

ORDINANCE NO.

16-11
Series of 2016

TITLE: AN ORDINANCE AMENDING SPECIFIC SECTIONS OF THE HUDSON MUNICIPAL CODE TO COMPLY WITH THE TOWN OF HUDSON HOME RULE CHARTER

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF HUDSON, COLORADO:

Section 1. In all sections as follows, and any section headings, all references to the term "board of trustees" shall be amended to read "town council":

1. Sec. 1-11. Definitions.
2. Sec. 2-3(a). Meetings.
3. Sec. 2-11(c). Write-in candidates.
4. Sec. 2-100. Removal of officers.
5. Sec. 2-114. Court costs.
6. Sec. 2-115(b). Transcripts.
7. Sec. 2-116. Court clerk.
8. Sec. 2-119(a)(2). Trials.
9. Sec. 2-130(b). Presiding Judge.
10. Sec. 2-136. Assistant judges.
11. Sec. 2-193. Meetings.
12. Sec. 2-194. Purpose and objective.
13. Sec. 2-195. Duties and authority.
14. Sec. 2-196. Rules and Regulations.
15. Sec. 2-197. Miscellaneous.
16. Sec. 2-212(a). Creation; membership; term; qualification.

17. Sec. 2-214(c). Vacancies and removal.
18. Sec. 2-216. Duties and authority.
19. Sec. 2-218(a). Sale of lots and plots.
20. Sec. 2-219. Maintenance of cemetery.
21. Sec. 2-241. Department rules and regulations.
22. Sec. 2-242(a)(3). Town Marshal; appointment; powers and duties.
23. Sec. 4-30(d). Capital Reserve Fund, Approval of expenditures.
24. Sec. 4-30(f). Capital Reserve Fund, Dissolution of the fund.
25. Sec. 4-32. Water fund.
26. Sec. 4-43(e). Licenses.
27. Sec. 4-46. Amendments.
28. Sec. 4-63. Collection, administration and enforcement.
29. Sec. 4-92. Definitions.
30. Sec. 4-110. Legislative findings.
31. Sec. 4-114(c)(2). Imposition and computation of impact fees.
32. Sec. 4-118(d). Exemptions from impact fees.
33. Sec. 4-122(f) and (j). Miscellaneous provisions.
34. Sec. 5-10(a). Franchise fee.
35. Sec. 5-12(b). Franchise bond or letter of credit.
36. Sec. 5-14(b)(2). Revocation and termination of franchise.
37. Sec. 5-52.1. Franchise fee.
38. Sec. 5-52.3. Change of franchise fee and other franchise terms.
39. Sec. 5-59.2. Transfer fee.
40. Sec. 5-63.1. Forfeiture fee.

41. Sec. 5-67.1. Amendments to franchise.
42. Sec. 5-69.2. Company approval.
43. Sec. 5-80. Definitions.
44. Sec. 5-83(a). Franchise fee.
45. Sec. 5-113. Failure to pay.
46. Sec. 6-6(2). License fees.
47. Sec. 6-23. Fees.
48. Sec. 6-28. Appeal.
49. Sec. 6-33. Construction.
50. Sec. 6-42. Definitions.
51. Sec. 6-47(e). Permit Required.
52. Sec. 6-55(b)(2). Transferability.
53. Sec. 6-56. Appeal rights.
54. Sec. 6-98. Fees.
55. Sec. 6-122. Separate license of each business.
56. Sec. 6-123(a) and (c). Sale of all or part of business interest.
57. Sec. 6-124(a). Change of corporate officers or directors.
58. Sec. 6-125. Additional licenses; rules and regulations; fees.
59. Sec. 6-139. Fee.
60. Sec. 6-163. Application fee.
61. Sec. 6-170. Fees.
62. Sec. 6-210. Fee.
63. Sec. 6-221. Findings and legislative intent.
64. Sec. 6-222. Authority.

65. Sec. 6-227. Application fee.
66. Sec. 7-3. Abatement.
67. Sec. 7-31(b). Offensive discharges.
68. Sec. 7-70(b). License, application, fee and vaccination.
69. Sec. 7-71(d). Registration and replacement tag fee.
70. Sec. 7-72(a). Dogs and cats running at large.
71. Sec. 7-74(a). Impounding and redemption.
72. Sec. 7-84. Backyard chicken hens.
73. Sec. 8-9. School zones.
74. Sec. 8-10. Definitions.
75. Sec. 8-35(g). Permit required for overweight vehicles.
76. Sec. 10-43(a). Administrative actions for enforcement and abatement.
77. Sec. 10-55(4). Discharge of firearms.
78. Sec. 10-82(a). Permits for display.
79. Sec. 11-1. Appointment.
80. Sec. 11-40. Adoption.
81. Sec. 11-43. Modifications.
82. Sec. 11-61. Definitions.
83. Sec. 11-66(d)(6). Blanket maintenance permits.
84. Sec. 11-68. Permit fees.
85. Sec. 11-103(d). Application for permit.
86. Sec. 11-104(d). Conditions for permit.
87. Sec. 11-108. Appeals.
88. Sec. 11-110(b). Revocation.

