

RED CLIFF

MUNICIPAL CODE

2010

A Codification of the General Ordinances

of the Town of Red Cliff, Colorado

Published by

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OFFICIALS
of the
TOWN OF RED CLIFF

2010/2011, recodification

Mayor: Ramon Montoya

Mayor Pro Tem: Amanda Armour

Board of Trustees: Betty Sandoval, Duane Nelson, Adam Williams,
Garrett Scahill, Valerie Blevins

Town Clerk: Barb Smith

Town Attorney/Planner: Ruth O. Borne

SUPPLEMENTATION

Supplements to this Code provide periodic updating through the removal and replacement of pages. This inter-leaf supplementation system requires that each page which is to be removed and replaced is identified so that the updating may be accurately accomplished and historically maintained.

Instructions for supplementation are provided for each supplement, identified by Supplement number, date and inclusive ordinance numbers. The Instructions for posting the removal and replacement of pages must be followed and accomplished in sequence, with the most recent supplementation posted **last**.

When supplementation is completed and the removal and replacement of all pages are accomplished, the Instructions should be placed under the Supplementation tab, with the most recent Instruction sheet on top. Previous Instructions should not be removed, so that the user may refer to this tab section to verify whether the code book is fully updated with all supplements included.

The maintenance of a Municipal Code with all supplementation is an important activity which deserves close attention so that the value of the code is maintained as a fully comprehensive compilation of the legislative ordinances of the municipality.

AMENDMENTS

Amendments may be made to the Code by additions, revisions or deletions therefrom. Those changes may be made as follows:

Additions: Additions may be made by ordinance to the Code as follows:

The "Red Cliff Municipal Code" is amended by the addition thereto of a new Section 2-2-90, which is to read as follows:

(Set out full section number, title and contents)

or if the location of the new section number or numbers is undetermined, the Code may be amended as follows:

The "Red Cliff Municipal Code" is amended by the addition of the following:

(Set out section title and contents)

Revisions: A revision of the Code may be accomplished as follows:

Section 2-2-90 of the "Red Cliff Municipal Code" is repealed in its entirety and readopted to read as follows:

(Set out section number, title and entire contents of the readopted code section)

or as follows:

Section 2-2-90 of the "Red Cliff Municipal Code" is amended to read as follows:

(Set out section number, title and entire contents of the amended code section)

Repeal: Sections, articles and chapters may be repealed as follows:

Section 2-2-90 of the "Red Cliff Municipal Code" is repealed in its entirety.

COLORADO CODE PUBLISHING COMPANY

PREFACE

The Town of Red Cliff, a statutory Town, has published its Municipal Code in a format which features the following:

The *Table of Contents* is the table containing each chapter and article title, with reference to page location. Preceding each chapter is a chapter table of contents, also identifying each article by the subject name provided.

The *three-place section numbering system* places the chapter number first, followed by the article number and section number, separated by hyphens. Each section may be cited by the chapter, article and section number which are in sequence within each chapter.

The *open chapter and page numbering system* creates reserved chapter and page numbers for expansion or revision of the code without undue complication when changes are made to the code by supplementation.

The *Code Comparison Table* and *Disposition of Ordinances Table* identify the sources for the contents of the code. The Code Comparison Table identifies prior code sections and their location in the new code. The Disposition of Ordinances Table provides ordinance numbers in chronological order and location by section number for the present code contents. Thus, if there is interest in determining whether a prior code section, an ordinance or a portion thereof, is contained within the code, the Code Comparison Table and Disposition of Ordinances Table will provide that information. The *Table of Up-to-Date Pages* lists all of the current pages through the most recent supplementation.

The *Index* provides references by common and legal terminology to the appropriate code sections. Cross references are provided with the Index when appropriate.

Supplements to the code provide regular updating of the code to maintain it as a current compilation of all the legislation which has general and continuing effect. Without regular supplementation, the code would soon lose its usefulness as a complete source of the general law of the municipality. Supplementation is accomplished by the periodic publication of additions and amendments to the code.

