

Town of Sedgwick

Meeting Agenda

Monday, February 13, 2023, 6:00PM

Public Comments Information

If you wish to address the Board of Trustees, there is a “Comment from the Public” scheduled time. Comments on Agenda items will be allowed following the presentation or Board deliberation. Your comments will be **limited to three (3) minutes** and can only speak once on any motion or agenda item. **Monthly staff reports to the board are not open for comments.**

- I. Call to Order
- II. Pledge Allegiance
- III. Approve Agenda
- IV. Approve of Minutes from last Meeting(s)
- V. Approve of Bills
- VI. Comments from the public
 - o Residence interested in being a Town Trustee will have 3 Mins.
- VII. Monthly Reports
 - o Mayor
 - o Purchase a Snow Bucket from John Deer
 - o Maintenance
 - o Clerk’s Office
 - o Sewer Project Update and Closing on Land Scheduled
 - o Board of Trustees
- VIII. New Business
 - o Appoint New Town Trustee - *During Comments from the Public*
 - o Jamie – PCTelcom on Underground Fiber Lines in Town
 - o Rhonda Graham - Updates
- IX. Old Business
 - o Ordinance 01-2023 – Adoption
 - o of the Code Book with changes.
- X. Executive Session (If needed)
- XI. Call to Adjourn



*Posted on this 10th day of February 2023 @ 3:30pm by Kim Quayle

**Town of Sedgwick
Record of Proceedings
January 9th, 2023**

Members Present: Peggy Owens, Roger Munson, Traci Sanchez (Colbeck), Darrin Tobin, Dale Jones.

Employees Present: Heather Moore & Kim Quayle

Call to Order: The Town Board met in regular session. A quorum was verified, and the meeting was called to order at 6:00 pm by Mayor Danny Smith

Roll Call Mayor Danny Smith Here

Jeanie Tarver	Resigned	Traci Sanchez	Here
Peggy Owens	Here	Roger Munson	Here
Dale Jones	Here	Darrin Tobin	Here/Late Arrival

Approval of Agenda

Motion: Approval of Agenda

Dale Jones made a motion to approve the agenda; Peggy Owens seconded, all in favor; none opposed, motion carried.

Approval of Minutes

- One correction was made.

Motion: Approve the minutes

Traci Colbeck made a motion to approve of the minutes as corrected, Roger Munson seconded, all in favor; none opposed, motion carried.

Bills (Published in Julesburg Advocate)

- Additional checks added since Friday, you have a new list to review.
- With the meeting being so early in the month, we may need to cut additional checks.

Motion: Bills Roll Call Vote

Dale Jones made a motion to pay the bills, Traci Sanchez seconded. (Roll Call: All Voted for, None Against) motion carried.

Public Comments – reminded they will have 3mins.

- **Susan Wolfe**
 - Commending the great job that Richard and Danny did on snow removal.
 - The board members added that it took so many people to help:
 - *Thank you to Thomas Inouye, Mitch McClary and Larry Frame for all the help moving snow as well.*
- **Rhonda Graham -update**
 - County is in contract with purchasing the old high school, and will begin the planning of the community center portion. And SCORE is taking over the planning.
 - A new Rural Action Project with the hospital. To see how we can make our hospital better and find a way to open up to more grants.

Mayors Report

- Just thank you again to everyone that helped with snow removal.
- PCTelcom wants to put fiber optics underground here in Sedgwick. Little concerned with them putting the lines underground while we are about to have a sewer project and next our water lines.
 - *Board would like to avoid the underground lines but they could do overhead.*

Maintenance –

- Thank you to all that helped with the snow removal.
- We did have a water line break at the Centennial Park during our -54-degree wind chill temperatures, this will need to be repaired come this spring. We did isolate the break for now.
- Will continue widening the road ways, at this time they are just wide enough to allow emergency vehicles by.
- We need new flags ordered the wind this year has really tore them up.

Clerk's Office

- Started archiving 2022.
- We don't currently have Martin Luther King Day on the Resolution stating observed Town Holidays so I will be fixing that. I don't have Juneteenth either.
 - *Board decided not to observe Juneteenth at this time.*

Board of Trustees

- **Traci Sanchez**
 - I have started receiving calls for donations towards Harvest Festival. So getting started early this year.
- **Dale Jones**
 - I did receive calls complementing on the efforts of Snow removal
 - We need to get this codification done. The Committee has worked hard, but it's time to wrap it up.

