

ORDINANCE NO. 764

AN ORDINANCE AMENDING THE FIRESTONE MUNICIPAL CODE TO MAKE CERTAIN CHANGES TO THE TOWN'S FEES AND CHARGES, TO ADOPT NEW FEES AND CHARGES, TO SET FORTH THAT CERTAIN FEES AND CHARGES WILL BE ESTABLISHED BY RESOLUTION OF THE BOARD OF TRUSTEES, AND TO ADD A NEW CATEGORY OF LICENSE TO CONTRACTORS, SUBCONTRACTORS AND TRADESMEN LICENSES

WHEREAS, the Board of Trustees previously adopted certain fees and charges; and

WHEREAS, Town staff has recently conducted a review of the Town's fees and charges and recommended that certain changes be made pertaining to fees and charges; and

WHEREAS, the Board of Trustees finds that it is necessary to increase the sales tax license fee in order to defray the costs of issuing and administering such licenses; and

WHEREAS, the Board of Trustees finds that it is necessary to clarify the procedure and timeframes for obtaining contractor, subcontractor, and tradesmen licenses and to set forth a new category of such license for electrical contractors; and

WHEREAS, the Board of Trustees finds that it is necessary to adopt an insufficient funds check charge in order to defray the bank fees that the Town is charged when a resident submits a check to the Town that is returned from the bank of record; and

WHEREAS, the Board of Trustees desires to amend the Firestone Municipal Code to provide that certain additional fees and charges related to water service and the issuance of fence permits shall be as set forth by resolution of the Board of Trustees; and

WHEREAS, the Board of Trustees has determined that it is appropriate to increase the fines for violations of sections 236 and 237 of the Model Traffic Code for failure to wear a seatbelt; and

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

Section 1. Section 3.08.130 of the Firestone Municipal Code is hereby amended to read as follows (words to be deleted are shown in ~~strikeout~~; words to be added are underlined):

3.08.130 Sales tax license - Fee.

For each sales tax license issued under this chapter, a fee of ~~two~~ twenty-five dollars shall be paid, which fee shall accompany the application. A further fee of ~~two~~

twenty-five dollars shall be paid for each year or fraction thereof for which the sales tax license is renewed.

Section 2. The first paragraph of Section 5.20.030 of the Firestone Municipal Code is hereby amended to read as follows (words to be deleted are shown in ~~strikeout~~; words to be added are underlined):

5.20.030 License fees.

The license fee to be charged for each category of contractor, subcontractor, and/or tradesman are listed below. The license fee shall be for the calendar year or any portion thereof and shall not be prorated, and licenses shall be issued on a calendar year basis and expire with the calendar year in which they are issued.* Licenses are not assignable or transferable and shall be renewable only upon the submission of a new application in each calendar year and providing that all of the current requirements for the license are fulfilled. The license fee shall be tendered with the application to the town clerk of the town and in no case shall a license be issued until the required fee has been paid and until all other requirements of the license as defined in this chapter have been met.

* Note: For calendar year 2011 only, license fees shall be prorated on a quarterly basis for the period from the date of payment of the fee until December 31, 2011.

Section 3. Section C of the table at Section 5.20.030 of the Firestone Municipal Code entitled *Contractor, subcontractor, or tradesman*, is hereby amended to add a new class of license at C.22, to read as follows (words to be added are underlined):

<i>License</i>	<i>Category</i>	<i>License Fee</i>
...		
C. Contractor, subcontractor, or tradesman	C	\$50.00
1. Siding		
2. Fencing		
3. Glass and glazing		
4. Patio and awning		
5. Skirting for mobile homes		
6. Temperature controls		
7. Tile setting		
8. Wrecking contractor		
9. Asphalt		
10. Painting		
11. Insulators		
12. Ditching		
13. Grading		

14. Drainlayers
15. Sodlayers
16. Gutter installation
17. Signs
18. Electrical Signs
19. Sprinkler systems
20. Alarms
21. Fire protection
22. Electrical contractors required to be registered with the State of Colorado pursuant to Section 12-23-105, C.R.S.

Section 4. Section 9.08.130 of the Firestone Municipal Code is hereby amended by the addition of a new subsection I. to read as follows:

9.08.130 Fraud by check.

I. In addition to the remedies set forth above, the Town may charge a resident an insufficient funds check charge of thirty-five dollars for each check submitted by a resident to the Town that is returned from the bank of record due to insufficient funds after the Town attempts collection.

