

100. GENERAL PROVISIONS

History: Amended by Ordinance No. 607 on July 6, 2017; amended by Ordinance No. 609 on October 5, 2017.

101. Title

This code establishes the regulations and standards governing the use and development of land within the Town of Limon. Included are provisions for the annexation, subdivision and zoning of land, as well as the administrative procedures governing the submission of application, administrative and public reviews, and appeals. Also included are Town standards for site design, landscaping, parking and public infrastructure.

102. Short Title

This code shall be known and may be cited as the Limon Land Development Code. With this code the Limon Land Development Code shall simply be referred to as "this code."

103. Authority

103.1. This code is adopted pursuant to the authority contained in the Colorado Revised Statutes (CRS). Authority is granted to municipalities to establish a planning commission and regulate subdivisions (CRS 31-23-202, 214), to regulate land use through zoning (CRS 31-23-3), to prohibit or regulate nuisances and enforce its major street plan within three miles of its boundaries (CRS 31-15-401-601 and CRS 31-23-212, 213), as well as to adopt a comprehensive plan and generally plan for and regulate the use of land.

103.2. Whenever a section of the Colorado Revised Statutes that is referred to in this code is later amended or superseded, this code is deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section.

104. Jurisdiction

104.1. This code shall be effective throughout the Town's corporate boundaries. The Town's planning jurisdiction includes all land within the Town of Limon, and where applicable the land within three miles of the Town's boundaries. For purposes of zoning and subdivision, this code only applies to lands within the Town's corporate boundaries.

104.2. A copy of a map showing the boundaries of the Town and the area within the three-mile planning jurisdiction shall be available for public inspection in the Town Offices.

105. Intent

105.1. It is the intent of this code to ensure the orderly, efficient and integrated development of the Town in a way that both promotes the health, safety and general welfare of its residents and that is compatible and protective of the natural environment. Specifically, the Town seeks to:

105.1.1. Implement its adopted Comprehensive Plan;

105.1.2. Provide for the adequate and concurrent provision of public infrastructure and services with the development and use of land in the Town, and in a manner consistent with the public improvements plans of the Town;

105.1.3. Ensure well-planned subdivisions by establishing adequate standards for design, improvements and review;

105.1.4. Avoid traffic congestion and the overcrowding of land while providing adequate light and fresh air to residents;

105.1.5. Prevent loss of life and property from fire, flooding, geologic hazards and other natural or man-made dangers;

105.1.6. Conserve significant environmental features and integrate a high quality natural environment into the developed portions of the community;

105.1.7. Develop a well-balanced land use pattern that will facilitate the development of an integrated community offering a diversity of housing and employment opportunities;

105.1.8. Establish a Town Center area as the central business district, economic focal point and identity area for the Town.

106. Effective Date

The provisions of this code were originally adopted on June 2, 1994, and became effective on July 16, 1994. Development plans approved under previous regulations that received vested property rights through a Site Specific Development Plan (SSDP) shall be valid for the duration of that vested property right provided that all terms and conditions of the SSDP are complied with. Existing uses that may become nonconforming by adoption of this code are grandfathered, and shall become legal nonconforming uses subject to the provisions of Section **202.5**.

107. Relationship to Existing Ordinances

107.1. To the extent that the provisions of this code are the same in substance as the previously adopted provisions

in the Town's Code, they shall be considered as continuations thereof. It is not the intention of this code to repeal, but rather to reenact and continue in force the Town's powers and authority in land use regulation. In particular, situations not lawful and conforming under previous codes do not become lawful merely by repeal of those codes. The adoption of this code shall not adversely affect the Town's right to seek remedies for any violation of previous codes that occurred while those codes were in effect.

107.2. In cases where the provisions of this code substantially differ from existing codes, the provisions of this code supersede and replace the existing codes at the effective date of this code.

108. Relationship to Comprehensive Plan

108.1. It is the intention of the Town that this code implement the planning policies recommended by the Limon Planning Commission and adopted by the Board for the Town and its extraterritorial planning area, as reflected in the Comprehensive Plan and other planning documents.

While this relationship is reaffirmed, it is the intent of the Town that neither this code nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

108.2. Requirement for Comprehensive Plan Amendment

Where a development proposal would be in substantial conflict with the Comprehensive Plan, an amendment to the Comprehensive Plan will be required prior to any zoning or subdivision approvals. A substantial conflict will exist when a development proposal would result in changes from the designations of the Land Use Plan maps, Circulation and Transportation Plan map, or Open Space and Parks Plan map in the Comprehensive Plan.