89. Sec. 11-124. Appeals process.
90. Sec. 13-10. Declaration of policy.
91. Sec. 13-11(a). Water and wastewater systems.
92. Sec. 13-23(c). Initiation of water and wastewater service.
93. Sec. 13-24(b). Payment of water charges and late fees.
94. Sec. 13-50. Water rates.
95. Sec. 13-53. Water tap fees.
96. Sec. 13-58. Sewer tap fees.
97. Sec. 13-82. Governing body.
98. Sec. 13-84. Enterprise obligations and town obligations.
99. Sec. 13-86. Findings of the board of trustees.
100. Sec. 13-87. Termination.
101. Sec. 13-106. Industrial user fees.
102. Sec. 13-122. Legislative intent.
103. Sec. 16-6. Relationship to comprehensive plan.
104. Sec. 16-8. Fees.
105. Sec. 16-10. Waivers and amendments.
106. Sec. 16-20. Definitions.
107. Sec. 16-30. Planning commission.
108. Sec. 16-31. Board of adjustment; variances.
109. Sec. 16-32(d). Building inspector; requirements.
110. Sec. 16-33. Enforcement.
111. Sec. 16-41(a). Adoption of official zoning map.
112. Sec. 16-43(c). Residential one district (R-1).

113. Sec. 16-45(h). Residential trailer district. (R-t).
114. Sec. 16-46(a)(14). Business district (B-1).
115. Sec. 16-47(e)(2). Commercial one district (C-1).
116. Sec. 16-48(a)(13) and (e)(4). Commercial two district (C-2).
117. Sec. 16-51. Historical overlay district (H).
118. Sec. 16-53. Planned development district (PD).
119. Sec. 16-54(c). Agriculture two district. (A-2).
120. Sec. 16-57(f). Industrial one district (I-1).
121. Sec. 16-59(e). Industrial two district. (I-2).
122. Sec. 16-60(a) and (d). Industrial three district (I-2).
123. Sec. 16-63. Uses permitted by Special Review (USR).
124. Sec. 16-65. Permit for temporary housing incidental to construction of single-family dwelling.
125. Sec. 16-65.5(e) and (f). Temporary uses.
126. Sec. 16-66(a)(2). Uses not itemized.
127. Sec. 16-67(a)(1)(a). Exceptions, nonconforming uses and area requirements.
128. Sec. 16-68. Amendments to land use ordinance or zoning map.
129. Sec. 16-69. Concurrent zoning and annexation.
130. Sec. 16-76. General requirements.
131. Sec. 16-78. Review procedures and requirements for approval.
132. Sec. 16-86. Control over platting.
133. Sec. 16-87. General requirements.
134. Sec. 16-90. Preliminary plat.
135. Sec. 16-91. Final plat.
136. Sec. 16-92. Minor subdivisions.

137. Sec. 16-94. Replat, vacation or plat amendment.
138. Sec. 16-95. Certification for plats.
139. Sec. 16-100. Purpose.
140. Sec. 16-101. General provisions.
141. Sec. 16-102. Public notice procedures.
142. Sec. 16-113(b). General requirements.
143. Sec. 16-114(c). Sign permit.
144. Sec. 16-117(10). Prohibited signs.
145. Sec. 16-140. Improvements in unapproved streets.
146. Sec. 16-141. Erection of buildings; construction of streets.
147. Sec. 16-142. Parking requirements.
148. Sec. 16-144(b). Fences, walls and obstructions to view.
149. Sec. 16-146(d)(3). Floodplain regulations.
150. Sec. 16-148(b)(6). Access to public streets; permit required; exceptions.
151. Sec. 16-154(d). Freestanding CMRS facilities.
152. Sec. 16-157. Application and approval procedures.
153. Sec. 16-172. Requirements and procedures.
154. Sec. 16-174. Review criteria.
155. Sec. 16-183. Violation and enforcement.
156. Sec. 18-4. Deletions from and amendments to the international codes.
157. Sec. 18-17.5. 2006 International Fire Code.
158. Sec. 18-19. Fees.
159. Sec. 18-32(d). Procedure.