New Business

- **Resignation Letter from Jeanie Tarver**
 - Letter was read by Danny Smith

Motion:

Dale Jones made a motion to deny the resignation of Jeanie Tarver; Roger Munson seconded, two in favor; two opposed, (Danny Smith as mayor voted against the motion to break the tie) motion did not pass.

Motion:

Traci Sanchez made a motion to approve the resignation of Jeanie Tarver; Peggy Owens seconded, two in favor; two opposed, (Danny Smith as mayor voted for the motion to break the tie) motion passed.

- The Town Clerk was directed to follow protocol to invite the residence to the next meeting if they would like to be considered for the appointment.
- Danny Smith mentioned since Jeanie Tarver was our Mayor Pro-Tem, we need to pick another one to replace that position.
 - Dale Jones Volunteered
 - All Board Members said they agree to appointing Dale Jones as Mayor Pro-Tem

- **Renew Retail Marijuana License for Peak Dispensary**
 - No complaints or issues reported
 - Store owner did Self-Report a small incident that happed yesterday involving police for a customer theft. This is currently active.

Motion:

Traci Colbeck made a motion to approve the Renewal of the Retail Marijuana Store License for Peak Dispensary; Peggy Owens seconded, all in favor; none opposed, motion carried.

- **Renew Retail Marijuana License for High Plainz Strains**

Motion:

Traci Colbeck made a motion to approve the Renewal of the Retail Marijuana Store License for High Plainz Strains; Dale Jones seconded, all in favor; none opposed, motion carried.

- **Resolution 23-1 – Observed Holidays and Regular Meetings for 2023**
 - Adding Martin Luther King Day

Motion:

Dale Jones made a motion to approve the Resolution 23-1 with addition of Martin Luther King Day; Traci Sanchez seconded, all in favor; none opposed, motion carried.

- **Baby Bear Hugs – Wish Upon A Star fundraiser**
 - Request was to match our last donation of \$100

Motion:

Traci Colbeck made a motion to donate \$100 to Baby Bear Hugs; Peggy Owens seconded, all in favor; none opposed, motion carried.

- **Sedgwick County – 4H award donation request**
 - The board asked what was donated to them last year, it was \$500.

Motion:

Traci Colbeck made a motion to donate \$500 to Sedgwick Counties - 4H award program; Roger Munson seconded, all in favor; none opposed, motion carried.

Old Business

- **Code Book Continues.**
 - Code Committee Members once again say they are ready to set a special time to go over everything with the board.
 - A Work Session date was set with the Committee, Board Members and Town Attorney for Thursday January 26th at 5:30pm.
 - *We should have the new Ordinance ready to have a Public Hearing at our February regular meeting.*

Meeting Adjourned:

Motion:

At 6:59pm, Traci Colbeck made a motion to adjourn, Peggy Owens seconded, all were in favor, motion carried.

Mayor

Attest: Town Clerk

SEAL

10:56 AM
02/10/23
Accrual Basis

Town of Sedgwick
Trial Balance
As of January 31, 2023

	Jan 31, 23	
	Debit	Credit
1021 · Cash on Hand	195.09	
1022 · Points West Bank Checking	280,593.35	
1022 · Points West Bank Checking:1022.1 · Harvest Festival	549.29	
1029 · Savings:1030 · Points West:1031 · 9240	26,782.84	
1029 · Savings:1034 · Cash in Savings - Lottery	7,900.01	
1029 · Savings:1040 · Points West Bank:1043 · Water Surcharge Account	118,029.82	
1029 · Savings:1050 · Equitable Savings:1051 · 05-4505160	39,003.74	
1070 · COLOTRUST:1074 - Sewer CIP	712,081.91	
1070 · COLOTRUST:1071 · Water Plus	1,018,293.63	
1070 · COLOTRUST:1072 · General Plus	692,888.94	
1070 · COLOTRUST:1073 · CIP Plus	1,029,438.77	
1081 · Cash - County Treasurer	238.20	
TOTAL	3,925,995.59	0.00

