

CHAPTER I

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SECTION I

Code Adoption

Sec. 1-1-1. Adoption.

Pursuant to the provisions of Sections 31-16-201 thru 31-16-208 of the Colorado Revised Statutes, as amended, there is hereby adopted the *Eaton Municipal Code*" a codification of the permanent and general ordinances of the Town of Eaton, Colorado, and adopting the following secondary codes by reference: the 1977 Edition of the Model Traffic Code for Colorado Municipalities; the Weld County Building Code Ordinance as adopted by the Board of County Commissioners of Weld County, Colorado, on November 22, 1983; the Uniform Building Code, 1982 Edition, of the International Conference of Building Officials; the Uniform Mechanical Code, 1982 Edition, published by the International Conference of Building Officials; the Uniform Plumbing Code, 1982 Edition, published by the International Association of Plumbing and Mechanical Officials; the National Electrical Code, 1981 Edition, published by the National Fire Protection Association; the Uniform Code for the Abatement of Dangerous Buildings, 1982 Edition, published by the International Conference of Building Officials; the Uniform Swimming Pool Code, 1982 Edition, published by the International Association of Plumbing and Mechanical Officials. (Ord. 392 §1)

Sec. 1-1-2. Title citation, reference.

This Code shall be known as the *Eaton Municipal Code*, and it shall be sufficient to refer to said Code as the *Eaton 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 *Eaton Municipal Code*. Further reference may be had to the titles, chapters, sections and subsections of the *Eaton Municipal Code*" and such references shall apply to that numbered title, chapter, section or subsection as it appears in the Code.

The last ordinance included in the original code is Ordinance 388, passed January 20, 1986. The following ordinances, passed subsequent to ordinance 388 but prior to the adoption of this Code, are hereby adopted and made a part of this Code: Ordinance 389, passed March 10, 1986, through Ord. 391, passed April 14, 1986. (Ord. 392 §2)

Sec. 1-1-3. Codification authority.

This Code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the Town of Eaton, Colorado, codified pursuant to the provisions of Sections 31-16-201--31-16-208 of the Colorado Revised Statutes. (Ord. 392 §3)

Sec. 1-1-4. Reference applies to all amendments.

Whenever a reference is made to this Code as the *Eaton Municipal Code*. to any portion thereof, or to any ordinance of the Town of Eaton, Colorado, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 392 §4)

Sec. 1-1-5. Title, chapter and section headings.

Title, chapter, and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 392 §5)

Sec. 1-1-6. 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. (Ord. 392 §6)

Sec. 1-1-7. Effect of Code on past actions and obligations.

Neither the adoption of this Code nor the repeal or amendments of any ordinance or part 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 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. (Ord. 392 §7)

Sec. 1-1-8. Ordinances passed prior to adoption of Code.

The last ordinance included in the published code was Ordinance 388, passed January 20, 1986. The following ordinances, passed subsequent to Ordinance 388, but prior to the adoption of this Code, are adopted and made a part of this Code: Ordinance 389, passed March 10, 1986, through Ord. 391, passed April 14, 1986. (Ord. 392 §8)

Sec. 1-1-9. Penalty sections of the Code.

The following sections of the Code adopted by this ordinance are penalty sections, and said penalty sections are hereinafter set forth in full and reenacted according to Section 31-16-204, C.R.S. (Ord. 420 §1, 1991)

Sec. 2-11-4. Penalties.

Any person who shall willfully fail or refuse to comply with the order of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the Proclamation of Emergency authorized herein shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for a period not to exceed ninety (90) days, or by both such fine and imprisonment. (Ord. 392 §2)

Sec. 6-1-8. Violation; penalty.

(a) It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the Town, or cause the same to be done, contrary to or in violation of any of the provisions of the Codes adopted in this Section.

(b) Any person, firm or corporation violating any of the provisions of the Codes adopted in this Section shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of these codes are committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. (Ord. 436 §1, 1993)

Sec. 7-2-16. Penalties.

A person shall be guilty of a misdemeanor in any case where all of the following have occurred:

(1) Any violation of any of the provisions of the zoning ordinance exists in any building, other structure or tract of land.

(2) An order to remove any such violation has been served upon the owner, general agent, lessee or tenant of the building, other structure or tract of land (or any part thereof) or upon the architect, builder, contractor or any other person who commits or assists in any such violation.

(3) Such person shall fail to cease all work on the property except work which is directed toward correcting the violation described in the order.

(4) Such person shall fail to comply with such order within ten (10) days after the service thereof.

(5) In addition to any of the foregoing remedies, the Town Attorney, acting on behalf of the Town Board, may maintain an action for an injunction to restrain any violation of these regulations.

(6) Each day that the violation exists shall be considered a separate offense. (Ord. 369, 1982; Ord. 420 §1, 1991)

Sec. 8-2-8. Penalties.

Any person who shall violate or fail to comply with any of the provisions of this Chapter shall, upon conviction thereof, be punished by a fine of three hundred dollars (\$300.00), a jail sentence of ninety (90) days or both, such fine and jail sentence for each offense and, upon such conviction, the Town Clerk shall immediately revoke the license and permit under which the auction involved is held, and it shall thereafter be unlawful for any auction to be held under such license and permit. (Ord. 320, 1974)

Sec. 9-3-6. Violations and penalties.

The Town Administrator shall notify the owner, or authorized agent of the owner, of the building or premises in which there is found a violation of these regulations. The Town Administrator shall set a specific time for the owner to have the violation removed or corrected. If the owner fails to correct the violation in the specified time, the Town Administrator may, if in his or her judgment an imminent health hazard exists, request that the water service to the building or premises be terminated. Additional fines or penalties may also be invoked following termination of service. (Ord. 378 §6, 1984; Ord. 420 §1, 1991)

Sec. 9-4-9. Penalties.

