicted of a violation of §§ 112.115 to 112.130 shall be punished by a fine of not more than \$2,650 (as adjusted for inflation from time to time pursuant to C.R.S. § 13-10-113) or imprisonment not to exceed one year, or both such fine and imprisonment. Each day a violation exists shall be considered a separate punishable violation.

(2) A penalty in the amount of 10% of the tax due or the sum of \$10, whichever is greater, shall be imposed upon the vendor and become due in the event the tax is not remitted by the twentieth day of the month as required by §§ 112.115 to 112.130, or such other date as prescribed by the Town Clerk, and 1.5% interest shall accrue each month on

the unpaid balance. The Town Clerk is hereby authorized to waive, for good cause shown, any penalty assessed.

(3) If any part of a deficiency is due to negligence or intentional disregard of regulations, but without intent to defraud, there shall be added 10% of the total amount of the deficiency, and interest, from the vendor required to file a return. If any part of the deficiency is due to fraud with the intent to evade the tax, then there shall be added 50% of the total amount of the deficiency together with interest and in such case, the whole amount of the unpaid tax, including the additions, shall become due and payable ten days after written notice and demand by the Town Clerk.

(4) If any vendor fails to make a return and pay the tax imposed by §§ 112.115 to 112.130, the Town may make an estimate, based upon available information of the amount of tax due and add the penalty and interest provided above. The Town shall mail notice of such estimate, by certified mail, to the vendor at its address as indicated in the Town records. Such estimate shall thereupon become an assessment, and such assessment shall be final and due and payable from the taxpayer to the Town Clerk ten days from the date of service of the notice or the date of mailing by certified mail; provided, however, that within the ten-day period such delinquent taxpayer may petition the Town Clerk for a revision or modification of such assessment and shall, within such ten-day period, furnish the Town Clerk the documents, facts, and figures showing the correct amount of such taxes due and owing.

(5) Such petition shall be in writing and the facts and figures submitted shall be submitted either in writing or orally, and shall be given by the taxpayer under penalty of perjury. Thereupon, the Town Clerk may modify such assessment in accordance with the facts submitted in order to effectuate the provisions of §§ 112.115 to 112.130. Such assessment shall be considered the final order of the Town Clerk, and may be reviewed by a court of competent jurisdiction under the Rule 106(a)(4) of the State's Rules of Civil Procedure, provided that the taxpayer gives written notice to the Town Clerk of such intention within ten days after receipt of the final order of assessment.

§ 112.156 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 11.02 of this code of ordinances.

(B) (1) Any person convicted of a violation of this subchapter shall be punished by a fine of not more than \$2,650 (as adjusted for inflation from time to time pursuant to C.R.S. § 13-10-113) or imprisonment not to exceed 364 days, or both such fine and imprisonment. Each day a violation exists shall be considered a separate punishable violation.

(2) A penalty in the amount of 10% of the tax due or the sum of \$10, whichever is greater, shall be imposed upon the vendor and become due in the event the tax is not remitted by the twentieth day of the month as required by this subchapter, or such other date as prescribed by the Town Clerk, and 1.5% interest shall accrue each month on the

unpaid balance. The Town Clerk is hereby authorized to waive, for good cause shown, any penalty assessed.

(3) If any part of a deficiency is due to negligence or intentional disregard of regulations, but without intent to defraud, there shall be added 10% of the total amount of the deficiency, and interest, from the vendor required to file a return. If any part of the deficiency is due to fraud with the intent to evade the tax, then there shall be added 50% of the total amount of the deficiency together with interest and in such case, the whole amount of the unpaid tax, including the additions, shall become due and payable ten days after written notice and demand by the Town Clerk.

