

CHAPTER 1

General Provisions

Article 1	Code Adoption	
	Sec. 1-1	Adoption
Article 2	General Provisions	
	Sec. 1-10	Title – Citation – Reference
	Sec. 1-11	Definitions
	Sec. 1-12	Usage of terms
	Sec. 1-13	Authorized acts
	Sec. 1-14	Chapter and section headings
	Sec. 1-15	Grammatical interpretation
	Sec. 1-16	Prohibited acts include causing, permitting
	Sec. 1-17	Construction
	Sec. 1-18	Repeal shall not revive any ordinances
	Sec. 1-19	Publication – Use as evidence
	Sec. 1-20	Reference applies to all amendments
	Sec. 1-21	Reference to specific ordinances
	Sec. 1-22	Effect of code on past actions and obligations
	Sec. 1-23	Constitutionality
	Sec. 1-24	Saving clause
	Sec. 1-25	Officers continue
	Sec. 1-26	Effective date
	Sec. 1-27	Enactment authority
	Sec. 1-28	Fees, charges and bonds
Article 3	City Seal	
	Sec. 1-40	Corporate seal
	Sec. 1-41	Use
Article 4	Official City Map	
	Sec. 1-50	Purpose
Article 5	General Penalty	
	Sec. 1-70	Designated
	Sec. 1-71	Application of penalties to juveniles
	Sec. 1-72	Civil infractions
Article 6	Right of Entry for Inspection	
	Sec. 1-90	Authorized
Article 7	Enforcement	
	Sec. 1-110	Procedure
Article 8	Liability	
	Sec. 1-130	Liability and duty of city

ARTICLE 1

Code Adoption

Sec. 1-1. Adoption.

The published code known as the *Municipal Code of the City of Dacono*, 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 Dacono as a codification of all the ordinances of the City of Dacono, Colorado, of a general and permanent nature 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. (Ord. 374 §1, 1990)

Secs. 1-2—1-9. Reserved.

ARTICLE 2

General Provisions

Sec. 1-10. Title – Citation – Reference.

This code shall be known as the *Dacono Municipal Code* and it shall be sufficient to refer to said code as the *Dacono Municipal 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 portion thereof as an addition to, amendment to, correction or repeal of the Dacono Municipal Code. Further reference may be had to the chapters, sections and subsections of the Dacono Municipal Code, and such references shall apply to that numbered chapter or section as it appears in the code. (Prior code 1.01.030)

Sec. 1-11. Definitions.

The following words and phrases, whenever used in the ordinances of the city, 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:

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

Computation of time means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded.

Council means the city council of the city. *All its members* or *all councilmen* means the total number of councilmen provided by the general laws of the state of Colorado.

County means the county of Weld, Colorado.

Law denotes applicable federal law, the constitution and statutes of the state of Colorado, the 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*. Each is 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.

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 or 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 curblines 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 whole or a part of such building or land, whether alone or with others.

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.

Written includes printed, typewritten, mimeographed or multigraphed.

Year means a calendar year. (Prior code 1.04.010)

Sec. 1-12. 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 the law shall be construed and understood according to such peculiar and appropriate meaning. (Prior code 1.04.010(b); Ord. 162 §1, 1976)

Sec. 1-13. Authorized acts.

(a) 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 as to include all such acts performed by an authorized agent.

(b) 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 business day following such Saturday, Sunday or legal holiday. (Prior code 1.04.010(c); Ord. 162 §1, 1976; Ord. 374 §1, 1990)

Sec. 1-14. Chapter and section headings.

Chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any chapter or section of this code. (Prior code 1.01.070)

Sec. 1-15. Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city:

(1) Gender. Designation in the form of any gender includes the masculine, feminine and neuter genders.

(2) Singular and Plural. The singular number includes the plural and plural includes the singular.

(3) Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

(4) Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. (Prior code 1.04.020)

Sec. 1-16. Prohibited acts include causing, 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. (Prior code 1.04.030)

Sec. 1-17. 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. (Prior code 1.04.040)

Sec. 1-18. Repeal shall not revive any 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 1.04.050)

Sec. 1-19. Publication – Use as evidence.

This code is ordered published in bound loose-leaf form and copies thereof, duly certified by the clerk and mayor of the city, shall be received without further proof as prima facie evidence of the provisions of this code in all courts and administrative tribunals of this state. (Ord. 374 §1, 1990)

Sec. 1-20. Reference applies to all amendments.

