

Title 1

GENERAL PROVISIONS

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Chapter 1.01

CODE ADOPTION

Sections:

- 1.01.010      Adoption.
- 1.01.020      Repeal of Prior Ordinances.
- 1.01.030      Effect on Past Actions and Obligations.
- 1.01.040      Severability.
- 1.01.050      Reference to Former Codification.

1.01.010 Adoption. Pursuant to the authority conferred by Title 31, Article 16, Part 2 of the Colorado Revised Statutes, there is adopted that certain Code, entitled the “De Beque Municipal Code,” together with all ancillary codes duly described in said Code and incorporated therein by reference. It shall be sufficient to refer to said Code as the “De Beque Municipal Code” or the “Code” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the “De Beque Municipal Code” or the “Code.” References may be made to the Titles, Chapters, Sections and subsections of the “De Beque Municipal Code” or the “Code” and such references shall apply to those Titles, Chapters, Sections or subsections as they appear in the Code. (Ord. 229 §1, 1995).

1.01.020 Repeal of Prior Ordinances. All ordinances of a general and permanent nature enacted on or before June 13, 1995, and not included in the Code or recognized and continued in force by reference therein are repealed unless otherwise provided. The last Ordinance included in the original Code was Ordinance No. 226, adopted March 8, 1995. The following ordinances, adopted subsequent to Ordinance No. 226, but prior to the adoption of the

Code, are adopted and made a part of the Code: Ordinance No. 227 and Ordinance No. 228. (Ord. 229 §2, 1995).

1.01.030 Effect on Past Actions and Obligations. The adoption of the Code does not affect prosecutions for ordinance violations committed prior to the effective date of the Code, does not waive any fee or penalty due and unpaid on the effective date of the Code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance. (Ord. 229 §3, 1995).

1.01.040 Severability. If any Section, subsection, sentence, clause or phrase of the Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity if the remaining portions of the Code. (Ord. 229 §4, 1995).

1.01.050 Reference to Former Codification. References in Town forms, documents and regulations to the Chapters and Sections of the Town's former codification shall be construed to apply to the corresponding provisions contained within the Code. (Ord. 229 §5, 1995).

Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Definitions.
- 1.04.020 Title of Office.
- 1.04.030 Interpretation of Language.
- 1.04.040 Grammatical Interpretation.
- 1.04.050 Acts by Agents.
- 1.04.060 Prohibited Acts Include Causing and Permitting.
- 1.04.070 Computation of Time.
- 1.04.080 Construction.
- 1.04.090 Repeal Shall Not Revive Any Ordinances.

1.04.010 Definitions. The following words and phrases, whenever used in the ordinances of the Town of De Beque, Colorado, shall be construed as defined in this Section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words and phrases:

- A. “Board of Trustees” and “Board” each mean the Board of Trustees of the Town of De Beque. “All its Members” or “all Trustees” mean the total number of Trustees holding office.
- B. “County” means the County of Mesa, State of Colorado.
- C. “Law” denotes applicable federal law, the Constitution and statutes of the State of Colorado, the ordinances of the Town of De Beque, Colorado, and, where appropriate, any and all rules and regulations which may be promulgated thereunder.
- D. “May” is permissive.
- E. “Month” means a calendar month.
- F. “Municipal Code” means the Town of De Beque Municipal Code as in effect or hereafter amended or enacted.
- G. “Must” and “shall” are each mandatory.

H. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

I. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

J. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, limited liability company, business, trust, organization or the manager, lessee, agent, servant, officer or employee of any of them.

K. "Personal property" includes money, goods, chattels, things in action and evidences of debt.

L. "Preceding" and "following" means next before and next after, respectively.

M. "Property" includes real and personal property.

N. "Real property" includes lands, tenements and hereditaments.

O. "Sidewalk" means that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians.

P. "State" means the State of Colorado.

Q. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in the Town which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this State.

R. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

S. "Town" means the Town of De Beque, Colorado, or the area within the territorial limits of the Town of De Beque, Colorado, and such territory outside the Town of De Beque over which the Town of De Beque has jurisdiction or control by virtue of any constitutional or statutory provision.

T. "Written" includes printed, typewritten, photocopied, facsimile or otherwise reproduced in permanent visible form.

U. "Year" means a calendar year.

(Ord. 222 §1, 1994).

1.04.020 Title of Office. Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the Town of De Beque. (Ord. 222 §2, 1994).

1.04.030 Interpretation of Language. All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 222 §3, 1994).

1.04.040 Grammatical Interpretation. The following grammatical rules shall apply in the ordinances of the Town of De Beque, unless it is apparent from the context that a different construction is intended:

- A. Gender. Each gender includes the masculine, feminine and neuter genders.
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

(Ord. 222 §4, 1994).