Town of Sedgwick
Profit & Loss
 January 2023

	Jan 23
Ordinary Income/Expense	
Income	
4122 · Current Property Taxes	0.00
4142 · Specific Ownership Taxes	183.13
4152 · Interest on Taxes	0.00
4172 · Sales Tax	20,238.40
4212 · Cigarette Tax	14.71
4222 · Road and Bridge	0.00
4232 · Motor Vehicle	77.50
4242 · Mineral leasing	0.00
4300 · Utilities Clearing	468.82
4323 · Water Sales	5,143.52
4333 · Sewer Sales	2,892.95
4386 · Trash Collections	2,416.00
4392 · Other Income	
4392.1 · Occupation Tax	60,517.21
4392.2 · Excise Tax	836.27
4392.3 · State of Colorado	19,112.75
4392.4 · Lodging Tax	124.00
Total 4392 · Other Income	80,590.23
4412 · Highway Use Tax	1,070.90
4422 · License Fees	710.00
4802 · Interest Income	2,423.61
4803 · Interest Income	10,360.23
Total Income	126,590.00
Expense	
6002 · County Treasurer's Fees	0.00
6032 · Office Expense - GG	520.59
6042 · Professional Services - GG	2,550.00
6052 · Insurance and Bonds - GG	986.60
6072 · Telephone - GG	224.76
6092 · Miscellaneous - GG	
692.2 · Charitable Contributions	500.00
6092 · Miscellaneous - GG - Other	-375.35
Total 6092 · Miscellaneous - GG	124.65
6102 · Utilities - TH - GG	278.88
6140 · Contributions	100.00
6142 · Street Lighting	247.88
6262 · Harvest Festival	0.00
6462 · Supplies and Maintenance Park	80.00
7063 · Supplies & Maintenance - Water	762.32
7073 · Utilities - Water	389.65
7093 · Miscellaneous - Water	84.12
7173 · Utilities - Sewer	56.35
7346 · Landfill - Trash	172.08
7703 · Capital Outlay	73.00
7800 · Salaries Clearing	
7809 · Salary-Richard M Kehm	3,977.72
7815 · Salary-Heather Moore	2,287.57
7820 · Salary - Kim E Quayle	1,631.85
7822 · - William Townsend	135.80
Total 7800 · Salaries Clearing	8,032.94
7990 · Supplies and Maint. - Clearing	2,277.97
7994 · Utilities - Clearing	76.10
7995 · Payroll Taxes - Clearing	1,968.61
Total Expense	19,006.50
Net Ordinary Income	107,583.50
Net Income	107,583.50

10:57 AM
02/10/23

Town of Sedgwick
Check Detail
January 10 through February 13, 2023

Num	Name	Memo	Account	Paid Amount
12773	Baby Bear Hugs	Donation - 2019	1022 - Points West Bank Ch...	
		Donation to the Baby Bear Hugs program	6140 - Contributions	-100.00
TOTAL				-100.00
12774	Sedgwick County Treasurer	Attn: Extention Office, Suite 100	1022 - Points West Bank Ch...	
		Sedgwick County 4H Awards Fair Awards	692.2 - Charitable Contributio...	-500.00
TOTAL				-500.00
12775	Sedgwick County	Subdivision Exemption	1022 - Points West Bank Ch...	
		Sewer Land Subdivision Exemption	7703 - Capital Outlay	-50.00
TOTAL				-50.00
12776	Sedgwick County Clerk	Subdivision Exemption	1022 - Points West Bank Ch...	
		Sewer Land Dubdivision Exemption	7703 - Capital Outlay	-23.00
TOTAL				-23.00
12777	Colorado Dep of Revenue	W2 wage withholdings	1022 - Points West Bank Ch...	
		4rd Quarter	7995 - Payroll Taxes - Clearing	-821.00
TOTAL				-821.00
12778	Colorado State Treasurer		1022 - Points West Bank Ch...	
		4rd Qtr payroll	7995 - Payroll Taxes - Clearing	-56.78
TOTAL				-56.78
12779	Richard M. Kehm	Payroll	1022 - Points West Bank Ch...	
		Payroll	7809 - Salary-Richard M Kehm	-3,977.72
		Social Security	7995 - Payroll Taxes - Clearing	
		Medicare	7995 - Payroll Taxes - Clearing	
		Federal	7995 - Payroll Taxes - Clearing	
		Colorado W/H	7995 - Payroll Taxes - Clearing	
TOTAL				-3,202.42
12780	Heather M. Moore	Payroll	1022 - Points West Bank Ch...	
		Payroll	7815 - Salary-Heather Moore	-2,328.99
		Social Security	7995 - Payroll Taxes - Clearing	
		Medicare	7995 - Payroll Taxes - Clearing	
		Federal	7995 - Payroll Taxes - Clearing	
		Colorado	7995 - Payroll Taxes - Clearing	
TOTAL				-2,007.82
12781	Kim E. Quayle	Paryroll	1022 - Points West Bank Ch...	
		Payroll	7820 - Salary - Kim E Quayle	-1,241.85
		Social Security	7995 - Payroll Taxes - Clearing	
		Medicare	7995 - Payroll Taxes - Clearing	
		Federal	7995 - Payroll Taxes - Clearing	
		Colorado	7995 - Payroll Taxes - Clearing	
TOTAL				-1,037.85
12782	William Townsend	Payroll	1022 - Points West Bank Ch...	
		Gross Paryroll	7822 - - William Townsend	-183.33
		Social Security	7995 - Payroll Taxes - Clearing	
		Medicaid	7995 - Payroll Taxes - Clearing	
TOTAL				-169.30

