

## ORDINANCE NO. 1070

AN ORDINANCE OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO ADOPTING BY REFERENCE ADDITIONS TO THE TOWN OF BERTHOUD DEVELOPMENT CODE AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH;

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO:

### SECTION 1. ADOPTION.

Pursuant to parts 1 and 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by reference a portion of the Town of Berthoud Development Code. The purposes of this ordinance and code adopted hereby are to ensure the general health, safety and welfare of the Town of Berthoud. Three (3) copies of the proposed Town of Berthoud Development Code adopted hereby are now filed in the office of the Clerk of the Town of Berthoud, Colorado, and may be inspected during regular business hours.

### Section 2.

The Town of Berthoud Development Code generally specifies the requirements and procedures for annexations, subdivisions, zoning, oil & gas operations, identification and preservation of historical sites and landmarks and other controls and processes relative to the urbanization, organization, operation and preservation of land within the Town of Berthoud.

### Section 3. Current Proceedings and Independence:

1. The provisions of this ordinance shall not affect any citation, complaint, prosecution, or other proceeding pending at the time this ordinance is passed.
2. Should any section, paragraph, sentence, or word of this ordinance be declared for any reason to be invalid, it is the intent of the Board that it would have passed all other portions of this ordinance independent of the elimination of any portion as may be declared invalid.

### Section 4. Validity.

If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

### Section 5. Repeal.

Existing or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

### Section 6. Certification.

The Town Clerk shall certify to the passage of this ordinance and make not less than three (3) copies of the adopted portion of The Development Code Amendments and Additions available for inspection by the public during regular business hours.

### Section 7. Penalty Clause:

If any person fails to comply with the provisions of this Code they shall be subject to one or more of the following penalties:

- a. The revocation of the approval(s) of the land use rights they may have received.
- b. The denial of building permits or certificates of occupancy.
- c. The reimbursement to the Town for all the expenses incurred by it including its administrative and legal expenses.
- d. The payment of up to \$300 for each day of each violation and/or incarceration for up to 90 days for each day of each violation.

### Section 9. Effective Date.

At the regular meeting of the Board of Trustees of the Town of Berthoud on September 25, 2007, this ordinance was introduced, and a public hearing was set by the Board of Trustees for its meeting on October 23, 2007. Notice of the public hearing was published twice in a newspaper of general circulation in the Town of Berthoud once at least 15 days prior, and once at least eight (8) days preceding it. The Board of Trustees has determined that the enactment of the land use controls set forth in this code is necessary to the preservation of the health, safety and welfare of the Town of Berthoud and pursuant to this emergency clause becomes effective immediately upon passage.

TOWN OF BERTHOUD:

ATTEST:

  
Milan Karspeck – Mayor

  
Mary K. Cowdin – Town Clerk

Published: 11-1-07