1.04.050 Acts by Agents. When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 222 §5, 1994).

1.04.060 Prohibited Acts Include Causing and Permitting. Whenever in the ordinances of the Town of De Beque any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 222 §6, 1994).

1.04.070 Computation of Time. Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 222 §7, 1994).

1.04.080 Construction. The provisions of the ordinances of the Town of De Beque, and all proceedings under them, are to be construed with a view to effect their objects and to promote justice. (Ord. 222 §8, 1994).

1.04.090 Repeal Shall Not Revive Any Ordinances. The repeal of an ordinance shall

not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 222 §9, 1994).

Chapter 1.08

TOWN SEAL

Sections:

1.08.010      Established.

1.08.010      Established. A. A seal, the impression of which is as follows: In the center the word “Seal” and around the outer edge the words “The Town of De Beque, Colorado” is established and declared to be the Seal of the Town.

B. All the attestations made to papers issued under authority of, and attested by, the Seal of the Town prior to the date of the passage of this Chapter the impression of which Seal is, as described in subsection (A) of this Section, are declared to have been, and now to be, the attestations of the Town.

(Ord. 3 Ch. 1, 1890).

Chapter 1.12

GENERAL PENALTY

Sections:

- 1.12.010 Penalties for Municipal Violations Designated.
- 1.12.020 Minor Offenders-Penalty.

1.12.010 Penalties for Municipal Violations Designated. A. Unless otherwise specifically provided, any person who performs or fails to perform an act where performance or failure to perform is declared in any provision of the De Beque Municipal Code, or any rule or regulation promulgated thereunder, shall be deemed guilty of a municipal offense; and any person who performs an act which is prohibited or fails to perform an act which is required by any provision of the De Beque Municipal Code, or any rule or regulation promulgated thereunder, shall be deemed guilty of a municipal offense; and any person who fails to meet a standard of conduct or behavior prescribed in a provision of this Code shall be deemed guilty of a municipal offense, and upon conviction thereof, shall be punished as provided in subsection (B) of this Section.

B. All municipal offenses are divided into three (3) categories of offenses. The three (3) classifications, and the maximum penalties which may be imposed for each classification, are as follows:

CLASS	MAXIMUM FINE	MAXIMUM IMPRISONMENT
A	\$1,000.00	One (1) year
B	\$500.00	Six (6) months
Non-Criminal	\$200.00	None

If any offense carries a specific penalty, then that penalty shall apply. Any offense not otherwise classified which does not carry a specific penalty is hereby denominated as a Class B municipal offense.

C. A separate and distinct offense shall be deemed to have been committed for each day, or part thereof, on which any violation of this Municipal Code, or any rule or regulation promulgated thereunder, shall continue.

D. Unless otherwise provided in the De Beque Municipal Code, the Municipal Judge may suspend the sentence or fine of any violator and place him on probation for a period not to

exceed one (1) year.

(Ord. 140 §1(part), 1982; Amended Ord. 221 §1, §2, 1994; Amended Ord. 258 §1(part), 2001).

1.12.020 Minor Offenders-Penalty. A. For the purposes of this Section, a “minor offender” is defined as any person accused of an offense contrary to this Code who, on the date of the alleged offense, was at least ten (10) years of age, but had not yet attained the age of eighteen (18) years.

B. Except as to alleged violations of the Model Traffic Code, as adopted by reference in Chapter 11.04 of this Code, any juvenile offender convicted of a violation of this code, or any rule or regulation promulgated thereunder, shall be punished by a fine only as set forth in Section 1.12.010 above. Notwithstanding any provision of this Code to the contrary, a juvenile offender shall not be subject to imprisonment except as herein provided. As to juvenile offenders alleged to have violated any provision of the Model Traffic Code, as adopted by reference by the Town of De Beque, such persons shall, upon conviction, remain subject to the penalties set forth in Section 1.12.010 above as to any violation of the Model Traffic Code. (Amended Ord. 258 §2(part), 2001).

C. Nothing contained herein shall be construed to abrogate, abolish or otherwise limit the power of the Municipal Court to punish any person before it for “contempt of court,” whether by failure to obey a summons, subpoena or other lawful order of the Court, or by personal conduct before the Court. Any person found guilty of such contempt, whether a minor offender or adult, shall be punished as provided in Section 1.12.010, or as permitted by State law.

D. The presiding Judge of the Municipal Court may promulgate such rules or orders regarding the procedural processing of minor offenders appearing before the Municipal Court as he may, from time to time, deem appropriate.

(Ord. 140 §1(part), 1982).