10:57 AM

02/10/23

Town of Sedgwick
Check Detail
 January 10 through February 13, 2023

Num	Name	Memo	Account	Paid Amount
12783	Points West Cardmember...		1022 · Points West Bank Ch...	
		Postage and Office supplies	6032 · Office Expense - GG	-435.80
		Late Fee	6032 · Office Expense - GG	-39.00
		Interest	6032 · Office Expense - GG	-5.79
TOTAL				-480.59
12784	AC-DC Water Works LLC	ORC Services	1022 · Points West Bank Ch...	
		ORC Monthly Contract Services	7063 · Supplies & Maintenanc...	-400.00
		Meeting with GMS on Waste Water Project	7093 · Miscellaneous - Water	-84.12
TOTAL				-484.12
12785	CEBT		1022 · Points West Bank Ch...	
		Employee Health Insurance	6052 · Insurance and Bonds - ...	-986.60
TOTAL				-986.60
12786	CenturyLink	Phone and Fax line	1022 · Points West Bank Ch...	
		Phone lines and Fax line	6072 · Telephone - GG	-224.76
TOTAL				-224.76
12787	Core & Main	N544166	1022 · Points West Bank Ch...	
		Rebuild kits parts.	7063 · Supplies & Maintenanc...	-273.20
		Rebuild kits parts.	7063 · Supplies & Maintenanc...	-69.12
TOTAL				-342.32
12788	Highline Electric Ass'n		1022 · Points West Bank Ch...	
		Water Pump -86552	7073 · Utilities - Water	-256.60
		New Shop - 8280879	7994 · Utilities - Clearing	-122.55
		New Town - 822186	6102 · Utilities - TH - GG	-135.12
		Museum - 8426371	6102 · Utilities - TH - GG	-134.24
		Pump #2 - 40915	7073 · Utilities - Water	-168.79
		Street Lights -41680	6142 · Street Lighting	-266.56
		Sewer - 62657	7173 · Utilities - Sewer	-57.82
		Rodeo Grounds	6102 · Utilities - TH - GG	-32.50
		Community Center	6102 · Utilities - TH - GG	-46.05
TOTAL				-1,220.23
12789	IDEAL Linens & Uniform		1022 · Points West Bank Ch...	
		Community Center Rugs, Mop and push broom	7990 · Supplies and Maint. - ...	-88.16
		Community Center Rugs, Mop and push broom	7990 · Supplies and Maint. - ...	-88.16
TOTAL				-176.32
12790	Journal Office		1022 · Points West Bank Ch...	
		Copy machine fees	6032 · Office Expense - GG	-40.00
TOTAL				-40.00
12791	Julesburg Family Market	Account# 8814	1022 · Points West Bank Ch...	
		Ice Melt and Hardware	6062 · Supplies and Mainten...	-33.43
TOTAL				-33.43
12792	Kelly, P.C.		1022 · Points West Bank Ch...	
		Legal Fees - Regular	6042 · Professional Services ...	-1,271.00
		Legal Fees for Sewer Land Purchase Contract Review	7163 · Supplies and Mainten...	-594.50
TOTAL				-1,865.50

