

TITLE 2
GENERAL PROVISIONS

Chapters:

- 2.01 Code Adoption
- 2.02 Code Construction
- 2.03 Penalty for Municipal Violations
- 2.04 Copies of Municipal Code
- 2.05 (Reserved)
- 2.06 (Reserved)
- 2.07 Official Seal
- 2.08 Adoption of Ordinances
- 2.09 Right of Entry By Town Officials
- 2.10 Code Enforcement Officers

CHAPTER 2.01
CODE ADOPTION

Sections:

- 2.01.010 Adoption
- 2.01.020 Citation Reference
- 2.01.030 Codification Authority
- 2.01.040 Reference Applies to all Amendments
- 2.01.050 Title, Chapter, Section Headings
- 2.01.060 Reference to Specific Ordinances
- 2.01.070 Effect of Code on Past Actions and Obligations
- 2.01.080 Effective Date
- 2.01.090 Constitutionality
- 2.01.100 Repeal

2.01.010 Adoption. Pursuant to the power and authority conferred by the laws of the State of Colorado, there is hereby adopted by reference thereto, as the Code for the Town of Collbran, Colorado, the “Collbran Municipal Code, 1994 Edition,” and the same is hereby adopted as if set out at length and is amended as hereinafter provided. *(Source: Ord.*

No.166)

2.01.020 Citation Reference. This Code shall be known as the “Collbran Municipal Code” and it shall be sufficient to refer to the Code as the “Collbran Municipal Code” in any prosecution for the violation of any provision hereof or in any proceeding at law or equity. It shall also be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amended to, correction of, or repeal of the “Collbran Municipal Code”, and such reference shall apply to that numbered Title, Chapter, Section or subsection as it appears in this Code.

2.01.030 Codification Authority. (a) This Code consists of all of the regulatory and penal ordinances of general application within the Town of Collbran, and certain of the administrative ordinances of the Town codified pursuant to the laws of the State of Colorado.

(b) This Code does not contain ordinances of the Town the following subject matters: annexation; subdivision of land; budget and appropriations; authorization of indebtedness, franchises; granting of easements or licenses; naming of roads, places; acquisition or disposal of public property; vacation of ways; and the acceptance of any gift, devise, license or other of Collbran concerning zoning and land use; bonded or otherwise; streets, and other public streets, alleys or public benefit.

(c) The above and foregoing enumeration of exceptions or exclusions shall not be deemed to be exclusive or exhaustive, it being the intent and purpose to exclude from codification all ordinances not of a general nature.

2.01.040 Reference Applies to all Amendments. Whenever references made to this Code as the “Collbran Municipal Code” or to any portion thereof, or to any ordinances of the Town, the reference shall apply to all amendments, corrections and additions hereto, now or hereafter made.

2.01.050 Title, Chapter, Section Headings. Title, Chapter, and Section headings contained in this Code shall not be deemed to govern, limit, modify, or any in manner affect the scope, meaning, or intent of the provisions of any Title, Chapter or Section of this Code.

2.01.060 Reference to Specific Ordinances. The provisions of this Code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the Code, but such reference shall be construed to apply to the corresponding provisions contained within this Code.

2.01.070 Effect of Code on Past Actions and Obligations. Neither the adoption of this Code nor the repeal or amendment hereby of any ordinance or portion of any ordinance of the Town shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof; nor be construed as a waiver of any license, fee or penalty at the effective date due and unpaid under such ordinances; nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty or the penal provisions applicable to any violation thereof; nor to affect the validity of any bond or cash deposit in lieu thereof to be posted, filed or deposited pursuant to any ordinance; and all rights and obligations thereunder appertaining shall continue in full force and effect.

2.01.080 Effective Date. This Code shall become effective on the date the ordinance adopting this Code as the “Collbran Municipal Code” shall become effective.