Section 5. Section 10.04.200.A of the Firestone Municipal Code is hereby amended to read as follows (words to be deleted are shown in ~~strikeout~~; words to be added are underlined):

10.04.200 Violations—Penalties.

A. It shall be unlawful for any person to violate any of the provisions of this chapter or the Model Traffic Code adopted herein for which no specific penalty has been provided or for which the sole penalty provided is a fine, both of which types of violations are hereby deemed traffic infractions. A traffic infraction shall be a civil matter for which punishment by imprisonment shall not be available and for which a penalty assessment notice shall be issued. Every person who is convicted of a traffic infraction, who admits liability or guilt for a traffic infraction or against whom a judgment is entered for a traffic infraction, is subject to a fine, exclusive of any court costs and surcharges, which shall be determined by the points assigned to each violation and assessed at a rate of fifty dollars per point; provided, however, that no fine shall be less than twenty-five dollars nor more than one thousand dollars. Notwithstanding the above, violations of section 236 of the Model Traffic Code shall be subject to a fine of not less than \$82.00 and violations of section 237 of the Model Traffic Code shall be subject to a fine of not less than \$65.00.

Section 6. Section 13.08.020 of the Firestone Municipal Code is hereby amended to read as follows (words to be added are underlined):

13.08.020 Water service charges.

There are imposed and charged rates and rentals for the use of water measured through a meter, per month, from any of the water lines, water mains or water system of the town, to be paid to the town in an amount as established from time to time by resolution of the board of trustees. There are further imposed and shall be paid to the town for other services and activities of the water utility such fees, tolls and charges as are established from time to time by resolution of the board of trustees, including without limitation a water disconnection fee, meter tamper fee, meter jumper (bypass) fee, return payment fee, and a meter test fee.

Section 7. Section 13.08.080 of the Firestone Municipal Code is hereby amended to read as follows (words to be deleted are shown in ~~strikeout~~; words to be added are underlined):

13.08.080 Charges for water service reinstatement.

If the water supply to any premises served by the town is shut off pursuant to the code of the town because of the failure of the owner, lessee, renter, user or possessor of the premises to abide by the provisions of the code, a charge in the amount established from time to time by resolution of the board of trustees ~~of forty dollars shall be paid~~ charged before the water supply is restored.

Section 8. Section 13.08.090 of the Firestone Municipal Code is hereby amended to read as follows (words to be deleted are shown in ~~strikeout~~; words to be added are underlined):

13.08.090 Charge for service calls after hours.

~~Effective March 1, 1991,~~ Any person who requests, in connection with water service, a service call; by town personnel before or after normal business hours as established from time to time by the board of trustees of the town, shall be charged an after-hours service call charge in the amount of thirty dollars established from time to time by resolution of the board of trustees.

Section 9. Section 15.40.020 of the Firestone Municipal Code is hereby amended to read as follows (words to be added are underlined):

15.40.020 Permit required—Building department review ~~inspector.~~

No fence shall be erected or constructed or permitted until a plan thereof has been presented to and approved by the building department ~~inspector~~, and a permit has

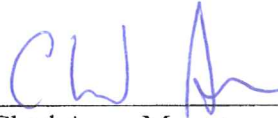
~~been issued in the manner now provided for the issuance of building permits by the town, and there has been paid to the town a permit fee in the amount established from time to time by resolution of the board of trustees.~~ The noted plan shall depict the proposed location of all fencing, list all types of fencing materials proposed to be used, and contain such other information as may reasonably be required by the building inspector in order to evaluate the application.

Section 10. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 11. The repeal or modification of any provision of the Municipal Code of the Town of Firestone by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

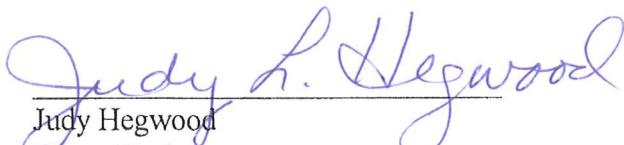
Section 12. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this 9th day of December, 2010.



Chad Auer, Mayor

ATTEST:



Judy Hegwood
Town Clerk