Town of Sedgwick
Check Detail
 January 10 through February 13, 2023

Num	Name	Memo	Account	Paid Amount
12793	Liittjohann Kauffman & P...		1022 · Points West Bank Ch...	
		2023 Budget	6042 · Professional Services ...	-1,850.00
		4th qtr payroll taxes, W2s and 1099s	6042 · Professional Services ...	-700.00
TOTAL				-2,550.00
12794	Marick's Waste Disposal		1022 · Points West Bank Ch...	
		Potty Cleaning	6462 · Supplies and Mainten...	-80.00
TOTAL				-80.00
12795	Northeast colorado health...	Bacteria Test	1022 · Points West Bank Ch...	
		Water Bacteria Test	7063 · Supplies & Maintenan...	-20.00
		Nitrates Testing	7063 · Supplies & Maintenan...	-29.50
TOTAL				-49.50
12796	Prairie Mountain Media		1022 · Points West Bank Ch...	
		Advertisement/Postings	6032 · Office Expense - GG	-18.33
TOTAL				-18.33
12797	S & W Auto Supply		1022 · Points West Bank Ch...	
		Oil, filters for oil change and tune up.	7990 · Supplies and Maint. - ...	-20.87
TOTAL				-20.87
12798	Sedgwick County Sales	Landfill Fees	1022 · Points West Bank Ch...	
		Landfill Fees	7346 · Landfill - Trash	-172.08
TOTAL				-172.08
12799	Spencer Fane		1022 · Points West Bank Ch...	
		Tabor/Sewer Bond Attorney Fees	6042 · Professional Services ...	-258.00
TOTAL				-258.00

CLOSE PAYROLL PERIOD

This PRELIMINARY Payroll Report has not been saved yet! Save the report to append or close the payroll period.

Sunday Jan, 01 2023 - Tuesday Jan, 31 2023

Employees Processed:	4	Total Fixed Pay:	\$7,731.89
Standard Hours:	215.68	Total Variable Pay:	\$0.00
Overtime 1.5x Hours:	0.00	Total Payroll:	\$7,731.89
Overtime 2.0x Hours:	0.00		
PTO Hours:	0.00	Total of All Hours:	364.47
Vacation Hours:	0.00	Total Hours Deducted:	0.00
Sick Hours:	0.00	Total Payable Hours:	364.47
Holiday Hours:	15.00		
Other1 Hours:	0.00	Rounding Interval Applied:	-
Other2 Hours:	0.00	Total Records Processed:	57
Unpayable/Salaried Hours:	133.79	Records Crossing Dateline:	-
		Records Qualified for Shift Differential:	-
		Records Exceeding Hours Threshold:	-

Employee	Total Hours	Deduct	1.0x	1.5x	2.0x	SIC	VAC	HOL	UnP/SAL	Signed	Aprvd	Fixed Pay
Kehm, Richard	133.79								133.79	N/A	NO	\$3,977.72
Moore, Heather	134.39		119.39					15.00		N/A	NO	\$2,328.99
Quayle, Kim	82.79		82.79							NO	NO	\$1,241.85
Townsend, William	13.50		13.50							NO	NO	\$183.33

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF SEDGWICK ADOPTING AND ENACTING A NEW CODE OF ORDINANCES FOR THE TOWN OF SEDGWICK

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, and the tables and indices thereto, each inclusive (the "Code"), is hereby adopted, subject to the changes and modifications set forth on Exhibit A, attached hereto and incorporated herein by reference, which the codifier is hereby directed to make.

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 codes are 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.

(2) 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 5. 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.

§ 31.99 PENALTY.

(A) Any person convicted of violating this Chapter may be punished as set forth in § 11.02 of this Code.

(B) (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.

§ 70.99 PENALTY.

(A) (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

§ 110.99 PENALTY.

(A) (1) It shall be unlawful for any person to intentionally, knowingly, or recklessly fail to pay the tax imposed by this Chapter, or to make any false or fraudulent return, or for any person to otherwise violate any provisions of this Chapter. Any person convicted of violating this Chapter may be punished as set forth in § 11.02 of this Code.

(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 convicted of violating this subchapter may be punished as provided in § 11.02 of this Code.

(B) The operation of a medical marijuana operation in violation of the terms of this subchapter may be enjoined by the Town in an action brought in a court of competent jurisdiction.