Section 2. In the following Hudson Municipal Code sections, all references to the terms "trustee" or "trustees" shall be amended to read "council member" or "council members",

respectively:

1. Sec. 2-214(c). Vacancies and removal.

Section 3. In the following Hudson Municipal Code sections, including any section headings, all references to the term "board" shall be amended to read "council":

1. Sec. 2-6. Motion required – Roll call vote.
2. Sec. 2-20. Matters referred to committees.
3. Sec. 2-100. Removal of officers.
4. Sec. 4-30(d). Capital Reserve Fund.
5. Sec. 5-80. Definitions.
6. Sec 5-130. Emergency telephone service charge established.
7. Sec. 6-122. Separate license of each business.
8. Sec. 6-123(b). Sale of all or part of business interest.
9. Sec. 6-126. Renewal.
10. Sec. 6-140. Establishing neighborhood and public hearing dates.
11. Sec. 6-144. Considerations for approving or denying application.
12. Sec. 6-145. Approval or disapproval.
13. Sec. 6-146. Issuance of license in case of building to be constructed.
14. Sec. 6-148. Rehearing limitation.
15. Sec. 6-162(b)(2). Optional premises.
16. Sec. 6-164. Initial appearance before board.
17. Sec. 6-168. Consideration of factors.
18. Sec. 6-169. Decision of board.
19. Sec. 6-171. Business premises prerequisite.
20. Sec. 6-175. Rehearing limitation.
21. Sec. 11-20. Track height.

22. Sec. 13-11(a). Water and wastewater systems.
23. Sec. 13-13. Inspections.
24. Sec. 13-16. Water taps.
25. Sec. 13-19. Further tap regulations.
26. Sec. 13-20(a). Water meters; requirements and installation.
27. Sec. 13-22(c). Service line regulations.
28. Sec. 13-23. Initiation of water and wastewater service.
29. Sec. 13-24(c). Payment of water charges and late fees.
30. Sec. 13-25(d). Termination of service for nonpayment of bill.
31. Sec. 13-26. Other remedies for nonpayment.
32. Sec. 13-28. Unlawful acts.
33. Sec. 13-29(a). Water rationing.
34. Sec. 13-30. Moratoriums.
35. Sec. 13-38. Sprinkling restrictions.
36. Sec. 13-53(h). Water tap fees.
37. Sec. 13-64. Exceptions to basic dedication requirements.
38. Sec. 13-65. Procedure.
39. Sec. 13-66. Agricultural and open space property.
40. Sec. 18-32(g). Procedure.

Section 4. In the following Hudson Municipal Code sections, including any section headings, all references to the term "town administrator" shall be amended to read "town manager":

1. Sec. 4-118. Exemptions from impact fees.
2. Sec. 4-120. Credits against impact fees.
3. Sec. 4-121. Appeals.
4. Sec. 7-25. Abatement assessment and collection.

5. Sec. 7-37. Illegal vehicles.
6. Sec. 8-3. General parking prohibitions; permit required.
7. Sec. 8-35. Permit required for overweight vehicles.
8. Sec. 11-104. Conditions for permit.
9. Sec. 11-106. Location and placement of newsracks.
10. Sec. 11-107. Violations.
11. Sec. 11-108. Appeals.
12. Sec. 11-110. Revocation.
13. Sec. 11-121. Authority.
14. Sec. 11-122. Requirements.
15. Sec. 11-123. Refusal; revocation.
16. Sec. 11-124. Appeals process.
17. Sec. 13-18. Transferability of tap permit and taps.
18. Sec. 13-53. Water tap fees.
19. Sec. 13-100. Definitions.
20. Sec. 16-8. Fees.
21. Sec. 16-20. Definitions.
22. Sec. 16-41. Adoption of official zoning map.
23. Sec. 16-53. Planned development district (PD).
24. Sec. 16-65.5. Temporary uses.
25. Sec. 16-68. Amendments to land use ordinance or zoning map.
26. Sec. 16-76. General requirements.
27. Sec. 16-78. Review procedures and requirements for approval.
28. Sec. 16-87. General requirements.

29. Sec. 16-94. Replat, vacation or plat amendment.
30. Sec. 16-101. General provisions.
31. Sec. 16-102. Public notice procedures.
32. Sec. 16-146. Floodplain regulations.
33. Sec. 16-157. Application and approval procedures.
34. Sec. 16-158. Eligible telecommunications facility requests.