2.01.090 Constitutionality. If any Chapter, Section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining portions of this Code. The Board of Trustees declares that it would have passed this Code, and each Chapter, Section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more Chapters, Sections, subsections, sentences, clauses or phrases have been declared invalid or unconstitutional, and if for any reason this Code should be declared invalid or unconstitutional, then the original ordinance or ordinances comprising the same shall be in full force and effect.

2.01.100 Repeal. (a) All general ordinances of the Town of Collbran not included in this Code or excluded from the operation and effect of this Section, are hereby repealed; provided, however, that all ordinances and parts of ordinances adopted by the Board of Trustees following the date of adoption of the ordinance enacting this Code are not to be considered, for the purposes of this Section, as having been repealed.

(b) Every special ordinance of the Town governing the following subject matters, whether contained in whole or in part within this Code, is excluded from the operation and effect of this Section:

Annexation; subdivision of land; zoning and land use; budget and appropriations; authorization of indebtedness, bonded or otherwise; franchises; granting of easements or licenses; naming of roads, streets and public places; acquisition or disposal of public property; vacation of streets, alleys, or public ways; and the acceptance of any gift, devise, license or other benefit.

(c) The above and foregoing enumeration of exceptions or exclusions shall not be deemed to be exclusive or exhaustive, it being the intent and purpose to exclude from repeal any and all ordinances not of a general nature.

CHAPTER 2.02
CODE CONSTRUCTION

Sections:

2.02.010	Definitions
2.02.020	Grammatical Interpretation
2.02.030	Prohibited Acts Including Causing, Permitting, etc.
2.02.040	Promotion of Justice

2.02.010 Definitions. The following words and phrases whenever used in this Code, 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” means the Board of Trustees of the Town of Collbran, consisting of one (1) Mayor and six (6) Trustees of the Town. “All its members ”or“ all Board members” means the total number on the Board of Trustees entitled to vote in any particular circumstances upon any question, as provided by the general laws of the State of Colorado.

(b) “Code” means the Municipal Code of the Town of Collbran, or “Collbran Municipal Code”.

(c) “County” means the County of Mesa, Colorado.

(d) “Law” denotes applicable federal law, the constitution and statutes of the State, the ordinances of the Town of Collbran, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

(e) “May” is permissive.

(f) “Must” is mandatory.

(g) “Oath” includes an affirmation.

(h) “Ordinance” means a permanent law of the Town. A temporary or special law, administrative action, or order or directive, or declaration of intent, may be in the form of a resolution of the Town.

(i) “Owner”, as applied to land or a structure, includes any part owner, joint owner, tenant in common, or joint tenant, of the whole or part of such land or structure.

(j) “Person” means any natural person, firm, association, joint venture, joint stock company, partnership, limited liability company, organization, club, company, corporation, business trust, or their manager, lessee, agent, servant, officer, estate, or employee, or any of them.

(k) “Shall” is mandatory.

(l) “State” means the State of Colorado.

(m) “Street” includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this 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.

(n) “Title”. The use of the title of any officer, employee, board, commission, office or ordinance shall mean such officer, employee, office, board, commission, or ordinance of the Town unless otherwise specifically designated.

(o) “Town” means the Town of Collbran, Colorado or the area within the territorial limits of the Town and such territory outside of the Town over which the Town has jurisdiction or control by virtue of any constitutional or statutory provision. (*Source: Ord. No. 166*)

2.02.020 Grammatical Interpretation. The following grammatical rules shall apply in reference to the ordinances contained in this Code:

(a) Gender. Any reference to gender includes the other gender. The masculine gender includes the feminine gender and the feminine gender includes the masculine gender.

(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 future tenses. Words used in the future tense include the present and past tenses. Words used in the past tense include the future and present tenses.

(d) Use of words and phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.

2.02.030 Prohibited Acts Including Causing, Permitting, etc. Whenever in this Code 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.

2.02.040 Promotion of Justice. The provisions of this Code and all proceedings under it are to be construed with a view to effect its objects and to promote justice.