108.3. Criteria for Evaluating Amendment Proposals

Amendments to the Comprehensive Plan resulting from development proposals under this code shall be evaluated according to the criteria and procedure outlined in the Comprehensive Plan.

109. Application: No Use or Sale except in Conformity with code

109.1. In their interpretation and application, the provisions of the code shall be held to be the minimum requirement for the promotion for the public health, safety, morals and welfare.

109.2. Where property is affected by the requirements of this code and by other governmental regulations, those

that are more restrictive or which impose the higher standards or requirements shall prevail. No land use or development shall occur or be maintained in the Town in violation of any state or federal regulations.

109.3. Except for situations covered under Section II.E. Nonconforming Situations of this code, no person may use, occupy, modify or sell any land or buildings or authorize or permit the use, occupancy, modification or sale of land or buildings under their control except in accordance with all the applicable provisions of this code.

109.4. For the purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

109.5. In cases of mixed-occupancy or mixed-use, the regulations for each land use shall apply to the portion of the structure or land so used unless governed by an approved development plan.

110. Fees

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters will be charged to applicants for permits, plat approvals, zoning amendments, variances and other administrative relief. The fee schedule will be adopted periodically by the Town Board and is available from the Town office.

111. Severability

It is hereby declared to be the intention of the Town that the sections, paragraphs, sentences, clauses, and phrases of this code are severable; and that if anyone of these is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, the remainder of this code shall not be affected and will remain valid and in effect.

112. Computation of Time

Unless specifically provided, all time references in this code will be calendar days and be computed by excluding the first day and including the last. Where the last day falls on a Saturday, Sunday or holiday, the next general working day will be used. When the period of time prescribed is less than seven days, the intermediate Saturdays, Sundays and holidays shall be excluded.

113. Miscellaneous

113.1. As used in this code, words used in the singular include the plural and words used in the plural include the singular.

113.2. The words "must," "shall" and "will" are mandatory; "may," "can" and "might" are permissive.

114. Basic Definitions and Interpretations

114.1. The words and phrases used in this code shall have the meanings defined below unless otherwise specifically provided or unless clearly required by the context.

114.2. Questions of definition or working usage shall be interpreted by the Town Manager based on the context of their usage and the intention of the section of this code in which they occur.

114.2.1. **Abutting Land:** A parcel of land, which has a common property line with another parcel of land.

114.2.2. **Accessory Building:** A detached subordinate building, the use of which is incidental to that of the main building or to the main use of the land and which is located on the same lot with the main building or use.

114.2.3. **Accessory Use:** A use or structure incidental to or subordinate to the principal use of a lot or contiguous lots in the same ownership, or commonly associated with the principle use and integrally related to it.

114.2.4. **Administrator:** The chief administrative officer appointed by the Board of Trustees pursuant to the Municipal Code, Chapter 131.3 or the chief administrative officer's designee is empowered to enforce the requirements of this code.

Amended by Ordinance No. 545 on May 5, 2011

114.2.5. **Airport Influence Area:** An area within the unincorporated portion of the Lincoln County, proximate to an airport, which is recognized by the Town of Limon as containing lands which might be affected by noise and/or safety hazards associated with aircraft operations associated with said airport.

114.2.6. **Alley:** The public right-of-way within a block upon which the rear of building lots generally abuts. Its use is for secondary access to the lot and/or service purposes. An alley shall not be considered to be a street.

114.2.7. **Apartment House:** A building containing dwelling units used and/or arranged for rental occupancy, or cooperatively owned by its occupants, with a yard and compound, and which has one or more utilities in common.

114.2.8. **Appeal:** A request for review by the Board of Adjustment for a variance to this code.

114.2.9. **Applicant:** Any individual, partnership, corporation, association, company, or public body, includes the federal government, or any political subdivision, agency, corporation or instrumentality of the state applying for a development permit pursuant to this code.

114.2.10. **Approach Zone:** An area beginning at the outer edge of the Clear Zone defined by F.A.A.-approved Airport Layout Plans, the main purpose being to facilitate the arrival and departure of aircraft utilizing the aviation facility, and within which building heights are normally limited to fifty feet (50') due to the obstacle clearance requirements of immediately arriving and departing aircraft. Additionally, this zone contains a clear strip, 200' wide by 2,500' long, located along the runway centerline extended, measured from the clear zone/approach zone boundary.