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TOWN OF RED CLIFF, COLORADO

ORDINANCE NO. 7, SERIES 2010

AN ORDINANCE PROVIDING FOR THE ADOPTION OF THE TOWN OF RED CLIFF MUNICIPAL CODE; REPEAL OF CERTAIN ORDINANCES; PROVIDING PENALTIES FOR SUCH VIOLATIONS THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING FOR AN EFFECTIVE DATE FOR SUCH CODIFICATION.

WHEREAS, the Town of Red Cliff obtained a grant from Northwest Colorado Council of Governments to revise, update and re-codify the Town of Red Cliff Municipal Code ("Code") in order to update the provisions contained therein for the preservation of the public peace, health, and safety; and

WHEREAS, the Town held public hearings and obtained public input prior to finalizing the Code; and

WHEREAS, Colorado Code Publishing Company prepared the revised Code consisting of Chapters 1 through 18 with Tables and Index; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RED CLIFF, COLORADO, AS FOLLOWS:

Section 1. 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 Red Cliff Municipal Code, to the extent of such inconsistency, are hereby repealed. The repeal established in this Section 1 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 2. The following codes were previously adopted by reference and incorporated in the Red Cliff Municipal Code. One (1) copy of each is on file in the Town Clerk's office:

(1) The *International Building Code*, 2003 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-2-10, et seq.;

(2) The *International Residential Code*, 2003 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-3-10, et seq.;

(3) The *National Electrical Code*, most current edition, published by the National Fire Protection Association, as adopted by the State of Colorado, adopted and amended in Section 18-4-10, et seq.;

(4) The *International Mechanical Code*, 2003 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-5-10, et seq.;

(5) The *International Plumbing Code*, 2003 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-6-10, et seq.;

(6) The *International Fuel Gas Code*, 2003 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-7-10, et seq.; and

(7) The *International Fire Code*, 2003 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-8-10, et seq.

Section 3. The following code is hereby adopted by reference and incorporated in the Red Cliff Municipal Code. One (1) copy of each is on file in the Town Clerk's office:

(1) The *Model Traffic Code for Colorado*, 2009 edition, published by the Colorado Department of Transportation, as adopted and amended in Section 8-1-10, et seq.

Section 4. The penalties provided by the Municipal Code of the Town of Red Cliff are hereby adopted as follows:

(1) Sec. 1-4-20. General penalty for violation. (Chapter 1, General Provisions; Article 4, General Penalty)

Any person who shall violate or fail to comply with any provision of this Code for which a different penalty is not specifically provided shall, upon conviction thereof, be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment, except as hereinafter provided in Section 1-4-30. In addition, such person shall pay all costs and expenses in the case, including attorney fees. Each day such violation continues shall be considered a separate offense.

(2) Sec. 1-4-30. Application of penalties to juveniles. (Chapter 1, General Provisions; Article 4, General Penalty)

Every person who, at the time of commission of the offense, was at least ten (10) but not yet eighteen (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 one thousand dollars (\$1,000.00) 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.

(3) Sec. 2-5-120. Penalties and remedies. (Chapter 2, Administration & Personnel; Article 5, Code of Ethics)

(a) Any person convicted of willfully and knowingly violating any provision of this Article shall be punished as provided in Section 1-4-20 of this Code. Additionally, upon conviction, such person shall be liable to the Town for such damages as may have been suffered or incurred as a result of such violation.

(b) Upon conviction for any violation of this Article, such officer or employee shall immediately forfeit his or her office or position. Nothing in this Article shall be construed to prohibit such public officer or employee from being reelected, reappointed or otherwise rehired to any position forfeited under the provisions of this Article.

(4) Sec. 2-7-100. Jurisdiction and powers of Court. (Chapter 2, Administration & Personnel; Article 7, Municipal Court)

The Municipal Court shall have original jurisdiction of all cases arising under this Code and other ordinances of the Town, with full power to carry the same into effect and to punish violations thereof by the imposition of such fines and penalties as provided in such ordinances. It shall have power to compel attendance of witnesses and to punish for contempt of court by a fine, not to exceed one hundred dollars, (\$100.00), or by jail sentence not to exceed five (5) days, and shall have all powers incident to a court of record in relation to the same.

