

CHAPTER 1

General Provisions

Article 1 Code

- Sec. 1-1-10 Adoption of Code
- Sec. 1-1-20 How Code designated and cited
- Sec. 1-1-30 Code supersedes prior ordinances
- Sec. 1-1-40 Repeal of ordinances not contained in Code
- Sec. 1-1-50 Matters not affected by repeal
- Sec. 1-1-60 Ordinances not affected by Code

Article 2 Definitions and Usage

- Sec. 1-2-10 Definitions
- Sec. 1-2-20 Rules of construction
- Sec. 1-2-30 Computation of time
- Sec. 1-2-40 Usage of terms
- Sec. 1-2-50 Grammatical interpretation

Article 3 General

- Sec. 1-3-10 Titles and headings not part of Code
- Sec. 1-3-20 Title of office
- Sec. 1-3-30 Authorized acts
- Sec. 1-3-40 Prohibited acts
- Sec. 1-3-50 Newspaper of general circulation for publication of legal notices; defined
- Sec. 1-3-60 Amendments or additions to Code
- Sec. 1-3-70 Supplementation of Code
- Sec. 1-3-80 Copy of Code on file
- Sec. 1-3-90 Sale of Code books
- Sec. 1-3-100 Ratification
- Sec. 1-3-110 Severability

Article 4 General Penalty

- Sec. 1-4-10 Violations
- Sec. 1-4-20 General penalty
- Sec. 1-4-30 Application of penalties to juveniles
- Sec. 1-4-40 Commitment for failure to pay fine

Article 5 Inspections

- Sec. 1-5-10 Entry

Article 6 Seal

- Sec. 1-6-10 City seal

ARTICLE 1

Code

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

The published code known as the Edgewater Municipal Code, published by Colorado Code Publishing Company, 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 Edgewater, Colorado, as a codification of all the ordinances of the City of Edgewater of a general and permanent nature through Ordinance No. 12-08, 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. 12-08 §1, 2008)

Sec. 1-1-20. How Code designated and cited.

This Code shall constitute a compilation, revision and codification of all the ordinances of the City of Edgewater, Colorado, of a general and permanent nature, and shall be known as the *Edgewater Municipal Code* and may be so cited. (Prior code 1-1; Ord. 12-08 §1, 2008)

Sec. 1-1-30. Code supersedes prior ordinances.

This Code shall supersede all other municipal codes consisting of compilations of general and permanent ordinances and parts of ordinances passed by the City Council. (Ord. 12-08 §1, 2008)

Sec. 1-1-40. 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 are hereby repealed to the extent of any inconsistency therein as of the effective date of the ordinance adopting this Code, except as hereinafter provided. (Ord. 12-08 §1, 2008)

Sec. 1-1-50. Matters not affected by repeal.

The repeal of ordinances and parts of ordinances of a permanent and general nature by Section 1-1-40 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. (Ord. 12-08 §1, 2008)

Sec. 1-1-60. Ordinances not affected by Code.

(a) Nothing in this Code or the ordinance adopting this Code shall affect any of the following:

(1) Any ordinance or resolution creating, dedicating, naming, renaming, opening, accepting, vacating or closing specific streets, alleys and other public ways in the City.

(2) Any ordinance or resolution establishing the grades or lines of specific streets, sidewalks and other public ways.