114.2.11. **Architectural Projection:** Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, including, within limitation, cornices, eave belt courses, sills, box or bay windows, fireplaces, roof overhangs, mansards, unenclosed exterior balconies, marquees, canopies, pilasters and fascias, but not including signs.

114.2.12. **Awning:** A fixed or movable shelter supported entirely from the exterior wall or a building that may or may not be retracted, folded or collapsed against the face of the supporting building.

114.2.13. **Basement House:** A dwelling or structure constructed partly or wholly below the grade level of any property.

114.2.14. **Basement:** Any level of a building where more than one half of the vertical distance between the floor and the ceiling is below the grade of the site.

114.2.15. **Bed and Breakfast:** A residential building in which rooms are rented on a daily basis to short-term guests. The building typically is similar in character to the surrounding neighborhood, and meets all the requirements of the zoning district in which the facility is to be located.

114.2.16. **Block:** A group of lots existing within well defined and fixed boundaries within a subdivision and usually being an area surrounded by street or other features such as parks, right-of-ways, or municipal boundary lines.

114.2.17. **Board of Adjustment:** A special review Board operating under the authority of this code for purposes of hearing and deciding appeals or variances to this code.

114.2.18. Boarding and Rooming House: A building or portion thereof which is used to provide lodging and may include meals for five or more boarders for compensation; not including members of the occupants' immediate family who might be occupying such building. The word "compensation" can mean money, services, or other things of value.

114.2.19. Buffer Zone: A strip of land established to separate and protect one type of land use from another, to screen from objectionable noise, odor, smoke or visual impact, or to provide for future public improvements or additional open space.

114.2.20. Building Height: The vertical distance from the average building grade to the uppermost point of the roof structure.

114.2.21. Building: A building is a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property, and where separated by a firewall, each such separated portion of such structure shall be deemed a separate building.

114.2.22. Business Sign: A sign that directs attention to a business, profession, commodity, service or entertainment sold or offered upon the premises where such a sign is located or to which it is attached. No Business Sign shall exceed a top elevation of 5,530 feet above sea level. Business signs may be limited below this elevation pursuant to height limitations within the Airport Influence Area as described in Chapter II.3.17.5. Use of Business Signs shall be limited to Commercial and Industrial Zone Districts. No use of Business Signs will be allowed in Residential Zone Districts.

(Added by Ordinance No. 516 on September 7, 2006.)

114.2.23. Child Care Center: A childcare center provides less than 24-hour care including a Large Child Care Center, Small Child Care Center, School-age Child Care Center, Infant Nursery and Toddler Nursery as defined by the Colorado Department of Social Services. A Child Care Center may operate for 24 hours in a day.

114.2.24. Child Care Home: A childcare home is a type of family care home in which children are received for less than 24-hour care. This is a facility receiving two or more children not related to each other or children from more than one family. Children received for care are not related to the caretaker and the care provided by the caretaker is for more than two full consecutive days on a regular weekly basis. A full day is seven or more hours. The number of children in a childcare home shall not exceed program requirements established by the Colorado Department of Social Services

114.2.25. Clear Zone: An area immediately adjacent to all runway thresholds in which no non-aeronautical structures are normally permitted due to the obstacle clearance requirements of immediately arriving and departing aircraft.

114.2.26. Communication Facility: Consisting primarily of communication towers and/or antennas (including antennas mounted on existing structures), an appurtenant facilities housing electrical equipment for cellular telephone, television, radio and other broadcasting facilities. Does not include places of business where people work on a regular basis (e.g., radio or TV studios).

114.2.27. Corner Lot: A lot situated at the junction of a front street and a side street.

114.2.28. Court: An unoccupied space on a lot other than a yard designated to be partially surrounded by group dwellings.

114.2.29. Curb Cuts: A cut in the curb line for passage of vehicles, not to exceed twelve (12) feet in width for single drive, twenty-two (22) feet for double drive and thirty (30) feet for a triple drive.

114.2.30. Domestic Livestock: Limited to cattle, horses and mules.

114.2.31. Driveway: Private access for a vehicle to a single building site or lot adjacent to a town right of way not to exceed twelve (12) feet in width for a single drive, twenty-two (22) feet in width for a double drive and thirty (30) feet for a triple drive.

114.2.32. Dwelling, Multi-family: A building, or portion thereof, designed for or occupied by three (3) or more families living independently of each other, which may include condominiums or townhouse units.

114.2.33. Dwelling, Single-Family: A dwelling designed for the occupancy of one (1) family, including attached residences.