(5) Sec. 2-7-160. Contempt power. (Chapter 2, Administration & Personnel; Article 7, Municipal Court)

(a) When the Court finds any person to be in contempt, the Court may vindicate its dignity by imposing on the contemnor a fine not to exceed three hundred dollars (\$300.00) and imprisonment not to exceed a term of ten (10) days.

(b) In cases of indirect contempt, the alleged contemnor shall have all the rights, privileges, safeguards and protections of a defendant in a petty offense case, including but not limited to a formal written complaint, arraignment and trial by jury.

(6) Sec. 4-5-70. Tax information confidential. (Chapter 4, Revenue & Finance; Article 5, Lodging Occupation Tax)

(a) All specific information gained under the provisions of this Article which is used to determine the tax due from a taxpayer, whether furnished by the taxpayer or obtained through audit, shall be treated by the Town and its officers, employees or legal representative as confidential. Except as directed by judicial order or as provided in this Article, no Town officer, employee or legal representative shall divulge any confidential information. If directed by judicial order, the officials charged with the custody of such information shall be required to provide only such information as is directly involved in the action or proceeding. Any Town officer or employee who shall knowingly divulge any information classified herein as confidential, in any manner, except in accordance with proper judicial order, or as otherwise provided in this Article or by law, shall be guilty of a violation hereof, punishable by a fine but not imprisonment.

(7) Sec. 4-5-90. Enforcement and penalties. (Chapter 4, Revenue & Finance; Article 5, Lodging Occupation Tax)

(a) It shall be unlawful for any person to intentionally, knowingly or recklessly fail to pay the tax imposed by this Article or to make any false or fraudulent return, or for any person to otherwise violate any provisions of this Article. Any person convicted of a violation of this Article shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished in accordance with the provisions of Section 1-4-20 of this Code. Each day, or portion thereof; that any violation of this Article continues shall constitute a separate offense.

(b) A penalty in the amount of ten percent (10%) of the tax due or the sum of ten dollars (\$10.00), 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 this Article, or such other date as prescribed in writing by the Town Clerk, and one and one-half percent (1½%) interest

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

(c) If any part of a deficiency is due to fraud with the intent to evade the tax, then there shall be added fifty percent (50%) of the total amount of the deficiency. The penalty under this Subsection shall be in addition to the penalty under Subsection (b) above, and, in all cases, the whole amount of the unpaid tax, together with all penalties and interest, shall become due and payable ten (10) days after written explanation and demand by the Town Clerk or the County.

(8) Sec. 5-2-60. Failure to pay or file; penalty. (Chapter 5, Franchises & Communication Systems; Article 2, Telephone & Cellular Telephone Utility Tax)

(a) If any telephone utility subject to this Article fails to pay the taxes as provided herein, the full amount thereof shall be due and collected from each company and the same, together with an addition of ten percent (10%) of the amount of taxes due, shall be and is declared to be a debt due and owing from such utility to the Town.

(b) If any officer, agent or manager of a telephone utility which is subject to the provisions of this Article fails, neglects or refuses to file any statement required by this Article within the time herein prescribed, such officer, agent or manager shall be punished, on conviction thereof, by a fine of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00), provided that each day after such statement becomes delinquent during which said officer, agent or manager so fails, neglects or refuses to file such statement shall be considered a separate offense.

(9) Sec. 7-5-80. Penalties. (Chapter 7, Health, Sanitation & Animals; Article 5, Wildlife Protection)

(a) The graduated fine schedule for the penalty assessment procedure is as follows:

(1) First violation: warning.

(2) Second violation within twelve (12) months of the first violation, or failure to comply with the designated compliance schedule associated with the first violation: fine of one hundred fifty dollars (\$150.00) up to two hundred fifty dollars (\$250.00).

(3) Successive violations within twelve (12) months of the previous violation, or failure to comply with the designated compliance schedule associated with the second or subsequent violation: fine of two hundred fifty dollars (\$250.00) up to one thousand dollars (\$1,000.00).

