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Chapter 1.01

Code Adoption

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- 1.01.010 Adoption
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1.01.010 Adoption.

Pursuant to the provisions of Sections 31-16-201 through 31-16-208, C.R.S., there is adopted the Craig Municipal Code as published by Book Publishing Company, 2518 Western Avenue, Seattle, Washington 98121. (Ord. 544 §1, 1980)

1.01.020 Title; citation; reference.

This code shall be known as the *Craig Municipal Code* and it is sufficient to refer to said code as the Craig Municipal Code in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It is sufficient to designate any ordinance adding to, amending, correcting or repealing all or any portion thereof as an addition to, amendment to, correction or repeal of the Craig Municipal Code. Further reference may be had to the titles, chapters, sections and subsections of the Craig Municipal Code and such references apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 544 §2, 1980)

1.01.030 Ordinances passed prior to adoption of the code.

The last ordinance included in the original code is Ordinance No. 523, passed February 27, 1979. The following ordinances, passed subsequent to Ordinance No. 523, but prior to the adoption of this code, are adopted and made a part of this code: Ordinance Nos. 524 through 542 inclusive. (Ord. 544 §3, 1980)

1.01.040 Codification authority.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city, codified pursuant to the provisions of Sections 31-16-201 through 31-16-208, C.R.S. (Ord. 544 §4, 1980)

1.01.050 Reference applies to all amendments.

Whenever a reference is made to this code as the Craig Municipal Code or to any portion thereof, or to any ordinance of the city, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 544 §5, 1980)

1.01.060 Title, chapter and section headings.

Title, chapter and section headings contained herein shall not govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section thereof. (Ord. 544 §6, 1980)

1.01.070 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 apply to the corresponding provisions contained within the code. (Ord. 544 §7, 1980)

1.01.080 Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal or amendment of any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date of the ordinance codified in this chapter, nor be a waiver of any license, fee or penalty at said effective date due and unpaid under such ordinances, nor affect 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 affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 544 §8, 1980)

1.01.090 Effective date.

This code shall become effective on the date the ordinance adopting this Code as the Craig Municipal code becomes effective. (Ord. 544 §10, 1980)

1.01.100 Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The city council declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases thereof had been declared invalid or unconstitutional, and the original ordinance or ordinances shall be in full force and effect. (Ord. 544 §11, 1980)

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
- 1.04.100 Unconstitutionality
- 1.04.110 Application of code

1.04.010 Definitions.

The following words and phrases, whenever used in the ordinances of the city of Craig, 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 or phrases.

A. *City* and *town* each mean the city of Craig, Colorado, or the area within the territorial limits of the city of Craig, Colorado, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

B. *Council* means the city council of the city of Craig. *All of its members* or *all councilmembers* means the total number of councilmembers holding office.

C. *County* means the county of Moffat.

D. *Law* denotes applicable federal law, the Constitution and statutes of the state of Colorado, the ordinances of the city of Craig and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

E. *May* is permissive.

F. *Month* means calendar month.

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, business, trust, organization, or the manager, lessee, agent, servant, officer or employer of any of them.

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

L. *Preceding* and *following* mean 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 the street between the curblines 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 this 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.

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. *Written* includes printed, typewritten, mimeographed, multi-graphed or otherwise reproduced in permanent visible form.

T. *Year* means a calendar year. (Ord. 516 §1, 1979)

1.04.020 Title of office.

Use of the title of any officer, employee, department, board or commission means that officer, employee, department or commission of the city. (Ord. 516 §2, 1979)

1.04.030 Interpretation of language.

All words and phrases shall be construed according to the common and approved usages 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. 516 §3, 1979)

1.04.040 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city, 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 visa versa, unless manifestly inapplicable. (Ord. 516 §4, 1979)

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. 516 §5, 1979)

1.04.060 Prohibited acts include causing and permitting.

Whenever in the ordinances of the city, 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. 516 §6, 1979)

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. 516 §7, 1979)

1.04.080 Construction.

The provisions of the ordinances of the city and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 516 §8, 1979)

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. 516 §9, 1979)

1.04.100 Unconstitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, such decision shall not effect the validity of the remaining portions of this code. The city council declares that it would have passed the ordinance codified in each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. (Ord. 516 §10, 1979)

1.04.110 Application of code.

A. A person is subject to prosecution in the municipal court for a violation committed by the conduct of such person or through the conduct of another for whom such person is legally accountable, if:

1. The conduct constitutes a violation and is committed either wholly or partly within the city or within any city park, parkway, recreation area or open space;

2. The conduct outside the city constitutes an attempt, as defined by this code, to commit a violation within the city;

3. The conduct outside the city constitutes a conspiracy to commit a violation within the city, and an act in furtherance of the conspiracy occurs in the city; or

4. The conduct within the city constitutes an attempt, solicitation or conspiracy to commit in another jurisdiction a violation prohibited under the laws of this city and such other jurisdiction.