Section 5. The following sections shall be deleted from the Code and reserved for future use:

1. Sec. 2-1. Four year terms for trustees.
2. Sec. 2-2. Vacancies.
3. Sec. 2-3(b). Meetings.
4. Sec. 2-4. Quorum.
5. Sec. 2-7. Adoption of ordinances.
6. Sec. 2-8. Vote required.
7. Sec. 2-9. Publication of ordinance.
8. Sec. 2-10. Adoption of codes by reference.
9. Sec. 2-12. Term limits.
10. Sec. 2-30. Mayor and mayor pro tem.
11. Sec. 2-40. Clerk and clerk pro tem.
12. Sec. 2-41. Duty to keep records.
13. Sec. 2-42. Other duties.
14. Sec. 2-50. Town treasurer.
15. Sec. 2-51. Duty to keep records and render accounts.
16. Sec. 2-52. Other duties.
17. Sec. 2-60. Town Attorney – Appointment.

18. Sec. 2-70. Town administrator – Employment.
19. Sec. 2-71. Oath.
20. Sec. 2-72. Functions and duties. (supervise the enforcement of laws and ordinances)
21. Sec. 2-73. Duty to propose administrative organization.
22. Sec. 2-80. Appointed officers.
23. Sec. 2-81. Oaths and bonds of officers.
24. Sec. 2-90. Recall of elected officers.
25. Sec. 2-110. Creation of municipal court.
26. Sec. 2-131. Qualification.
27. Sec. 2-132. Appointment.
28. Sec. 2-133. Oath.
29. Sec. 2-134. Term.
30. Sec. 2-135. Vacancy.
31. Sec. 2-137. Compensation.
32. Sec. 2-240. Creation; composition.
33. Sec. 4-1. Fiscal year.
34. Sec. 4-2. Budget.
35. Sec. 4-3. Rate of tax levy.
36. Sec. 4-4. Annual appropriation.
37. Sec. 4-5. Publication of financial statements.
38. Sec. 4-6. Deposits – Investments.
39. Sec. 4-8. Treasurer’s annual report.
40. Sec. 4-9. Annual audit.

Section 6. Sec. 2-61 of the Hudson Municipal Code shall be renumbered and amended to read as follows:

Sec. 2-60. Town Attorney – Duties

It shall be the duty of the town attorney or any assistant town attorney to attend meetings of the town council when so directed by the mayor, to draw all ordinances, contracts and other instruments when requested to do so, to prosecute or defend all suits brought by or against the town, and to render such legal service to the town council and other town officers as they may require.

Section 7. Sec. 2-111 of the Hudson Municipal Code shall be amended to read as follows:

Sec. 2-111. Original jurisdiction.

The municipal court shall have jurisdiction as provided for under Sec. 7.01 of the Town's Home Rule Charter.

Section 8. Sec. 2-161(a) of the Hudson Municipal Code shall be amended to read as follows:

Sec. 2-161. Library board appointment.

(a) The mayor shall, with the approval of the town council, appoint no less than five (5) and no more than seven (7) persons from the citizens at large who shall constitute the library board of trustees, and the chairperson of said board shall be elected by said board from its members. A trustee shall be appointed annually to serve for a five (5) term. Any vacancies shall be filled by the town council and the appointee shall serve for the remainder of the term for the vacant position.

Section 9. Sec. 2-242(a) of the Hudson Municipal Code shall be amended to read as follows:

(a) It shall be the duty of the Town Marshal to:

...

Section 10. Safety Clause. The Town Council hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Hudson, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 11. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 12. Effective Date. This Ordinance shall become effective ten (10) days after final publication by title only.

INTRODUCED, READ BY TITLE, AND ADOPTED ON FIRST READING this 7th day of December, 2016.

TOWN OF HUDSON, COLORADO

Raymond Patch
Raymond Patch, Mayor

ATTEST:

Rebecca Utecht
Rebecca Utecht, Town Clerk

PASSED by a vote of 7 for and 0 against AND ORDERED PUBLISHED BY TITLE ONLY, with a complete copy available for public inspection and acquisition in the office of the town clerk this 4th day of January, 2016. 2017. BU

TOWN OF HUDSON, COLORADO

Raymond Patch
Raymond Patch, Mayor

ATTEST:

Rebecca Utecht
Rebecca Utecht, Town Clerk

APPROVED AS TO FORM:

Corey Y. Hoffmann, Town Attorney

