



PARK COUNTY, COLORADO

Ordinance No. 22-02

AN ORDINANCE OF PARK COUNTY, COLORADO, AMENDING ORDINANCE NO. 06-01, ORDINANCE NO. 12-01, ORDINANCE NO. 12-02, ORDINANCE NO. 16-02, ORDINANCE NO. 18-01, ORDINANCE NO. 19-01, ORDINANCE NO. 20-02, ORDINANCE NO. 20-03, ORDINANCE NO. 21-02, THE PARK COUNTY LAND USE REGULATIONS, AND THE PARK COUNTY ON-SITE WASTEWATER TREATMENT SYSTEM REGULATIONS IN RELATION TO THE PENALTY PROVISIONS THEREIN

WHEREAS, on July 6, 2021, the Governor of Colorado approved Senate Bill 21-271, reforming the sentencing provisions related to misdemeanors and petty offenses; and

WHEREAS, Senate Bill 21-271 became effective on March 1, 2022; and

WHEREAS, the Board of County Commissioners of Park County wishes to amend its current ordinances, Land Use Regulations, and On-Site Wastewater Treatment System Regulations to align with the newly reformed misdemeanor and petty offense schedule.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PARK COUNTY, COLORADO AS FOLLOWS:

Section 1. Ordinance No. 12-01.

Section 4 of Ordinance No. 12-01, An Ordinance of Park County, Colorado Addressing Noise Control is hereby amended to read as follows:

Section 4. Penalties. Pursuant to C.R.S. § 30-15-402, any person who violates any of the provisions of this ordinance commits a Civil Infraction and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00). Each day such violation continues shall be deemed a separate offense.

Section 2. Ordinance No. 12-02.

Section 10 of Ordinance No. 12-02, An Ordinance of Park County, Colorado, Regulating the Growing of Medical Marijuana in Residential Structures is hereby amended to read as follows:

Section 10. Penalties. Any person who violates any of the provisions of this ordinance commits a Civil Infraction and, upon conviction thereof, shall be punished by a fine of one hundred dollars (\$100.00).

Section 3. Ordinance No. 16-02.

Section 2 of Ordinance No. 16-02, An Ordinance of Park County, Colorado Adopting the 2012 Editions of the International Building Code, International Residential Code, International Mechanical Code, etc. is hereby amended to read as follows:

Section 2. Penalties. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Code. A person or entity who violates this Code commits a Civil Infraction and upon conviction thereof shall be punished by a fine not to exceed one hundred dollars (\$100.00) in addition to other sanctions set forth in C.R.S. §§ 30-28-209 and 210, as amended. Each day that such violation continues shall be deemed a separate offense.

Section 4. Ordinance No. 18-01.

Section 4 of Ordinance No. 18-01, An Ordinance of Park County, Colorado, Regulating the Growing of Marijuana is hereby amended to read as follows:

Section 4. Penalties. Any person who violates any of the provisions of this Ordinance commits a Civil Infraction and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00). Each day such violation continues shall be deemed a separate offense.

Section 5. Ordinance No. 20-02.

Section 6(D) of Ordinance No. 20-02, An Ordinance Regulating Storage Containers in Park County, is hereby amended to read as follows:

- D. Any person, firm, or corporation who violates any provision of this ordinance commits a Civil Infraction and upon conviction thereof shall be punished by a fine not to exceed one hundred dollars (\$100.00). Each day such violation continues shall be deemed a separate offense.
- 1. Violations of this Ordinance may also be enforced through the penalty assessment procedure pursuant to C.R.S. section 16-2-201, as the same may be from time to time amended, requiring the defendant to appear at the place, time and date specified or, in lieu thereof, to pay the specified fine in person or by mail at the place and within the time specified in the notice. Payment of the specified fine shall constitute acknowledgement of guilt of the offense charged.

Section 6. Ordinance No. 20-03.

