

TOWN OF NEDERLAND, COLORADO

ORDINANCE NUMBER 731

AN ORDINANCE AMENDING SUBSECTION 10-222(E) OF THE NEDERLAND MUNICIPAL CODE CONCERNING FALSE ALARM SERVICE CHARGES

WHEREAS, the Town of Nederland, Colorado (“Town”) is a statutory municipality, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the Town Board of Trustees is authorized to adopt such laws as are necessary to protect the public health, safety and welfare; and

WHEREAS, pursuant to this authority, the Board previously adopted Nederland Municipal Code (“Code”) Subsection 10-222(e), concerning the imposition of a service charge for repeated false alarms; and

WHEREAS, the Town Marshal has recommended certain changes to the false alarm service charge and the Board desires to establish the amount of said charge through the Town Fee Schedule, as it is authorized to amend from time to time by Resolution; and

WHEREAS, the Board therefore desires to amend Code Subsection 10-222(e) to reference the Town Fee Schedule for said service charge; and

WHEREAS, the Board further desires to amend said subsection to provide an administrative appeal process in the interests of providing a prompt appeal to citizens and businesses and the efficient use of Board time and resources.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Nederland, Colorado, that:

Section 1. Subsection 10-222(e) of the Nederland Municipal Code, concerning false alarm service charges, is hereby amended as follows:

(e) When the Police Department, or any other Town organization or agency responsible for emergency responses, responds to a signal activated by an alarm device, as defined above, and it appears after proper investigation that a false alarm did occur, then the owner or occupant of the premises to which the response is made, the designated person or company responsible for monitoring, and the person or company responsible for the installation and maintenance of the alarm device, shall each be subject to a false alarm service warning or charge, as set forth below.

(1) False alarms during the first thirty (30) days after the installation of a new alarm device shall result in a warning.

(2) After the grace period provided for new devices as set forth in paragraph (1) above, false alarm service charges shall be assessed in the amounts set forth in the Town Fee Schedule, as adopted and amended by resolution of the Town Board of Trustees from time to time ~~The first five (5) false alarms at a particular location in each calendar year shall result in a warning. The owner, occupant, person or company found responsible for said premises shall each be subject to a service charge of fifty dollars (\$50.00) for the sixth, seventh, eighth, ninth and tenth occurrence thereafter, and a charge of one hundred dollars (\$100.00) for each occurrence thereafter.~~ This charge shall be payable to the Town and the Town may maintain an action for said charge and all costs of collection. The notice of assessment of the service charge shall state that the charge may be appealed to the Town Administrator Board of Trustees within ten (10) days of the date of the assessment pursuant to this Subsection (e), provided that the charge is first paid to the Town Clerk.

(3) Upon receipt of a written notice that a service charge is due, the recipient ~~owner, occupant, person or company found responsible for the premises or the false alarm~~ may appeal the assessment of the service charge to the Town Administrator Board of Trustees. Such appeal shall be written and shall be filed with the Town Clerk within ten (10) days of the date of the assessment. The appeal shall state:

- a. The name of the appellant;
- b. The location of the premises where the false alarm occurred;
- c. The dates and circumstances of all false alarms occurring on the same premises within the previous twelve (12) months;
- d. The name of the agency within the Town assessing the service charge; and
- e. The appellant's grounds for believing that the service charge is not due under this Section.

(4) If the service charge is not paid within ten (10) days of the assessment, any appeal shall be denied. If the appeal is upheld by the Town Administrator Board of Trustees, the service charge shall be refunded.

(5) The Town Administrator Board of Trustees shall have no jurisdiction to review an appeal unless it is timely filed and the service charge timely paid. ~~If an appeal is not timely filed, the Board of Trustees shall deny it, stating the reason therein.~~

(6) The decision of the Town Administrator Board of Trustees to deny or grant the relief requested in an appeal shall be final.

(7) For purposes of this subsection (e), Town Administrator means the Town Administrator or his or her designee. ~~Upon a finding of unusual hardship, the Board of Trustees may grant a waiver of the future application of this Section to an owner or occupant of a premises or a person or company doing business within the Town. Such a waiver shall not be applied retroactively.~~

(8) All service charges and costs of collecting such charges shall be a debt due and owing the Town, which shall be collected in any manner permitted by state law or local ordinance.

Section 2. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 3. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

INTRODUCED, ADOPTED AND ORDERED PUBLISHED THIS 5TH DAY OF AUGUST, 2014.

TOWN OF NEDERLAND, COLORADO



Joe Gierlach, Mayor

ATTEST:



Michele Martin, Town Clerk

APPROVED AS TO FORM:



Carmen Beery, Town Attorney