(C) The operation of a medical marijuana operation in violation of this subchapter is determined to constitute a public nuisance and may be abated by the Town as a nuisance in accordance with Town ordinances.

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

(E) 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 convicted of violating this subchapter may be punished as provided in § 11.02 of this Code.

(B) The operation of a retail marijuana establishment in violation of the terms of this subchapter may be enjoined by the Town in an action brought in a court of competent jurisdiction.

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

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

(E) 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 convicted of violating this subchapter may be punished as provided in § 11.02 of this Code.

(B) Violation of this subchapter 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 convicted of violating this subchapter may be punished as provided in § 11.02 of this Code.

(B) (1) 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.

(2) 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.

(3) 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.

(4) 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 convicted of violating this subchapter may be punished as provided in § 11.02 of this Code.

(B) (1) 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.

(2) 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.

(3) 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.

(4) 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.

§ 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 be punished as provided in Section 11.02 of this Code. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

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

Section 6. 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 7. 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 8. 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 _____, 2023.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE ONLY this ____ day of _____, 2023.

TOWN OF SEDGWICK

Danny Smith, Mayor

ATTEST:

Heather Moore, Town Clerk

EXHIBIT A
Changes and Modifications to the Town of Sedgwick Code of Ordinances

1. Section 10.17 (Changes in Previously Adopted Ordinances): Add “to make the Code current” at the end of this sentence.
2. Section 10.19 (Copy of Code on File): Change “ours” to “hours.”
3. Section 30.33 (Sales Tax): Delete subsection (H)
4. Section 31.07 (Town Clerk Duties): Delete subsection (E) and re-letter accordingly. Add a new subsection at the end of this section as follows: “Additional job duties are set forth in the Town’s Clerk’s job description.”
5. Section 31.46: Revise to read as follows:

§ 31.46 SPECIAL MEETINGS.

Special meetings of the Board of Trustees may be held upon call of the Mayor, or of three members of the Board of Trustees, ~~served upon them at their usual place of residence.~~ Notice of the meeting shall be posted as required for regular meetings and shall be provided to each Board member by telephone, text message, email, personal service or by leaving a copy at the member’s usual place of residence at least 24 hours prior to the time set for said meeting. The said notice ~~shall~~ shall to state the objects of said special meetings and the business to be transacted ~~and service of said notice to be had on the members of the Board of Trustees and a copy of the same to be filed with the Town Clerk at least 24 hours prior to the time set for said meeting.~~

6. Sections 31.60 to 31.63 (Fire Department): Delete these sections in their entirety.
7. Section 31.99 (Penalty):
 - a. Revise subsection (A) to read as follows: Any person convicted of violating this Chapter may be punished as set forth Section 11.02 of this Code.
 - b. Delete subsections (B) and subsection (C)(3). Re-letter accordingly.
8. Section 50.05 (Application for Connection): Revise the last line “Penalty, see § ~~50.99~~ 11.02”
9. Section 50.15 (Waste of Water Prohibited): Insert the following missing text to the end of subsection (B) “of, or restriction upon, water service shall extend more than 10 days for each conviction. At least 10 days notice and an opportunity to be heard before the Town

Clerk shall be given prior to each discontinuance or restriction of water service pursuant to this section.”

10. Section 50.16 (Unlawful Connection; Tampering): Revise the last line “Penalty, see § ~~50.99~~ 11.02”
11. Section 50.99 (Penalty): Delete in its entirety.
12. Section 51.99 (Penalty): Delete in its entirety.
13. Section 52.01 (Water Service Discontinued): Revise the last line as follows: “Charges for both services shall continue during the disconnection period, and a reasonable delinquency or hook-up charge shall be made in an amount established by resolution ~~not to exceed \$5.~~”
14. Section 52.04 (Workmanship and Materials): Revise the last line “Penalty, see § ~~52.99~~ 11.02”
15. Section 52.99 (Penalty): Delete in its entirety.
16. Section 70.02: Add a new Section 70.02 as follows and renumber the current Section 70.02:

§ 70.02 Amendments and deletions. The Model Traffic Code is subject to the following amendments and deletions:

A. Section 1101(2) of the Model Traffic Code is amended by the addition of a new subsection (i) to read as follows:

(i) Unless otherwise posted, the speed limit upon the streets and highways of the Town of Sedgwick shall be twenty-five (25) miles per hour.