Sections 12(D) and 12(E) of Ordinance No. 20-03, An Ordinance Regulating Short-Term Rentals in Park County, are hereby amended to read as follows:

- D. Except as expressly provided otherwise by applicable law, any violation of Sections 7.I, 7.J, 7.K, 7.L and 7.M of this Ordinance is a Civil Infraction and is subject to the penalty

assessment procedures of Section 16-2-201, Colorado Revised Statutes and shall be punished by a fine not to exceed two hundred dollars (\$200) for a first violation within a calendar year, a fine not to exceed three hundred dollars (\$300) for a second violation within a calendar year, and a fine not to exceed one thousand dollars (\$1,000) for each additional violation within a calendar year.

- E. A person who violates any other provision of this Ordinance is guilty of a Civil Infraction and, upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000) for each violation within a calendar year.

Section 7. Ordinance No. 21-02.

Section 7(5) of Ordinance No. 21-02, An Ordinance Regulating Camping in Park County, is hereby amended to read as follows:

- 1. Violations of any provision of this Ordinance shall be a Civil Infraction and upon conviction or admission of guilt, shall be punished by a fine not to exceed one hundred dollars (\$100.00).
 - a. Violations of this Ordinance may also be enforced through the penalty assessment procedure pursuant to C.R.S. section 16-2-201, as the same may be from time to time amended, requiring the defendant to appear at the place, time and date specified or, in lieu thereof, to pay the specified fine in person or by mail at the place and within the time specified in the notice. Payment of the specified fine shall constitute acknowledgement of guilt of the offense charged.

Section 8. Park County Land Use Regulations.

Section 2-200(B) of the Park County Land Use Regulations is hereby amended to read as follows:

- B. General Criminal Penalty for Violation. Pursuant to C.R.S. § 30-28-124, any person, firm, or corporation violating any provision of these Land Use Regulations or any provision of C.R.S. §§ 30-28-101 through 30-28-138, is guilty of a Civil Infraction and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00). Each day during which such illegal use of any building, structure, or land continues shall be deemed a separate offense.

Section 9. Park County On-Site Wastewater Treatment System Regulations.

Section 43.4.Q.1 is hereby amended to read as follows:

- 1. Any person who commits any of the following acts or violates any of the provisions of this section commits a Civil Infraction as defined in section 18-1.3-503, C.R.S.:
 - a. Constructs, alters, installs, or permits the use of any OWTS without first having applied for and received a permit as provided for in section 25-10-106, C.R.S.;

- b. Constructs, alters, or installs an OWTS in a manner which involves a knowing and material variation from the terms or specifications contained in the application, permit or variance;
- c. Violates the terms of a cease and desist order that has become final under the terms of section 25-10-106 (1) (k), C.R.S.;
- d. Conducts a business as a systems contractor without having obtained the license provided for in section 25-10-109 (1), C.R.S., in areas which the local board of health has adopted licensing regulations pursuant to that section;
- e. Conducts a business as a systems cleaner without having obtained the license provided for in section 25-10-109 (2), C.R.S., in areas which the local board of health has adopted licensing regulations pursuant to that section;
- f. Falsifies or maintains improper records concerning system cleaning activities not performed or performed improperly; or
- g. Willfully fails to submit proof of proper maintenance and cleaning of a system as required by regulations adopted by the local board of health.

Section 10. Effective date.

Pursuant to C.R.S. § 30-15-405, this ordinance shall be published in full following its initial introduction and reading and published in its entirety following final adoption by the Board of County Commissioners and shall be effective thirty (30) days following such publication.

SIGNED this 3rd day of January, 2023.

CERTIFICATION: The foregoing Ordinance was introduced and read on December 20, 2022, by the Board of County Commissioners of Park County, Colorado and approved for publication.

DATE OF FIRST PUBLICATION: December 23, 2022.

The foregoing Ordinance was considered on January 3, 2023, and adopted by the Board of County Commissioners of Park County and ordered published in full in *The Flume*.

DATE OF SECOND PUBLICATION: January 13, 2023.

EFFECTIVE DATE: February 12, 2023.

BOARD OF COUNTY COMMISSIONERS



Chairman