(b) In addition to the criminal enforcement set forth above, the Town may seek an injunction or other appropriate civil relief to enforce the provisions of this Article.

(10) Sec. 7-5-90. Violators' responsibilities. (Chapter 7, Health, Sanitation & Animals; Article 5, Wildlife Protection)

In addition to the penalties outlined above, upon order of the Town or County Sheriff Department, violators will be required to perform all necessary actions to remove or abate attractions of wildlife. This may include, but shall not be limited to: the removal of bird

feeders or pet food, cleaning or appropriate storage of barbeque grills and/or the required use of wildlife-resistant containers and/or wildlife-proof containers.

(11) Sec. 7-6-30. Power of the Court. (Chapter 7, Health, Sanitation & Animals; Article 6, Animal Regulations)

In addition to any penalties which may be imposed, the Court shall have the authority, upon making a finding that an animal constitutes a nuisance or that an animal constitutes a real and present danger to the citizens and people present in the Town, to order that the animal be destroyed in a humane fashion.

(12) Sec. 8-1-60. Penalty. (Chapter 8, Vehicles & Traffic; Article 1, Model Traffic Code)

Any person convicted of any of the provisions of this Chapter shall be punished by a fine of not more than one thousand dollars (\$1,000.00), provided that each separate act in violation of the provisions of this Chapter, or each and every day or portion thereof during which any separate act in violation of this Chapter is committed, continued or permitted shall be deemed as a separate offense.

(13) Sec. 8-2-70. Violation; penalty. (Chapter 8, Vehicles & Traffic; Article 2, Parking)

Any person convicted of any of the provisions of this Article shall be punished by a fine of not more than three hundred dollars (\$300.00) and not less than one hundred dollars (\$100.00).

(14) Sec. 8-3-90. Violation; penalty and costs. (Chapter 8, Vehicles & Traffic; Article 3, Impoundment)

(a) Any person convicted of any of the provisions of this Article shall be punished by a fine of not more than three hundred dollars (\$300.00) and not less than one hundred dollars (\$100.00).

(b) The fee for towing a vehicle and related administrative cost, plus any mileage fee charged by the Town's designated towing agent, shall be established by the Town. The daily cost of impoundment of a vehicle is established by resolution of the Board of Trustees. The cost of towing, mileage, impounding and administration shall be assessed against the owner of any vehicle that has been impounded separate from any fines imposed by a court, and this assessment shall be paid to the Town or its designated agent.

(15) Sec. 10-6-60. Possession of cannabis. (Chapter 10, General Offenses; Article 6, Alcoholic Beverages & Drugs)

(a) For the purposes of this Section, the term *cannabis* shall include all parts of the plant *Cannabis sativa L.*, whether growing or not, the seed thereof, the resin extracted from any part of such plant and every compound, manufacture, salt derivative, mixture or preparation of such plant, its seeds or resin; but shall not include the mature stalks of such plant, fiber produced from its stalks, oil or cake or the sterilized seed of such plant, which is incapable of germination. The term *cannabis concentrate* means hashish, tetrahydrocannabinols or any

alkaloid, salt derivative, preparation, compound or mixture, whether natural or synthesized, of tetrahydrocannabinols.

(b) It is unlawful to possess one (1) ounce or less of cannabis or cannabis concentrate, and upon conviction thereof, or plea of guilty or no contest thereto, punishment shall not be by imprisonment, but shall be by a fine of not more than one hundred dollars (\$100.00).

(16) Sec. 16-2-160. Violations, penalties and remedies. (Chapter 16, Zoning; Article 2, Administrative Provisions)

(a) The erection, construction, reconstruction, alteration, moving, conversion or maintenance of any building or structure, and the use of any land, structure or building which is continued, operated or maintained contrary to any provisions of this Zoning Code, is declared to be a violation of this Zoning Code and unlawful.

(b) Any person or corporation, whether as principal, agent or employee, who violates any provision of this Zoning Code shall be, for each offense, punished in accordance with the provisions of Section 1-4-20 of this Code and any other legal remedies provided by law.