17. Section 70.99 (Penalty): Delete subsection (A) and re-letter accordingly.
18. Section 71.01 (Parking and Use of RVs): Revise the last line “Penalty, see § ~~71.99~~ 11.02”
19. Section 71.17 (State Regulations Apply): Revise the last line “Penalty, see § ~~71.99~~ 11.02”
20. Section 71.18 (Designated Areas of Operation): Revise the last line “Penalty, see § ~~71.99~~ 11.02”
21. Section 71.99 (Penalty): Delete in its entirety.

22. Section 73.01 (Speed Limits): Delete in its entirety

23. Section 90.06 (Ownership of Dangerous Dogs):

- a. Subsection(A)(1): Revise the second sentence as follows: “At the time of registration, each owner of any dangerous dog kept within the Town limits shall provide the Town Clerk’s office with proof of liability insurance ~~in the amount of at least \$100,000~~ for any acts of property damage or liability incurred by virtue of injury inflicted by such dog.
- b. Last line: Revise the last line “Penalty, see § ~~90.99~~ 11.02”

24. Section 90.07 (Unlawful Ownership of Vicious Dogs): Revise the last line “Penalty, see § ~~90.99~~ 11.02”

25. Section 90.08 (Quarantine): Revise the last line “Penalty, see § ~~90.99~~ 11.02”

26. Revise Section 90.21 as follows:

§ 90.21 KEEPING OF LIVESTOCK AND POULTRY.

(A) It shall be unlawful for any person to keep any livestock or poultry, including but not limited to swine, cattle horses, mules, sheep or goats, turkeys, geese or other farm animals of any kind or nature within the corporate limits of the Town. ~~Notwithstanding the foregoing, the Board of Trustees may issue exceptions to this section for the temporary housing (not to exceed 72 hours) of livestock and for the keeping of up to ten live chickens for the purposes of harvesting eggs.~~

(B) Notwithstanding the foregoing, up to ten (10) chickens may be kept on single-family residential lots within the Town, subject to compliance with all applicable Town requirements.

(C) The Board of Trustees may allow exceptions to this section upon a finding that the proposed use will not be detrimental to the surrounding properties and inhabitants. In determining whether the proposed use will be detrimental, the Board of Trustees shall consider the following criteria: (1) the size of the property on which the animals will be located; (2) how any nuisance effects will be controlled; (3) the surrounding land uses; and (4) how the animals will be contained on the property. The Board of Trustees may impose conditions on the proposed use to the extent necessary to ensure compliance with this subsection C. Conditions may address, by way of illustration and not limitation, nuisance control, fencing requirements, and time limits on the proposed use. Penalty, see § 11.02 ~~90.99~~

27. Sections 90.22 (Failure to Keep Animals Secure and Restrained) and 90.23 (Removing Waste): Revise the last line “Penalty, see § ~~90.99~~ 11.02”
28. Section 90.99 (Penalty): Delete in its entirety.
29. Sections 91.02 (Nuisances Prohibited): Revise the last line “Penalty, see § ~~91.99~~ 11.02”
30. Section 91.03: (Specific Nuisances Declared): Delete subsection (K). Revise the last line “Penalty, see § ~~91.99~~ 11.02”
31. Section 91.99 (Penalty): Delete in its entirety.
32. Sections 92.07 (Animals and Vehicles Not Permitted), 92.24 (Notice of Construction and Excavations), 92.28 (Sidewalk Obstructions), 92.30 (Littering and the Like): Revise the last line “Penalty, see § ~~92.99~~ 11.02”
33. Section 92.31 (Vehicles on Sidewalks): Delete in its entirety.
34. Section 92.99 (Penalty): Delete in its entirety.
35. Section 110.99 (Penalty):
 - a. Delete subsection A. Re-letter accordingly.
 - b. Revise subsection (B)(1) to read as follows: It shall be unlawful for any person to intentionally, knowingly, or recklessly fail to pay the tax imposed by this Chapter, or to make any false or fraudulent return, or for any person to otherwise violate any provisions of this Chapter. Any person convicted of violating this Chapter may be punished as set forth in § 11.02 of this Code.
36. Section 111.05(B)(6) (Applications): Change “winch” to “which.”
37. Section 111.08 (Denial): Revise the second sentence in subsection B as follows: The applicant may thereafter appeal the denial of the application by the Town Clerk to the Town Board Mayor.
38. Section 111.13 (Suspension or Revocation):
 - a. Revise subsection A as follows: In addition to any other ordinances of the Town, the Town Clerk may suspend or revoke a license or permit issued under this subchapter (subject to such determination may appeal the determination to the Town Board Mayor)....
 - b. Revise subsection D as follows: Except for such emergency suspension authorized by division (C) above, no such suspension or revocation is final until the licensee has been given the opportunity for a hearing before the Town Board Mayor to contest the suspension or revocation.

