

CHAPTER 1

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ARTICLE I

Code

Sec. 1-1-10. Adoption of Code.

The published code known as the City of Central Municipal Code, of which one (1) copy is now on file in the office of the City Clerk and may be inspected during regular business hours, is enacted and adopted by reference as a primary code and incorporated herein as if set out at length. This primary code has been promulgated by the City of Central, Colorado, as a codification of all the ordinances of the City of Central of a general and permanent nature through Ordinance No. 94-3 for the purpose of providing an up-to-date code of ordinances, properly organized and indexed, in published form for the use of the citizens and officers of the City. (Prior code 1-1)

Sec. 1-1-20. Purpose.

The City Council finds, determines and declares that the ordinance codified in this Chapter is necessary for the general health, safety and welfare of the community. (Prior code 1-2)

Sec. 1-1-30. Title and scope.

This Code shall be known as the City of Central Municipal Code. This Code constitutes the adoption, compilation, revision and codification of all the ordinances of the City of Central, of a general and permanent nature. (Prior code 1-3)

Sec. 1-1-40. Adoption of codes by reference.

Secondary codes may be adopted, as provided in Charter Sections 5.10 and 5.14. (Prior code 1-4)

Sec. 1-1-50. Repeal of ordinances not contained in Code.

All existing ordinances and portions of ordinances of a general and permanent nature which are inconsistent with any ordinance included in the adoption of this Code, to the extent of such inconsistency, are hereby repealed as of the effective date of the ordinance adopting this Code, except as hereinafter provided. (Prior code 1-5)

Sec. 1-1-60. Matters not affected by repeal.

The repeal of ordinances and parts of ordinances of a permanent and general nature by Section 1-1-50 above shall not affect any offense committed or act done, any penalty or forfeiture incurred or any contract, right or obligation established prior to the time said ordinances and parts of ordinances are repealed. (Prior code 1-6)

Sec. 1-1-70. Ordinances saved from repeal.

The continuance in effect of temporary and/or special ordinances and parts of ordinances, although omitted from this Code, shall not be affected by such omission therefrom, and the adoption of the Code shall not repeal or amend any such ordinance or part of any such ordinance. Among the ordinances not repealed or amended by the adoption of this Code are ordinances:

- (1) Creating, opening, dedicating, vacating or closing specific streets, alleys and other public ways.
- (2) Naming or changing the names of specific streets and other public ways.
- (3) Establishing the grades of specific streets and other public ways.
- (4) Establishing the grades or lines of specific sidewalks.
- (5) Authorizing or relating to specific issuances of general obligation or special revenue bonds.
- (6) Creating specific sewer and paving districts and other local improvement districts.
- (7) Authorizing the issuance of specific local improvement district bonds.
- (8) Making special assessments for local improvement districts and authorizing refunds from specific local improvement district bond proceeds.
- (9) Annexing territory to or excluding territory from the City.
- (10) Dedicating or accepting any specific plat or subdivision.
- (11) Calling or providing for a specific election.
- (12) Authorizing specific contracts for purchase of beneficial use of water by the City.
- (13) Approving or authorizing specific contracts with the State, with other governmental bodies or with others.
- (14) Authorizing a specific lease, sale or purchase of property.
- (15) Granting rights-of-way or other rights and privileges to specific railroad companies or other public carriers.
- (16) Granting a specific gas company or other public utility the right or privilege of constructing lines in the streets and alleys or of otherwise using the streets and alleys.
- (17) Granting a franchise to a specific public utility company or establishing rights for or otherwise regulating a specific public utility company.
- (18) Setting rates, tolls and charges for any water, sewer, utility or proprietary fee, unless otherwise specifically set forth in this Code.
- (19) Appropriating money.
- (20) Levying a temporary tax or fixing a temporary tax rate.
- (21) Relating to salaries.

(22) Amending the Official Zoning Map. (Prior code 1-7)

Sec. 1-1-80. Changes in previously adopted ordinances.

In compiling and preparing the ordinances of the City for adoption and revision as part of the Code, certain grammatical changes and other changes were made in existing ordinances. It is the intention of the City Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such. (Prior code 1-8)

ARTICLE II

Definitions and Usage

Sec. 1-2-10. Definitions.

The following words and phrases, whenever used in the ordinances of the City of Central and/or any codification of the same, shall be construed as defined in this Section, unless a different meaning is intended from the context or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

Board of Aldermen means the Board of Aldermen of the City of Central.

City means the City of Central, Colorado, or the area within the territorial limits of the City of Central, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision.

City Council means the Mayor and Board of Aldermen of the City of Central.

County means the county of Gilpin, Colorado.

C.R.S. means Colorado Revised Statutes, including all amendments thereto.