Whenever a reference is made to this code as the *Dacono Municipal Code*, 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. (Prior code 1.01.060)

Sec. 1-21. 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 the code. (Prior code 1.01.080)

Sec. 1-22. Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal or amendments hereby 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 hereof, nor be construed as a waiver of any license, fee or penalty, at said 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 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. (Prior code 1.01.090)

Sec. 1-23. 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 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 or phrases have been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Prior code 1.01.130)

Sec. 1-24. Saving clause.

The repeal of any ordinance or part thereof by the adoption of this code shall not affect, deny, abridge or impair any right, action or cause of action accruing or arising under the ordinance or section so repealed, and such right, action or cause of action may be prosecuted to a final determination notwithstanding such repeal. No offense committed, and no fine, forfeiture or penalty incurred before any ordinance or part thereof is repealed by this code, shall be affected, released or in any way discharged by such repeal, but the trial, conviction and punishment for any such offense, and the recovery of fines, forfeitures and penalties, shall be had in all respects as if the repealed provisions had remained in force. (Ord. 374 §1, 1990)

Sec. 1-25. Officers continue.

If any ordinance which creates an office or employment in the city is repealed by the adoption of this code, and the same office or employment is also provided for in this code, then the present incumbent of the office or employment shall continue to hold such office or employment and to perform the duties and functions thereof until removed therefrom in accordance with this code or until his or her successor is elected or appointed and qualified. (Ord. 374 §1, 1990)

Sec. 1-26. Effective date.

This code shall become effective on the date the ordinance adopting this code as the *Dacono Municipal Code* shall become effective. (Prior code 1.01.120)

Sec. 1-27. Enactment authority.

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 1.01.140)

Sec. 1-28. Fees, charges and bonds.

The amount of the fee or charge for any license or permit issued pursuant to this code, the amount of any application or investigation fee applicable thereto, and the amount of any bond or surety, or cash in lieu of such bond or surety, required pursuant to this code, shall be established from time to time by resolution of the city council. Any amount set forth in this code for any such license or permit fee, any such application or investigation fee, or any such bond or surety, or cash in lieu of such bond or surety, is hereby repealed on the effective date of any resolution establishing an amount different from the amount set forth in this code. (Ord. 409 §27, 1991)

Secs. 1-29—1-39. Reserved.

ARTICLE 3

City Seal

Sec. 1-40. Corporate seal.

The corporate seal shall consist of a circular plate and disc with a diameter of one and five-eighths (1⁵/₈) inches. The words *City of Dacono, Weld Co., Colorado* shall be in circular form around the outside, and the word *Seal* shall be within the circular inscription. (Ord. 374 §1, 1990)

Sec. 1-41. Use.

The corporate seal of the city shall be affixed to all certificates, transcripts, orders or other documents necessary to be so attested according to the ordinances of the city. (Prior code 1.12.020)

Secs. 1-42—1-49. Reserved.

ARTICLE 4

Official City Map

Sec. 1-50. Purpose.

Because disputes have arisen in the past concerning the correct boundaries of the city, and the city council believes it prudent to have a competent engineer or surveyor prepare boundaries of the city at the present time, the ordinance codified in this article is enacted. (Prior code 1.08.010)

Editor's note: Sec. 1-51, cited in the original code, was published by error and was not previously adopted as part of the prior code, and has been deleted.

Secs. 1-51—1-69. Reserved.

ARTICLE 5

General Penalty

Sec. 1-70. Designated.

(a) General Penalty.

(1) Any person who pleads guilty or no contest to or who, after trial, is found guilty and convicted of violating any municipal ordinance in the municipal court may be incarcerated for a period not to exceed one (1) year or fined an amount not to exceed one thousand dollars (\$1,000.00),

or both such fine and imprisonment, except as may be otherwise imposed within the context of a specific section, subsection, ordinance or applicable city charter provision.

(2) In sentencing or fining a violator, the municipal judge shall not exceed the sentence or fine limitations established by ordinance. Any other provision of the law to the contrary notwithstanding, the municipal judge may suspend the sentence or fine of any violator and place him or her on probation for a period not to exceed one (1) year.

(3) The municipal judge is empowered in his or her discretion to assess costs, as established by the municipal governing body by ordinance, against any defendant who pleads guilty or nolo contendere, or who enters into a plea agreement or who, after trial, is found guilty of an ordinance violation.

(4) Notwithstanding any provision of law to the contrary, a municipal court has the authority to order a child under eighteen (18) years of age confined in a juvenile detention facility operated or contracted by the department of institutions for failure to comply with a lawful order of the court, including an order to pay a fine. If a juvenile facility is not available, the child may be confined in an adult facility so long as he or she is separated from adult offenders, as required by Section 19-2-204(4), C.R.S. Any confinement of a child for contempt of municipal court shall not exceed forty-eight (48) hours.