114.2.34. Dwelling, Two-Family: Also called duplex, a detached building designed exclusively for the occupancy of two (2) families living independently of each other.

114.2.35. Dwelling Unit: One (1) room or a combination of two (2) or more rooms designed for living and sleeping purposes for one (1) person or family, and having a kitchen or kitchenette and a bathroom with a toilet, lavatory and bathtub or shower, all connected to potable water and a sanitary sewer system. Does not include motel, trailer (mobile home), or hotel lodging.

114.2.36. F.A.R. Part 77: Federal Aviation Administration regulations pertaining to height and obstruction criteria within prescribed distances from an airport as these regulations currently exist and as may be amended from time to time. Part 77 Regulations may also affect lands located outside the boundaries of a defined Airport Influence Area.

114.2.37. Family: One (1) or more persons occupying a dwelling unit and related by marriage, blood or adoption, or one (1) or more persons occupying a dwelling unit and living together as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, motel, or hotel.

114.2.38. Front Yard: That portion of a lot that abuts a street and extends across the width of the lot between the edge of the street right of way and the set back line.

114.2.39. Frontage Street: Street on which the lots of a block, or subdivision thereof, generally front.

114.2.40. Gable: That portion of roof that forms a triangle at the building end and extends from the ridge to the eaves.

114.2.41. Home Occupation: Any use conducted entirely within a dwelling unit and carried on by the occupants thereof, which use is clearly secondary to the use of the dwelling for residence purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part, which creates minimal additional traffic, requires no additional parking space, where no persons are employed other than residents in connection with the home occupation. Provided further that no externally visible or audible mechanical equipment is installed or used; and that there is no outdoor storage of materials, equipment and/or supplies other than that necessary for domestic purposes. For the purposes of this code, childcare homes and childcare centers are not considered home occupations.

114.2.42. Hotel: A building used as public accommodation for transient (less than 30 days) or non-transient (30 days or more) occupants. Adequate off street parking as defined in the Land Development Code, section LDC 506.1.1. shall be provided.

114.2.43. Lot Area: Total square footage or acreage contained within lot lines.

114.2.44. Lot Depth: The mean distance from the street right-of-way line at the front of the lot to its opposite rear line measured in the general direction of the sidelines of the lot. Where a right-of-way is not established, it shall

be assumed to be sixty (60) feet. Where a major thoroughfare or collector street is designated on the major Thoroughfare Plan, then the lot depth shall be measured from the proposed right-of-way line.

114.2.45. Lot Line: A property line bounding a lot, excluding any dedicated street or alley

114.2.46. Lot of Record: A lot which is part of a subdivision, a plat of which has been legally recorded or a lot described by metes and bounds, the description of which has been so recorded.

114.2.47. Lot Width: Lot width is the width measured along the minimum building setback line.

114.2.48. Lot: Land occupied or to be occupied by a building and its accessory building together with such open spaces as are required under this code and having its principal frontage on a street or officially approved place.

114.2.49. Manufactured Home: a structure, transportable in one or more sections that, in its traveling mode, is eight feet or more in width or forty feet or more in length; or when erected on site is three hundred twenty or more square feet; that is built on a permanent chassis; that is designed to be used as a dwelling that may or may not have a permanent foundation; that is connected to the required utilities; and that contains the plumbing, heating, air conditioning, and electrical systems, except that such term shall include any structure that meets the size requirements and for which the manufacturer has voluntarily filed a certification required by the Secretary of Housing and Urban Development; and that complies with the Manufactured Home Code.

114.2.50. Mobile Home: A dwelling unit that is capable of being moved on wheels that are an inherent part of the structure's design built prior to June 1976. This is the predecessor to the manufactured home and differs from a factory built (modular home) that is designed to be firmly affixed to a foundation as required by the Uniform Building Code under the Municipal Code of the Town of Limon, Colorado, Section 513.

114.2.51. Mobile Home Park: Any combination of contiguous lots or tracts upon which two or more mobile homes are occupied.

(Amended by Ordinance No. 529 on August 6, 2009.)

114.2.52. Motel: Deleted by Ordinance No. 609 on October 5, 2017.

114.2.53. Noise Level Reduction (NLR): Construction techniques utilized for the purposes of reducing interior noise levels of structures to acceptable levels as may be determined by the Board of Trustees.

114.2.54. Nonconforming Structure: A building, structure or portion thereof which lawfully existed at the time of the adoption of this code but which does not conform to the height, yard or area regulations of the zone in which it is located, or which is so designed, erected or altered that it could not reasonably be occupied by a use permitted in the zone in which it is located.