Law denotes applicable federal law, the Constitution and statutes of the State of Colorado, the Charter and ordinances of the City and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

May is permissive.

Misdemeanor means and is to be construed as meaning violation and is not intended to mean crime or criminal conduct.

Month means a calendar month.

Must and *shall* are both mandatory.

Oath shall be construed to include 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*.

Ordinance means a law of the City; provided that a temporary or special law, administrative action, order or directive may be in the form of a resolution or motion.

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

Person means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust or organization, or the manager, lessee, agent, servant, officer or employee of any of them.

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

Preceding and *following* mean next before and next after, respectively.

Property includes real and personal property.

Real property includes lands, tenements and hereditaments.

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

State means the State of Colorado.

Street includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in the City 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.

Tenant and *occupant*, applied to a building or land, includes any person who occupies all or a part of such building or land, whether alone or with others.

Written includes printed, typewritten, mimeographed or multigraphed, or otherwise reproduced in permanent visible form.

Year means a calendar year. (Prior code 1-21)

Sec. 1-2-20. Computation of time.

The time within which an act is to be done shall be computed by excluding the first and including the last day; but if the time for an act to be done shall fall on Saturday, Sunday or a legal holiday, the act shall be done upon the next regular business day following such Saturday, Sunday or legal holiday. (Prior code 1-22)

Sec. 1-2-30. 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 City, or his or her designated representative. (Prior code 1-23)

Sec. 1-2-40. Usage of terms.

All words and phrases shall be construed and understood 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 law shall be construed and understood according to such peculiar and appropriate meaning. (Prior code 1-24)

Sec. 1-2-50. Grammatical interpretation.

The following grammatical rules shall apply to City ordinances unless it is apparent from the context that a different construction is intended:

- (1) Any gender includes the other gender.
- (2) The singular number includes the plural and the plural includes the singular.
- (3) Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable. (Prior code 1-25)

ARTICLE III

General

Sec. 1-3-10. Titles and headings not part of Code.

Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code, may be inserted in supplements to the Code for the convenience of persons using the Code, and are not part of the Code. (Prior code 1-41)

Sec. 1-3-20. Authorized acts by agents, representatives.

When an act is required by this Code or an ordinance, the same being such that it may be done as well by an agent or representative as by the principal, such requirement shall be construed to include all such acts performed by any authorized agent or representative. (Prior code 1-42)

Sec. 1-3-30. Prohibited acts.

(a) Complicity. A person is legally accountable and may be charged as principal for the behavior of another constituting a violation of this Code if, with the intent to promote or facilitate the commission of the violation, he or she aids, abets or advises the other person in planning or committing the violation.

(b) Attempted violations.

(1) A person commits attempt if, acting with the kind of culpability otherwise required for commission of a violation of this Code, he or she engages in conduct constituting a substantial step toward the commission of the violation. A substantial step is any conduct, whether act, omission or possession, which is strongly corroborative of the firmness of the actor's purpose to

complete the commission of the violation. Factual or legal impossibility of committing the violation is not a defense if the offense could have been committed had the attendant circumstances been as the actor believed them to be, nor is it a defense that the crime attempted was actually perpetrated by the accused.

(2) A person who engages in conduct intending to aid another to commit a violation commits attempt if the conduct would establish his or her complicity under Subparagraph (1) above where the violation is committed by the other person, even if the other is not guilty of committing or attempting the violation.

(3) It is an affirmative defense to a charge under this Section that the defendant abandoned his or her effort to commit the violation or otherwise prevented its commission under circumstances manifesting the complete and voluntary renunciation of his or her intent to commit the violation.

(4) Attempted violation under this Section is a lesser included violation of every violation in this Chapter.

(c) Conspiracy.

(1) A person commits conspiracy to commit a violation if, with the intent to promote or facilitate its commission, he or she agrees with another person that they, or one (1) or more of them, will engage in conduct which constitutes a violation or he or she agrees to aid the other person in the planning or commission of a violation.

(2) No person may be convicted of conspiracy to commit a violation of this Code unless an overt act in pursuance of that conspiracy is provided to have been done by him or her or by a person with whom he or she conspired.

(3) If a person knows that one with whom he or she conspires to commit a violation of this Code has conspired with another person to commit the same violation, he or she is guilty of conspiring to commit a violation with the other person whether or not he or she knows their identity.

(4) If a person conspires to commit a number of violations of this Code, he or she is guilty of only one (1) conspiracy so long as such multiple violations are part of a single episode. (Prior code 1-43)

Sec. 1-3-40. Purpose of ordinances.

The provisions of this Code, and all proceedings under it, are to be construed with a view to effect their objectives and to promote justice. (Prior code 1-44)

Sec. 1-3-50. Repeal of ordinances.