(c) The Town Attorney shall, immediately upon such violation being called to his or her attention, institute injunctive, abatement or other appropriate action to prevent, enjoin, abate or remove such violation. Such right of action shall also accrue to any property owner who may be especially damaged by any violation of this Zoning Code.

(d) The imposition of any penalty under this Zoning Code shall not preclude the Town or the affected property owner from instituting any appropriate action or proceeding to require compliance with the provisions of this Zoning Code.

(e) Any remedies provided for in this Section shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(17) Sec. 16-9-30. Signs allowed without a permit. (Chapter 16, Zoning; Article 9, Sign Code)

Generally, the following types of signs are allowed in all standard zoning districts and PUD zone districts as long as they meet the requirements of this Section and do not require the issuance of a building permit:

(15) Garage, yard and estate sale signs. Signs directing the public to a garage, yard or estate sale shall be allowed as follows:

a. Any number of garage, yard or estate sale signs may be located on private property.

b. No such sign shall be posted on private or public property or placed in a public right-of-way except in compliance with this Section.

c. All garage, yard and estate sale signs shall comply with all of the following requirements:

1. No sign shall be attached to any utility pole, utility box or other public facility, located within a sight triangle established for an intersection or street or

otherwise placed in a manner that creates a hazard for automobiles or pedestrian traffic.

2. No sign shall be posted more than forty-eight (48) hours prior to the first day of the sale, or remain posted later than 7:00 p.m. on the day after the last day of the sale.

3. No sign shall be larger than six (6) square feet.

4. No sign shall be posted higher than six (6) feet above ground level.

5. On each sign, the name and address of the person conducting the sale shall be legibly stated, as well as the end date of the sale.

d. A violation of this Section shall be punishable by a fine in an amount of up to one hundred dollars (\$100.00).

(18) Sec. 18-1-20. Penalty. (Chapter 18, Article 1, Building Inspection)

Any person, firm or corporation violating any of the provisions of this Article, or of the provisions of the codes adopted and modified herein, shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of any of the codes and standards adopted herein is committed, continued or permitted, and upon conviction of any such violation, such person, firm or corporation shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for one (1) year, or by both such fine and imprisonment.

Section 5. 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 part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Board of Trustees for the Town of Red Cliff, Colorado hereby declares it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 8. This Ordinance shall become effective thirty (30) days after publication thereof.

INTRODUCED, TITLE READ IN FULL, APPROVED ON THE FIRST READING, APPROVED AND ORDERED POSTED IN FULL THIS 15th DAY OF NOVEMBER, 2010. A public hearing on the SECOND READING of this ordinance shall be held at the regular meeting of the Board of Trustees of the Town of Red Cliff, Colorado, on the 6th day of December, 2010 at 7:00 p.m. in the Town Hall of the Town of Red Cliff, Colorado.

TOWN OF RED CLIFF, COLORADO

ATTEST:

(signature)
Ramon Montoya, Mayor

(signature)
Barb Smith, Town Clerk

(SEAL)

ADOPTED AND ORDERED PUBLISHED on this 6th day of December, 2010.

Colorado.

TOWN OF RED CLIFF, COLORADO

ATTEST:

(signature)
Ramon Montoya, Mayor

(signature)
Barb Smith, Town Clerk

(SEAL)

APPROVED AS TO FORM:

(signature)
Ruth Borne, Town Attorney

TABLE OF CONTENTS

TITLE PAGE	i
OFFICIALS OF THE TOWN	iii
SUPPLEMENTATION	v
PREFACE	vii
ADOPTING ORDINANCE	ix
TABLE OF CONTENTS	xvii
Chapter 1 General Provisions	1-i
Article 1 Code	
Article 2 Definitions and Usage	
Article 3 General	
Article 4 General Penalty	
Article 5 Inspections	
Article 6 Seal	
Chapter 2 Administration and Personnel	2-i
Article 1 Elections	
Article 2 Mayor and Board of Trustees	
Article 3 Conduct of Meetings	
Article 4 Officers and Employees	
<i>Division 1 General Provisions</i>	
<i>Division 2 Town Administrator</i>	
Article 5 Code of Ethics	
Article 6 Social Security	
Article 7 Municipal Court	
Article 8 Police Department	
Article 9 Fire Department	
Article 10 Historic Preservation Board	
Chapter 3 Reserved	
Chapter 4 Revenue and Finance	4-i
Article 1 Finance	
Article 2 General and Special Funds	
Article 3 Municipal Contracts	
Article 4 Sales Tax	
Article 5 Lodging Occupation Tax	
Chapter 5 Franchises and Communication Systems	5-i
Article 1 Gas and Electric Franchise	
Article 2 Telephone and Cellular Telephone Utility Tax	
Article 3 Emergency Telephone Service	

Chapter 6	Business Licenses and Regulations	6-i
	Article 1 Business Licenses	
	Article 2 Peddlers and Solicitors	
Chapter 7	Health, Sanitation and Animals	7-i
	Article 1 Administration and Abatement of Nuisances	
	Article 2 Nuisances	
	Article 3 Garbage and Refuse	
	Article 4 Trees	
	Article 5 Wildlife Protection	
	Article 7 Animal Regulations	
Chapter 8	Vehicles and Traffic	8-i
	Article 1 Model Traffic Code	
	Article 2 Parking	
	Article 3 Impoundment	
Chapter 9	Reserved	
Chapter 10	General Offenses	10-i
	Article 1 Government and Public Officers	
	Article 2 Streets and Public Places	
	Article 3 Public, Private and Personal Property	
	Article 4 Public Peace, Order and Decency	
	Article 5 Minors	
	Article 6 Alcoholic Beverages and Drugs	
	Article 7 Weapons	
Chapter 11	Streets, Sidewalks and Public Property	11-i
	Article 1 Snow Removal	
	Article 2 Street Construction	
	Article 3 Public Property	
Chapter 12	Reserved	
Chapter 13	Municipal Utilities	13-i
	Article 1 Water and Sewer Policy	
	Article 2 Cross-Connections	
	Article 3 Watershed Protection	
	Article 4 Wastewater Enterprise	
	Article 5 Trash Service	
Chapter 14	Reserved	
Chapter 15	Reserved	
Chapter 16	Zoning	16-i
	Article 1 General Provisions	
	Article 2 Administrative Provisions	
	Article 3 Zone Districts and Official Map	
	Article 4 Zone District Regulations	

	<i>Division 1 Districts</i>	
	<i>Division 2 Planned Unit Developments</i>	
	Article 5 Zoning Variances	
	Article 6 Special Review Use	
	Article 7 Nonconforming Uses and Structures	
	Article 8 Off-Street Parking and Loading	
	Article 9 Sign Code	
	Article 10 Environmental Impact Reports	
	Article 11 Flood Damage Prevention	
	Article 12 Vested Property Rights	
Chapter 17	Subdivisions.....	17-i
	Article 1 General Provisions	
	Article 2 Administrative Provisions	
	Article 3 Preliminary Plans	
	Article 4 Final Plats	
	Article 5 Minor Subdivisions	
	Article 6 Duplex Subdivisions	
	Article 7 Timesharing Subdivisions	
	Article 8 Design and Improvements Standards	
	Article 9 Variances and Exemptions	
	Article 10 Forms	
	Article 11 School Site Dedications	
	Article 12 Enforcement and Penalty	
Chapter 18	Building Regulations	18-1
	Article 1 Building Inspection	
	Article 2 International Building Code	
	Article 3 International Residential Code	
	Article 4 National Electrical Code	
	Article 5 International Mechanical Code	
	Article 6 International Plumbing Code	
	Article 7 International Fuel Gas Code	
	Article 8 International Fire Code	
	Article 9 Impact Fees	
TABLES		
	Code Comparison Table	T-1
	Disposition of Ordinances Table.....	T-11
	Table of Up-to-Date Pages.....	T-101
INDEX	I-i