(b) Each such person shall be guilty of a separate violation for each and every day during any portion of which any violation of any provision of the ordinances of the city is committed, continued or permitted by any such person, and he or she shall be punished accordingly. (Prior code 1.20.010; Ord. 406 §1, 1992; Ord. 465 §1, 1996)

Sec. 1-71. Application of penalties to juveniles.

Notwithstanding any provision of this chapter to the contrary, or any other ordinance of the city to the contrary, imprisonment shall not be imposed on any person who has not become eighteen (18) years of age as of the date of a violation of any city ordinance, except any traffic ordinance. Nothing in this section shall be deemed to prohibit the imposition of imprisonment on such a person for a violation of a traffic ordinance, for failure to comply with a lawful order of court, or for contempt of court. (Prior code 1.20.015; Ord. 338 §1, 1987)

Sec. 1-72. Civil infractions.

The municipal code and ordinance violations set forth below are civil for which imprisonment is not a possible penalty and for which the sole penalty provided shall be a fine not to exceed the fine amount as established under Section 1-70 or as may be otherwise imposed within the context of a specific section, subsection, ordinance or applicable city charter provision. The municipal court shall follow the Colorado Municipal Court Rules in all such cases unless such rules are clearly inapplicable.

- (1) Section 6-40, Designated (contractor's license).
- (2) Section 6-181, License required (peddler and solicitor).
- (3) Section 6-195, Posting notice (soliciting in violation of posted notice).

- (4) Section 7-2, Rubbish-Collection requirements.
- (5) Section 7-3, Rubbish disposal.
- (6) Section 7-4, Elimination of accumulation-Courtesy notice.
- (7) Section 7-5, Removal of abandoned rubbish.
- (8) Section 7-21, Cutting and removing unlawful growth of weeds or brush.
- (9) Section 7-22, Elimination of weeds or brush-Courtesy notice.
- (10) Section 7-61, Rabies vaccination – Required.
- (11) Section 7-62, Rabies vaccination – Tag – Required.
- (12) Section 7-63, Rabies vaccination – Tag – Duplicate.
- (13) Section 7-64, Proof of vaccination required.
- (14) Section 7-68, License – Required (dog).
- (15) Section 7-69, License – Display.
- (16) Section 7-71, License – Duplicate tag.
- (17) Section 7-72, False or stolen documents.
- (18) Section 7-73, License – Transferability.
- (19) Section 7-74, Running at large prohibited.
- (20) Section 7-75, Animal disturbing peace prohibited.
- (21) Section 7-83, Female dog in heat.
- (22) Section 7-88, Failure to pick up and dispose of feces.
- (23) Section 8-33, Abandonment prohibited (vehicles).
- (24) Section 8-34, Junked vehicles prohibited – Exceptions.
- (25) Section 16-500, Home occupations. (Ord. 465 §2, 1996; Ord. 516 §1, 1998)

Secs. 1-73—1-89. Reserved.

ARTICLE 6

Right of Entry For Inspection

Sec. 1-90. Authorized.

Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the city, any authorized official of the city may, upon presentation of proper credentials, 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; provided that, except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, such authorized official shall give the owner and/or occupant, if they can be located after reasonable effort, twenty-four (24) hours' written notice of the authorized official's intention to inspect. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry, and such refusal is not a violation of law. In the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate, based upon probable cause. In the event the owner and/or occupant refuses entry after such request has been made, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Prior code 1.24.010)

Secs. 1-91—1-109. Reserved.

ARTICLE 7

Enforcement

Sec. 1-110. Procedure.

All actions for the violation of any of the ordinances of the city not otherwise provided for shall be by process and procedures as provided, established or permitted by law. (Ord. 374 §1, 1990)

Secs. 1-111—1-129. Reserved.

ARTICLE 8

Liability

Sec. 1-130. Liability and duty of city.

The adoption of this code and of the codes and standards provided for herein shall not create any duty to any person, firm or corporation with regard to the enforcement or non-enforcement of this code or said codes and standards. No person, firm or corporation shall have any civil liability remedy against the city, its officers, employees or agents for any damages arising out of or in any way connected with the adoption, enforcement or non-enforcement of said code, codes or standards. Nothing in this code or in the codes and standards adopted herein shall be construed to create any liability or to waive any of the immunities, limitations on liability or other provisions of the Governmental Immunity Act, Section 24-

10-101 et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available. (Ord. 374 §1, 1990)

Secs. 1-131—1-139. Reserved.