(a) Any person found to be violating any provision of this Code except Section 9-4-6 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit

for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person violating any of the provisions of this Code shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation. (Ord. 331 Article IX, 1976; Ord. 420 §1, 1991)

Sec. 11-1-25. Penalty for violation.

Any person who violates any provision of this Chapter XI, Section I, or commits any unlawful act defined by this Chapter XI, Section I, or any person who fails to perform any act required by this Chapter XI, Section I, or any person who fails or refuses to comply with any lawful order given pursuant to this Chapter XI, Section I, is guilty of a misdemeanor and upon conviction thereof shall be punished as follows:

	<i>Minimum</i>	<i>Maximum</i>
First Offense:	\$ 25.00	\$300.00
Second Offense within Six Months	75.00	300.00
Third or Subsequent Offense	150.00	300.00

The minimum fines set forth shall be mandatory and shall not be suspended for any reason. Each day any violation continues shall constitute a separate offense and is punishable accordingly. Any person charged with a second or third offense shall be required to appear in Municipal Court. (Ord. 362 §2.26, 1980)

Sec. 12-2-3. Penalty for violation.

It shall be unlawful for any person to fail to comply with the requirements of the Notice, as provided in Section 12-2-1, and each violation shall be punished by a fine of not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00) for each day that such violation continues. (Ord. 321 §3, 1975)

Sec. 14-1-3. Penalty for violation.

Any such occupant, owner or person who shall fail to comply with the provisions of this Chapter XIV, Section II, or any of them, shall, upon conviction thereof, be fined in a sum not less than one dollar (\$1.00), nor more than twenty-five dollars (\$25.00). (Ord. 114 §3, 1914)

Sec. 14-3-4. Penalty for violation.

Any person who violates the provisions of this Chapter XIV, Section III, shall be fined not to exceed twenty-five dollars (\$25.00) for each day that said violation continues. (Ord. 281 §4, 1965)

Sec. 1-1-10. Violation; penalty; juvenile offenders.

The violation of any section of this Municipal Code by any person not having attained the age of eighteen (18) years at the time of the commission of the violation shall be a misdemeanor; however, such conviction shall be punishable for a fine only, not exceeding one thousand dollars (\$1,000.00), unless a different fine is specifically set forth therein, and notwithstanding the application of imprisonment penalties which may otherwise be applicable to such offenses, if committed by a person eighteen (18)

years of age or over as set forth in Section 1-3-1 or any specific penalty provision of a municipal ordinance or code section. In the event that the juvenile court should assume jurisdiction over the juvenile person so charged pursuant to the provisions of the Colorado Children's Code, prior to final adjudication by the Municipal Court, then all jurisdiction in the matter shall vest with the juvenile court, and the municipal action shall be dismissed. (Ord. 435 §1, 1993)

SECTION II

General Provisions

Sec. 1-2-1. Definitions.

The following words and phrases, whenever used in the ordinances of the Town of Eaton, State of 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:

Capital improvement means a public improvement of a permanent nature and may include land and equipment necessary for the functioning of a building or other capital improvement.

County means the County of Weld.

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

Local improvement means public improvement specifically beneficial to the property affected and also includes the abatement of such unsafe, unhealthful or unsanitary conditions as the Town Board shall determine to be a public nuisance.

May is permissive.

Month means a calendar month.

Must and *shall* are each mandatory.

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*.

Office. The use of the title of any officer, employee or any office or ordinance shall mean such officer, employee, office or ordinance of the Town of Eaton, Colorado, unless otherwise specifically designated.

Ordinance means a law of the Town of Eaton, Colorado.

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 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 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.

Public improvement means improvements to or in connection with streets, sidewalks, parks, playgrounds, buildings, sewer systems, water systems, power systems and any other real property or appurtenances thereof of the Town used by the public.

Public utility includes all common carriers in the public streets, water, sewer disposal, electrical light, central heating, gas, electric power, telephone and telegraph lines and systems, and such other and different enterprises as the law or the Town Board may determine.

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 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.

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.

Town means the Town of Eaton, Colorado, or the area within the territorial limits of the Town of Eaton, Colorado, and such territory outside the Town's boundaries over which the Town has jurisdiction or control by virtue of any constitutional or statutory provision.

Town Board means the Town Board of Trustees of the Town of Eaton.

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

Year means a calendar year.

SECTION III

General Penalty

Sec. 1-3-1. Penalties for ordinance violation designated.

No person shall violate any of the provisions of the ordinances of the Town. Except in cases where a different punishment is prescribed by any ordinance of the Town, any person who violates any of the

provisions of the ordinances shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment. (Ord. 420 §1, 1991)

Sec. 1-3-2. Each day of violation a separate offense.

Each person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the Town is committed, continued or permitted by any such person, and he or she shall be punished accordingly. (Ord. 420 §1, 1991)

Sec. 1-3-3. Prior penalty sections repealed.

All of the following penalty sections of this Code are hereby repealed and in the place of such repealed penalty sections, Section 1-3-1 shall apply: Sections 1-1-9, 6-2-5, 6-3-6, 7-2-16(g), 7-4-10, 7-5-4, 8-1-16, 9-1-20, 9-2-11, 9-3-6(b), 9-4-9(b), 10-6-19 part 3, 10-9-1, 11-2-2, 12-1-4, 14-4-4, 14-5-10, 14-6-9, 15-1-3, 15-2-8, 15-3-3, 15-4-4 and 16-1-8. (Ord. 420 §1, 1991)