114.2.55. Nonconforming Lot: A "lot" which was lawfully created but which does not conform to the minimum lot size specifications of the zone in which it is located.

114.2.56. Nonconforming Use: A use which lawfully occupied a building or lot at the time of the adoption of the code, and which does not conform with the use regulations of the zone in which the building and/or lot is located.

114.2.57. Perceived Noise Decibels (PNdb): A measure utilized by the Limon Municipal Airport to rate compatibility of land uses with the Airport Influence Area.

114.2.58. Planning Commission: For purposes of this code, shall mean the Planning Commission of the Town of Limon, Colorado, created by Number PHA1 and approved on June 3, 1965.

114.2.59. Porch: A roofed or unroofed open structure projecting from the front, side or rear wall of a building. For purpose of this code a porch is considered a part of the principal building and is not permitted to extend into any yard requirements.

114.2.60. Rear Yard: That portion of a lot between two side lot lines that does not abut a street and that extends across the width of the lot between the rear set back line and the rear lot line.

114.2.61. Residence-Free Zone: All lands within one mile of the Limon Municipal Airport and in that airport's final approach area that will not permit new residential construction.

114.2.62. Sexually Oriented Business: An establishment which involves or includes an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theatre, adult theatre, sexual encounter establishment, or nude model studio. The definition of a sexually oriented business shall not include an establishment where a medical person licensed by the state engages in medically approved and recognized sexual therapy. Further definitions are included in the Code under section **202.7.**, Sexually Oriented Businesses of the Code.

114.2.63. Setback Line: A line in the back of and parallel to the street right-of-way line and at such horizontal distance from the street right-of-way line as required by the minimum front yard depth in the district in which it is to be located.

114.2.64. Setback: The minimum horizontal distance between the property line and the front line of the building or any projection thereof, excluding steps.

114.2.65. Side Yard: That portion of a lot that extends from the front set back line to the rear set back line between the side set back line and the side lot line, or that portion of a lot that is between a lot line and a set back line, but is not a front or rear yard.

114.2.66. Signs: Any form of publicity, directing attention to an individual activity, business, service, commodity or product and conveyed by means of words, figures, numerals, lettering, emblems, devices, designs, trade marks, or trade names, or other pictorial matter, designed to convey such information and displayed by means of panels, posters, paints or other devices erected on an open framework or attached or otherwise applied to posts, stakes, poles, trees, buildings or other structures or supports.

114.2.66.1. Business Sign: A sign that directs attention to a business, profession, commodity, service or entertainment sold or offered upon the premises where such a sign is located or to which it is attached. No business Sign shall exceed a top elevation of 5,530 feet above sea level. Business signs may be limited below this elevation pursuant to height limitations within the Airport Influence Area as described in Chapter II.3.17.5. Use of Business Signs shall be limited to Commercial and Industrial Zone Districts. No use of Business Signs will be allowed in Residential Zone Districts.

(Amended by Ordinance No. 516 on September 7, 2006.)

114.2.66.2. Advertising Signs: A sign that directs attention to a business commodity, activity, service or product not necessarily conducted, sold or offered upon the premises where each is located.

114.2.66.3. Identification Signs: Signs identifying the name of a structure or use of land such as a subdivision, housing development, school, college, park, church or other public or quasi-public facility. Such signs shall bear information pertaining only to the premises on which such a sign is located.

114.2.67. Sixty-five (65) Ldn: A weighted, day/night average sound level that can be used to assess the amount of exposure to aircraft noise that can be expected at certain locations proximate to an airport. The 65 Ldn noise contour is recognized in these Regulations as having enough

potential noise impacts on certain land uses to warrant noise level reduction (NLR) methods in construction of these land uses.

114.2.68. Story: That portion of a building included between the surface of a floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

114.2.69. Street: A public thoroughfare for vehicular or bicycle movement, between fifty-two (52) and twenty-two (22) feet in width between the curbs as deemed appropriate for the circumstances by the Town Manager.

114.2.70. Structure: Anything constructed or made, the use of which requires permanent location on the ground, or attached to something having more or less permanent location on the ground. The word "structure" shall include the word "building."

114.2.71. Town: For purposes of this code, shall mean the Town of Limon, State of Colorado.

114.2.72. Traffic Pattern Area: A racetrack or rectangular-shaped pattern beginning at the departure end of a runway in use and terminating at the arrival end of the same runway in use, which provides an average flight path for arriving and departing aircraft.