(4) If any vendor fails to make a return and pay the tax imposed by this subchapter, the Town may make an estimate, based upon available information of the amount of tax due and add the penalty and interest provided above. The Town shall mail notice of such estimate, by certified mail, to the vendor at its address as indicated in the Town records. Such estimate shall thereupon become an assessment, and such assessment shall be final and due and payable from the vendor to the Town Clerk ten days from the date of service of the notice or the date of mailing by certified mail; provided, however, that within the ten-day period such delinquent, vendor may petition the Town Clerk for a revision or modification of such assessment and shall, within such ten-day period, furnish the Town Clerk the documents, facts, and figures showing the correct amount of such taxes due and owing.

(5) Such petition shall be in writing and the facts and figures submitted shall be submitted either in writing or orally, and shall be given by the vendor under penalty of perjury. Thereupon, the Town Clerk may modify such assessment in accordance with the facts submitted in order to effectuate the provisions of this subchapter. Such assessment shall be considered the final order of the Town Clerk, and may be reviewed by a court of competent jurisdiction under the Rule 106(a)(4) of the State's Rules of Civil Procedure, provided that the vendor gives written notice to the Town Clerk of such intention within ten days after receipt of the final order of assessment.

§ 130.99 PENALTY.

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 11.02 of this code of ordinances.

§ 150.99 PENALTY.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this section and other applicable regulations. Violation of the provisions of this section by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this section or fails to comply with any of its requirements shall, upon conviction thereof, be punished by a fine of not more than \$2,650, as adjusted for inflation from time to time pursuant to C.R.S. § 13-10-113, or by imprisonment not to exceed one year, or by both such fine and imprisonment. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

§ 151.99 PENALTY.

Any person or persons, association of persons, or corporation guilty of a violation of any of the provision of this chapter shall, upon conviction thereof, forfeit and pay to said Town a sum of not less than \$25 nor more than \$300 and costs of suit for each offense; and a penalty of not less than \$25 nor more than \$100 for each week any such building, hay stack, straw stack, manure pile, lumber yard or pile, wood yard or pile, prohibited by this chapter, shall be kept and remain within the fire limits.

§ 154.99 PENALTY.

(A) Any person who violates any provision of §§ 154.01 to 154.05 shall be punished by fine of not more than \$2,650, as adjusted for inflation from time to time pursuant to C.R.S. § 13-10-113, or by imprisonment not to exceed one year, or by both such fine and imprisonment. Each act or omission in violation of one or more of the provisions of §§ 154.01 to 154.05 shall be deemed a separate violation for each and every day that such act(s) or omission(s) occur.

(B) The keeping, storage, or parking of a shipping container in Town in violation of the terms of §§ 154.01 to 154.05 may be enjoined by the Town in an action brought in a court of competent jurisdiction.

Section 7. Additions or amendments to the Code, when passed in the form as to indicate the intention of the Town to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 8. Ordinances adopted after this Ordinance that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to those provisions of the Code.

Section 9. The Town Clerk shall distribute such sets of the Code and amendments thereto as may be necessary to the various departments of the Town for official use of town officers, boards and commissions. All volumes designated for official use shall remain the property of the Town for the use of such town officials and their successors and shall bear such designation. The Town Clerk shall prepare or cause to be prepared a list of the town officers, and boards and commissions who shall receive for official use copies of such Code. The Town Clerk shall make the Code and supplements thereto available to the public, and shall charge therefor such fees as are reasonable and permitted by law.

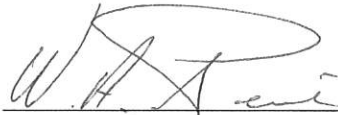
Section 10. If any paragraph, section, sub-section, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid, unconstitutional and/or unenforceable, such provisions shall be deemed to be separate, distinct and independent and the remaining provisions of this Ordinance shall continue in full force and effect.


Section 11. This Ordinance shall become effective thirty (30) days after publication thereof as provided by Colorado Revised Statutes § 31-16-105.

INTRODUCED, READ, ADOPTED ON FIRST READING THIS ____ day of _____, 202`.


READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE ONLY this _____ day of _____, 202`

TOWN OF SEDGWICK



Wayne Price, Mayor 

ATTEST:



Heather Moore, Town Clerk