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby. (Prior code 1-45)

Sec. 1-3-60. Recordation, publication and posting of ordinances.

(a) All ordinances shall be recorded in a book kept for that purpose and authenticated by the signature of the Mayor and the City Clerk.

(b) In accordance with Section 5.10 of the Home Rule Charter, all ordinances shall be adopted and published as follows: ordinances approved on first reading shall be posted in full and published either in full or by title and summary. Titles shall clearly and fully state the subject matter of the ordinance, and summaries shall accurately describe the provisions of the ordinance. The published and posted notices for ordinances described by title and summary shall state that copies of the proposed ordinance are available at the office of the City Clerk. The publication of any ordinance by title and summary as provided herein must set forth in full any penalty clause contained in said ordinance. Ordinances finally approved after second reading shall be published and posted as follows:

(1) Ordinances finally approved by City Council that have not been amended following initial publication shall be published and posted by title only.

(2) Ordinances finally approved by City Council that have been amended following initial publication shall be published and posted by title and summary after final passage.

(c) All ordinances adopted by the City Council shall be posted at the office of the City Clerk. (Prior code 1-46; Ord. 13-01 §1, 2013)

Sec. 1-3-70. Severability.

The provisions of this Code are declared to be severable, and if any section, provision or part thereof shall be held unconstitutional or invalid, the remainder of this Code shall continue in full force and effect, it being the legislative intent that this Code would have been adopted even if such unconstitutional matter had not been included therein. It is further declared that, if any provision or part of this Code, or the application thereof to any person or circumstances, is held invalid, the remainder of this Code and the application thereof to other persons shall not be affected thereby. (Prior code 1-47)

Sec. 1-3-80. Amendments to Code.

Ordinances and parts of ordinances of a permanent and general nature, passed or adopted after the adoption of this Code, may be passed or adopted either in the form of amendments to the Code adopted with or without specific reference to the Code. However, in either case, all such ordinances and parts of ordinances shall be deemed amendments to the Code, and all of the substantive, permanent and general parts of said ordinances and changes made thereby in the Code shall be inserted and made in the Code as provided in Section 1-3-110 below. (Prior code 1-48)

Sec. 1-3-90. Copy of Code on file.

At least one (1) copy of the Code shall be kept in the office of the City Clerk at all times, and such Code may be inspected by any interested person at any time during regular office hours, but may not be removed from the City Clerk's office except upon proper order of a court of law. (Prior code 1-49)

Sec. 1-3-100. Examination of Code.

The City Clerk shall carefully examine at least one (1) copy of the Code adopted by this ordinance to see that it is a true and correct copy of the Code. Similarly, after each supplement has been prepared, printed and inserted in the Code, the City Clerk shall carefully examine at least one (1) copy of the Code as supplemented. The copy of the Code as originally adopted or amended shall constitute the permanent and general ordinances of the City and shall be so accepted by the courts of law, administrative tribunals and all others concerned. (Prior code 1-50)

Sec. 1-3-110. Supplementation of Code.

(a) The City Clerk shall cause supplementation of the Code to be prepared and printed from time to time as he or she may see fit. All substantive, permanent and general parts of ordinances passed by the City Council or adopted by initiative and referendum, and all amendments and changes in ordinances or other measures included in the Code prior to the supplementation and since the previous supplementation, shall be included.

(b) It shall be the duty of the City Clerk, or someone authorized and directed by the City Clerk, to keep up to date the copy of the book containing the Code required to be filed in the office of the City Clerk for the use of the public. (Prior code 1-51)

Sec. 1-3-120. Altering or tampering with Code; penalties for violation.

Any person who shall alter, change or amend this Code, except in the manner prescribed in this Article, or who shall alter or tamper with the Code in any manner so as to cause the ordinances of the City to be misrepresented thereby shall, upon conviction thereof, be punishable as provided by Section 1-4-20 of this Chapter. (Prior code 1-52)

ARTICLE IV

General Penalty

Sec. 1-4-10. Violations.

It is a violation of this Code for any person to do any act which is forbidden or declared to be unlawful, or to fail to do or perform any act required, in this Code. (Prior code 1-71)

Sec. 1-4-20. General penalty for violation.