CHAPTER 2.03
PENALTY FOR MUNICIPAL VIOLATIONS

Sections:

- 2.03.010 General Penalties
- 2.03.020 Juvenile Offenders - Penalty

2.03.010 General Penalties. (a) Any person who performs or fails to perform an act where performance or failure to perform is declared in any provision of the Collbran Municipal Code or any rule or regulation promulgated thereunder to be unlawful, or commits a criminal offense, or a misdemeanor, or any person who performs any act which is prohibited or fails to perform an act which is required by any provision of the Collbran Municipal Code or any rule or regulation promulgated thereunder, or any person who fails to meet a standard of conduct or behavior prescribed in the provisions of this Code for which no specific penalty is provided, upon conviction thereof, shall be punished as provided in subsection (b) of this Section.

(b) Any person convicted for the violation of a criminal offense contained in this Code for any rule or regulation promulgated thereunder, shall be punished by a fine of not more than one thousand dollars (\$1,000.00), by incarceration not to exceed one (1) year, or by both such fine and incarceration, unless otherwise specifically provided in any other provision of this Code or any rule or regulation promulgated thereunder. Any person found liable for the violation of a non-criminal municipal offense contained in this Code or any rule or regulation promulgated thereunder, shall be punished by penalty of not more than **five** hundred dollars (\$500.00). (*Ord. 01, Series 2010*)

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

(d) Unless otherwise provided in the Collbran 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. (*Source: Ord. No. 166*)

2.03.020 Juvenile Offenders - Penalty. (a) For the purposes of this Section, a “juvenile offender” is defined as any person accused of an offense pursuant to the Collbran Municipal 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 by Chapter 12 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 of not more than one thousand dollars (\$1,000.00), unless otherwise provided by the specific section alleged to have been violated. Notwithstanding any other provision in this Code to the contrary, a juvenile offender shall not be subject to incarceration, except as herein provided. Any juvenile offender convicted or found liable for violating any provision of the Model Traffic Code as adopted by Chapter 12 may be punished by a fine of not more than five hundred dollars (\$500.00), or by incarceration not to exceed six (6) months, or by both such fine and incarceration.

(c) Nothing contained in this Chapter shall be construed to abrogate, abolish, or otherwise limit the power of the Municipal Court to incarcerate a juvenile offender before the Court for contempt of Court, whether by failure to obey a summons, a subpoena, or lawful order of the Court, including an order to pay a fine, or by personal conduct before the Court. In addition, the Municipal Court may incarcerate a juvenile offender for violation of probation conditions imposed by the Court. The Municipal Court shall have authority to order a juvenile offender confined in a juvenile detention facility operated or contracted by the Colorado Department of Institutions or a temporary holding facility operated by or under contract with a municipal government. Any confinement of a child for contempt of Municipal Court or for violation of probation conditions shall not exceed forty-eight (48) hours.

(d) Notwithstanding any other provision of law, a juvenile offender for an alleged violation of a municipal ordinance, convicted of violating a municipal ordinance or probation conditions imposed by the Municipal Court, or found in contempt of Court in connection with a violation or an alleged violation of a Collbran ordinance shall not be confined in a jail, lockup, or other place used for the confinement of adult offenders but may be held in a juvenile detention facility operated by or under contract with the Department of Institutions or a temporary holding facility operated by or under contract with a municipal government which shall receive and provide care for such child.

(e) Upon the request of the Municipal Judge, the prosecuting Attorney, or the defendant, the Clerk of the Municipal Court shall issue a Notice of Required Appearance for the appearance, at any and all stages of the Court's proceedings of the parent, guardian, or lawful custodian of any child under eighteen (18) years of age who is charged with an offense under this Code. Any person who fails to appear pursuant to such Notice shall be deemed to be in contempt of Court.

(f) The presiding Judge of the Municipal Court may promulgate such rules or orders

regarding the procedural processing of juvenile offenders appearing before the Municipal Court as he may, from time to time, deem appropriate.