- c. Revise subsection E as follows: If, after a hearing, the suspension or revocation is upheld, the Town Board Mayor may include reasonable orders or conditions with which the person whose license has been suspended or revoked shall comply to protect any work in progress and the public health, safety, and welfare.
- d. Revise subsection H: Nothing in this subchapter shall be deemed to prohibit the Town Clerk or other authority from imposing other penalties authorized by this subchapter or other ordinance of the Town, including filing a complaint with ~~in~~ the Town Board Mayor for a violation of this subchapter or other ordinance of the Town.

39. Sections 111.40 to 111.48 (Peddlers and Entertainers): Delete these sections in their entirety.

40. Section 112.018: Revise to read as follows:

§ 112.018 PENALTY

(A) Any person convicted of violating this subchapter may be punished as provided in § 11.02 of this Code.

(B) The operation of a medical marijuana operation in violation of the terms of this subchapter may be enjoined by the Town in an action brought in a court of competent jurisdiction.

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

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

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

41. Section 112.049 (Penalty): Revise to read as follows:

§ 112.049 PENALTY.

(A) Any person convicted of violating this subchapter may be punished as provided in § 11.02 of this Code.

(B) The operation of a retail marijuana establishment in violation of the terms of this subchapter may be enjoined by the Town in an action brought in a court of competent jurisdiction.

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

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

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

42. Section 112.077 (Penalty): Revise to read as follows:

§ 112.077 PENALTY.

(A) Any person convicted of violating this subchapter may be punished as provided in § 11.02 of this Code.

(B) Violation of this subchapter 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.

43. Section 112.106 (Penalty):

- a. Revise Subsection A to read as follows: Any person convicted of violating this subchapter may be punished as set forth Section 11.02 of this Code.
- b. Delete Subsection (B)(1) and renumber and re-letter the remaining sections.

44. Section 112.131 (Penalty):

- a. Revise Subsection A to read as follows: Any person convicted of violating this subchapter may be punished as set forth Section 11.02 of this Code.
- b. Delete Subsection (B)(1) and renumber and re-letter the remaining sections.

45. Section 112.156 (Penalty):

- a. Revise Subsection A to read as follows: Any person convicted of violating this subchapter may be punished as set forth Section 11.02 of this Code.
- b. Delete Subsection (B)(1) and renumber and re-letter the remaining sections.

46. Chapter 130 (General Offenses), All sections: Revise the last line “Penalty, see § ~~130.99~~ 11.02”

47. Section 130.31 (Poisons): Delete in its entirety.

48. Revise Section 130.32 as follows:

§ 130.32 SUBTERRANEAN OPENINGS.

~~It shall be unlawful for a~~Any person ~~to who shall~~ have or keep open any cellar door, pit, or vault or other subterranean opening on any highway or sidewalk or to allow ~~shall suffer~~ the same to be left open or to be kept in an insecure condition so that passers-by will be in danger of falling into such cellar, pit, vault, or other opening, or to allow ~~who shall suffer~~ any sidewalk in front of the premises opened or occupied by him or her to become or continue to be so broken as to endanger life or limb ~~shall, on conviction, be fined not less than \$2 nor more than \$100 and costs of suit.~~

49. Section 130.33 (Throwing Stones and the Like): Revise “groung” to “ground.”

50. Section 130.99 (Penalty): Delete in its entirety.

51. Section 150.99: Revise to read as follows:

§ 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 be punished as provided in Section 11.02 of this Code. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

52. Section 152.99 (Penalty): Delete in its entirety.

53. Section 154.99 (Penalty):

- a. Revise Subsection A to read as follows: Any person convicted of violating this Chapter may be punished as set forth Section 11.02 of this Code.