(a) All violations of any provision of this Code or any other ordinance of the City are hereinafter deemed noncriminal offenses and are civil matters, except those violations that are expressly designated as criminal offenses in Chapter 10 of this Code and which are punishable by imprisonment under any counterpart state statute. Trial of noncriminal offenses shall be to the Municipal Court. No defendant found civilly liable for a noncriminal offense shall be punished by imprisonment for said offense, but may be fined any amount not to exceed two thousand six hundred fifty dollars (\$2,650.00), as shall be adjusted for inflation on January 1, 2014, and on January 1 of each year thereafter based on the annual percentage change in the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Denver-Boulder, all items, all urban consumers, or its

successor index. Any person convicted of a criminal violation of any section of this Chapter shall be fined in a sum not more than two thousand six hundred fifty dollars (\$2,650.00), as shall be adjusted for inflation on January 1, 2014, and on January 1 of each year thereafter based on the annual percentage change in the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Denver-Boulder, all items, all urban consumers, or its successor index, or imprisoned not to exceed one (1) year, or both so fined and so imprisoned, except as hereinafter provided in Section 1-4-30 below. In addition, such person shall pay all court costs imposed by the Court.

(b) The penalty provided in Subsection (a) above shall be applicable to every section of this Chapter the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this Code, where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature is forbidden or declared to be unlawful, shall be deemed guilty of a misdemeanor.

(c) A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Chapter. (Prior code 1-72; Ord. 13-08 §2, 2013)

Sec. 1-4-30. Application of penalties to juveniles.

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, except those provisions of Chapter 8, Article I of this Code, shall be punished by a fine not to exceed the maximum fine authorized by Section 1-4-20 above. (Prior code 1-73; Ord. 13-08 §3, 2013)

Sec. 1-4-40. Fines and penalties; plea of guilty or nolo contendere.

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. (Prior code 1-74)

Sec. 1-4-50. Penalty for violations of ordinances adopted after adoption of Code.

Any person who shall violate any provision of any ordinance of a permanent and general nature passed or adopted after adoption of this Code, either before or after it has been inserted in the Code by a supplement, shall, upon conviction thereof, be punishable as provided by Section 1-4-20 of this Article, unless another penalty is specifically provided for the violation. (Prior code 1-75)

Sec. 1-4-60. Interpretation of unlawful acts.

Whenever in this Code any act or omission is made unlawful, it is also unlawful to cause, allow, permit, aid, abet or suffer such unlawful act or omission. Concealing or in any manner aiding in the concealing of any unlawful act or omission is similarly unlawful. (Prior code 1-76)

ARTICLE V

Inspections

Sec. 1-5-10. Entry.

Whenever necessary to make an inspection to enforce any provisions of this Code or any ordinance, or whenever there is probable cause to believe that there exists an ordinance violation in any building or upon any premises within the jurisdiction of the City, any public official of the City may, upon presentation of proper credentials and upon obtaining permission of the occupant or if unoccupied, the owner, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him or her by ordinance. In the event the occupant, or if unoccupied, the owner, refuses entry to such building or premises, or the public official is unable to obtain permission of such occupant or owner to enter such building or premises, the public official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Prior code 1-91)

Sec. 1-5-20. Authority to enter premises under emergency.

Law enforcement officers, members of the Fire Department, other fire departments operating under a mutual assistance agreement or automatic aid agreement with the City, certified emergency medical technicians and paramedics during the course of employment with a governmental agency are hereby granted the authority to enter private residences within the City without invitation from the occupant or occupants of the residence at any time such person has reasonable grounds to believe a medical emergency is in progress within the subject premises and the occupant or occupants of such premises are incapable of consenting to the entry because of such medical emergency. (Prior code 1-92)

ARTICLE VI

Seal

Sec. 1-6-10. Corporate seal.

A seal, the impression of which shall contain in the center the word "Seal" and around the outer edge the words "City of Central, Colorado," shall be and hereby is declared to be the Seal of the City. (Prior code 1-111)

ARTICLE VII

Fees and Charges

Sec. 1-7-10. Imposition of fees.

The City Council is authorized to establish fees, charges and assessments for permits, licenses and services to cover the reasonable costs and expenses incurred by the City in administering such programs and services. All fees, assessments and charges are established in the City's fee schedule,

and shall be available on the City's website and in printed version at City Hall, 141 Nevada Street. Any fees or charges that are not identified in the fee schedule but are imposed by separate ordinance or resolution of the City Council shall remain in full force and effect to the extent the fees or charges cover a service, program or application not listed in the fee schedule. (Prior code 1-131)

Sec. 1-7-20. Amendment to fee schedule.

The City Council may amend, repeal or impose new fees from time to time by resolution duly adopted by the City Council. It is the intent that all municipal fees and charges shall, at a minimum, be revised annually to account for increases or decreases in such fees, based on the actual costs incurred by the City in providing the identified service, application or program. Failure to conduct an annual review of any fee shall not in any way affect the continuing validity of such fees and all fees shall remain in full force and effect until amended by subsequent resolution adopted by the City Council. (Prior code 1-132)