CHAPTER 2.04
COPIES OF MUNICIPAL CODE

Sections:

2.04.010 Copies on File and Available For Sale

2.04.010 Copies on File and Available For Sale. At least one (1) copy of the Collbran Municipal Code, 1994 Edition, as adopted by reference by the Town of Collbran, together with one (1) copy of the Ordinance codified as Chapters 2.01, 2.02, 2.03 and 2.04 shall be kept on file in the office of the Town Clerk. Copies of the Collbran Municipal Code shall be available for sale to the public at a moderate price. (*Source: Ord. No. 166*)

CHAPTER 2.05
(Reserved)

CHAPTER 2.06
(Reserved)

CHAPTER 2.07
OFFICIAL SEAL

Sections:

2.07.010 Adoption of Seal

2.07.010 Adoption of Seal. A seal, the impression of which is as follows, to wit: - In the center the word “SEAL”, and around the outer edge the words, “TOWN OF COLLBRAN, COLORADO” heretofore established, adopted and declared to be the Official Seal of the Town of Collbran, Colorado, is hereby re-adopted, re-established and declared to be the Official Seal of the Town of Collbran, Colorado. (*Source: Ord. No. 2*)

CHAPTER 2.08
ADOPTION OF ORDINANCES

Sections:

2.08.010 The Publication, Final Passage and Authentication of All Ordinances

2.08.010 The Publication, Final Passage and Authentication of All Ordinances.
Every ordinance hereafter passed by the Board, shall be introduced, passed, published (when required by the Colorado Statutes), and authenticated, in substantially the following form:

ORDINANCE NO. _____

(1) Give Its Title or Subject.

(2) (Begin Body of Ordinance) “Be It Ordained by The Board of Trustees of The Town of Collbran, Colorado:”

Section 1. _____

Section 2. _____

Introduced, (give date), read, passed and approved and ordered published, at the regular meeting of the Board of Trustees of the Town of Collbran, Colorado.

Signed _____
Mayor

ATTEST:

Town Clerk

(Source. Ord. No. 27)

CHAPTER 2.09
RIGHT OF ENTRY BY TOWN OFFICIALS

Sections:

2.09.010 Inspections

2.09.010 Inspections. Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists in any building or upon any premises within the jurisdiction of the Town, a violation of any ordinance or resolution, any authorized official of the Town may, upon presentation of proper credentials, enter such building or premises at any and all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance; provided that except in emergency situations he shall give the occupant, or the owner if there be no occupant, if he can be located after reasonable effort, twenty-four (24) hours written notice of the authorized official's intention to inspect. In the event the occupant, or the owner if there is no occupant, refused entry, said official is hereby empowered to seek assistance from any Court of competent jurisdiction, including the Collbran Municipal Court, in obtaining such entry. (*Source: Ord. No. 166*)

CHAPTER 2.10
CODE ENFORCEMENT OFFICERS

Sections:

2.10.010 Officers Designated; Duties

2.10.010 Officers Designated; Duties. (a) The following Town employees are hereby designated as “Code Enforcement Officers” of the Town of Collbran:

1. Town Administrator
2. Public Works Supervisor
3. Public Works Assistant(s)

(b) Code Enforcement Officers may, under the general supervision of the Board of Trustees and the Town Attorney, issue penalty assessment citations for violations of the following Titles of the Collbran Municipal Code:

- | | | |
|----|----------|--|
| 1. | Title 8 | Health and Sanitation |
| 2. | Title 9 | Utilities and Services |
| 3. | Title 10 | Animal Control |
| 4. | Title 13 | Buildings and Construction |
| 5. | Title 14 | Streets and Sidewalks, Public Property |
| 6. | Title 15 | Land Use and Development |

(c) Code Enforcement Officers are not to be construed as “Peace Officers” of any level and shall have no arrest authority.

(d) The Board of Trustees at any regular or special meeting may designate such additional Code Enforcement Officers, either paid or volunteer personnel, as it deems necessary and appropriate. (*Source: Ord. No. 165*)