114.2.73. Deleted by Ordinance No. 609 on October 5, 2017.

114.2.74. Deleted by Ordinance No. 609 on October 5, 2017.

114.2.75. Variance: A variance is a relaxation of the terms of the zoning code where such relaxation will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the code would result in unnecessary and undue hardship. As used in this code, a variance is authorized only for height, area, and size of structure, or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.

114.2.76. Yard: An open space unoccupied and unobstructed from the ground upward, which is on the same lot with a building except as otherwise provided herein.

114.2.77. Modular or Factory-built Homes: Modular Homes are built in modules at a factory and are built to conform to all state, local or regional building codes (UBC or IBC) at their destinations. Modules are transported to the home site on truck beds, then joined and placed on permanent foundations.

115. Enforcement and Review

115.1. Complaints Regarding Violations.

Whenever the Manager receives a written, signed complaint alleging a violation of this code, a town official shall investigate the complaint within ten days, and take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.

115.2. Persons Liable.

The owner, tenant, or occupant of any building or land or part thereof as well as any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this code may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

115.3. Procedures Upon Discovery of Violations

115.3.1. If the Manager finds that any provision of this code is being violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and suggesting the action necessary to correct it. The first written notice will also contain an invitation to discuss the violation and the Town's concerns, and the opportunity to negotiate a reasonable solution to the violation that meets these concerns. Additional written notices may be sent at the Manager's discretion, and may order the action necessary to correct the violation.

115.3.2. The final written notice shall state what action the Manager intends to take if the violation is not corrected and shall advise that the Manager's decision or order may be appealed to the Board of Adjustment. In all cases an agreement or other enforcement action to end the violation shall be reached within ninety (90) days of the violation being recognized by the Town.

115.3.3. Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this code or pose a danger to the public health, safety, or welfare, the Manager may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 4 below.

115.4. Penalties and Remedies for Violations

115.4.1. Violations of the provisions of this code or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or special-use or conditional-use permits, shall constitute a misdemeanor,

punishable by a fine of up to \$300, or a maximum 90 days' imprisonment, or both.

115.4.1.1. Any sale or transfer of lots in a subdivision before the Town approves the final plat will constitute a separate violation for each lot sold or agreed to be sold. Each day of violation will constitute a separate offense.

115.4.2. Any act constituting a violation of the provisions of this code or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special-use or conditional-use permits, shall also subject the offender to a civil penalty of \$25. If the offender fails to pay this penalty within 10 days after being cited for a violation, the Town in a civil action in the nature of debt may recover the penalty. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation and did not take an appeal to the Board of Adjustment within the prescribed time.

115.4.3. This code may also be enforced by any appropriate equitable action.

115.4.4. Each day that any violation continues after notification by the Manager that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

115.4.5. In addition to any other penalty imposed by this code for a violation of the provisions of this code, the Town reserves and maintains the continued right to abate violations of this code.

115.4.6. Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this code.

115.5. Permit Revocation

115.5.1. A zoning, sign, special-use, conditional-use or other permit may be revoked by the Town if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this code, or any additional requirements lawfully imposed by the Town or if the information on which the permit approval was based is found to be false or inaccurate.

115.5.2. Before a conditional-use or special-use permit may be revoked, all of the notice, hearing and other requirements of this code shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.

115.5.2.1. The burden of presenting evidence sufficient to convince the Town to revoke a permit for any of

the reasons set forth in Subsection (a) shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.

115.5.2.2. Revocation or revoke of a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the revocation.

115.5.3. Before a zoning or sign permit may be revoked, the Manager shall give the permit recipient 10 days' notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the Manager shall provide to the permittee a written statement of the decision and the reasons therefore.

115.5.4. No person may continue to make use of land or buildings in the manner authorized by any zoning, sign, special-use or conditional-use permit after such permit has been revoked in accordance with this section.

115.6. Judicial Review

115.6.1. Every decision of the Town Board granting or denying a conditional-use permit and every final decision of the Board of Adjustment shall be subject to review by the District Court by proceedings in the nature of certiorari.

115.6.2. The petition for the writ of certiorari must be filed with the District Clerk of Court within 30 days after the later of the following occurrences:

115.6.2.1. A written copy of the board's decision has been filed in the office of the planning department, and

115.6.2.2. A written copy of the board's decision has been delivered by personal service or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.

115.6.3. A copy of the writ of certiorari shall be served upon the Town of Limon.