B. A violation is committed partly within this city if conduct occurs in this city that is an element of a violation or if the result of conduct in this city is such an element.

C. Whether a violator is in or outside the city is immaterial to the commission of a violation based on an omission to perform a duty imposed by the law of this city.

D. *City*, as used in this section and in any summons, summons and complaint or complaint alleging a violation of the Charter, this code or any ordinance of the city, includes both the area within the territorial limits of the city and also those areas over which extraterritorial police power has been granted by the statutes of this state. (Ord. 812 §2, 1995)

Chapter 1.08

General Penalty

Sections:

1.08.010 Designated

1.08.010 Designated.

A. Any person who shall violate any of the provisions of any ordinance of the city, except in those cases where a different punishment is prescribed by a specific ordinance, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one hundred eighty (180) days, or by both such fine and imprisonment.

B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provisions of the ordinances of the city is committed, continued or permitted by any such person, and he or she shall be punished accordingly. (Ord. 996 §1, 2009; Ord. 647 §1, 1984; Ord. 517 §1, 1979)

Chapter 1.12

City Seal

Sections:

1.12.010 Designated

1.12.010 Designated.

A seal, the impression of which shall be as follows: in the center, the word "SEAL," and around the outer edge the words "CITY OF CRAIG, COLORADO," and below the word "seal" the words "Incorporated April 21, 1908," is declared to be the corporate seal of the city of Craig, Colorado. (Ord. 1, 1908)

Chapter 1.16

City Jail

Sections:

1.16.010 Established

1.16.010 Established.

The Moffat County Jail in the Court House, Craig, Colorado is designated and established as the official jail for the city, for the housing and incarceration of all persons awaiting trial who have been unable to provide bond or ordered by the municipal court of the city to be confined therein under the provisions of any penal ordinance of the city, or for any other lawful purpose as required by the municipal court of the city. (Ord. 412 §1, 1974)

Chapter 1.18

Municipal Court of Record

Sections:

1.18.010 Established

1.18.010 Established.

The municipal court of the city is established as a qualified municipal court of record requiring the following qualifications:

A. A verbatim record of the proceedings and evidence of the trial shall be kept by either electronic devices or stenographic means as a permanent record for the purpose of certification of all trials of the court.

B. The municipal judge shall be a resident of the city and currently licensed in the practice of the law in the state.

C. The term of office for the municipal judge shall be as provided by Section 1 of Article IV of the Charter of the city. The municipal judge may be removed from office by the city council for any ground stated in Section 1 of Article IV of the Charter of the city or for any ground stated in Section 13-10-105, C.R.S. (Ord. 572 §1, 1980)

Chapter 1.20

Ordinance Violation

Sections:

- 1.20.010 Confinement
- 1.20.020 Rules of procedure

1.20.010 Confinement.

Any person arrested or convicted of a violation of any of the ordinances of this city who refuses to pay the penalty or fine and cost imposed upon them shall be committed by the municipal judge to the city jail or such place as may be provided for the confinement of prisoners at labor, and shall be allowed two dollars (\$2.00) per day of eight (8) hours each upon such fines and cost. (Ord. 519 §1(B), 1979; Ord. 33 §1, 1913)

1.20.020 Rules of procedure.

Except as may be specifically provided by a given ordinance, the rules which shall govern the procedure in the municipal court of the city for ordinance violation cases shall be the Municipal Court Rules of Procedure as promulgated by the Colorado Supreme Court, as the same are now or may be established in the future. The rules shall be known and cited as "Craig Colorado Municipal Court Rules" or "C.C.M.C.R." (Ord. 523 §1, 1979)

Chapter 1.24

Elections

Sections:

- 1.24.010 Write-in candidates; affidavit required
- 1.24.020 Cancellation; notification

1.24.010 Write-in candidates; affidavit required.

No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the city clerk by the person whose name is written in prior to five (5) days before the date of election indicating that such person desires the office and is qualified to assume the duties of that office if elected. (Ord. 632 §1(part), 1983)

1.24.020 Cancellation; notification.

If the only matter before the voters is the election of persons to office, and if, at the close of business on the Friday before the election, there are not more candidates than offices to be filled at the election, including candidates filing affidavits of intent, the city clerk shall certify such fact to the governing body, and it shall hold a meeting and may cancel the election and by resolution declare the candidates elected. Notice of such cancellation of election shall be published and the notice of cancellation of the election shall be posted in each polling place and in not less than one (1) other public place. (Ord. 632 §1(part), 1983)