- (3) Any ordinance or resolution creating specific sewer and paving districts and other local improvement districts.
- (4) Any ordinance or resolution authorizing the issuance of general obligation or specific local improvement district bonds.
- (5) Any ordinance or resolution making special assessments for local improvement districts and authorizing refunds from specific local improvement district bond proceeds or promising or guaranteeing the payment of money for the City or authorizing the issuance of any bonds of the City or any evidence of the City's indebtedness.
- (6) Any ordinance or resolution annexing territory to the City or excluding territory from the City.
- (7) Any ordinance or resolution dedicating or accepting any specific plat or subdivision.
- (8) Any ordinance or resolution calling or providing for a specific election.
- (9) Any ordinance or resolution authorizing specific contracts for purchase of beneficial use of water by the City.
- (10) Any ordinance or resolution approving, authorizing or otherwise relating to any contract, agreement, lease, deed or other legal instrument with the State, with other governmental bodies or with others.
- (11) Any ordinance or resolution authorizing a specific lease, sale or purchase of property.
- (12) Any ordinance or resolution granting rights-of-way or other rights and privileges to specific railroad companies or other public carriers.
- (13) Any ordinance or resolution 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.
- (14) Any ordinance or resolution granting any license, permit or other right;
- (15) Any ordinance or resolution granting a franchise to a specific public utility company or establishing rights for or otherwise regulating a specific public utility company.
- (16) Any ordinance or resolution appropriating money.
- (17) Any appropriation ordinance or resolution providing for the levy of taxes or for an annual budget.
- (18) Any ordinance or resolution relating to the salaries of City officers or employees.
- (19) Any ordinance or resolution levying special assessments.
- (20) Any ordinance or resolution amending the Official Zoning Map.

(b) All such ordinances and resolutions are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein. (Prior code 1-3; Ord. 12-08 §1, 2008)

ARTICLE 2

Definitions and Usage

Sec. 1-2-10. Definitions.

The following words and phrases, whenever used in this Code shall be defined as follows unless a different meaning is intended from the context or is specifically defined:

Charter means the Home Rule Charter of the City of Edgewater adopted in pursuance and under the authority of Article XX of the Colorado Constitution.

City means the City of Edgewater, Colorado, or the area within the territorial limits of the City of Edgewater, Colorado.

City Council means the City Council of the City of Edgewater, Colorado.

Code means the Edgewater Municipal Code as published and subsequently amended, unless the context requires otherwise.

County means Jefferson County, Colorado.

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

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.

Month means a calendar month.

Newspaper in accordance with Section 20.1(13) of the Edgewater Home Rule Charter, for purposes of the City's legal publications and legal notices, means a newspaper of general circulation in the City which meets the requirements for a legal newspaper as established in Section 24-70-101, et seq., C.R.S.

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.

Or may be read *and*, and *and* may be read *or* if the sense requires it.

Owner, applied to a building, land, motorized vehicle, animal or other real or personal property, includes any part owner, joint owner, tenant in common, tenant in partnership, joint

tenant or tenant by the entirety or any other person with a possessory interest in the whole or a part of said building, land, motor vehicle, animal or other real or personal property.

Person means natural person, joint venture, joint stock company, partnership, association, club, company, firm, corporation, business, trust or organization, or the manager, lessee, agent, servant, officer or employee of any of them. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word *person* is used in any section of this Code prescribing a penalty or fine, as to firms, associations and other organizations, the words shall include the partners, members or agents who are responsible for any violation of such section thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.

Personal property includes every species of property except real property, as herein described, including but not limited to money, goods, chattels, things in action and evidences of debt.

Property includes real and personal property.

Public place means any street or highway, sidewalk, park, cemetery, schoolyard or open space adjacent thereto and any lake or stream that is open to the public. *Public place* includes any private property accessible to the public such as a trail, bike path, alley, hiking path or shopping center parking lot.

Real property includes lands, tenements and hereditaments.

Shall and *must* are both mandatory.

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

Signature or *subscription* includes a mark when the person cannot write.

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 by law.

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.

Year means a calendar year. (Prior code 1-2, 2-2; Ord. 12-08 §1, 2008)

Sec. 1-2-20. Rules of construction.

(a) In the construction of this Code, the rules and definitions set out in this Section shall be observed, unless such construction would be inconsistent with the intent of the City Council.

(b) All general provisions, terms, phrases and expressions in this Code shall be liberally construed in order that the intent and meaning of the City Council may be fully carried out.

(c) The provisions of this Code shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than another more general provision imposed by the Code or other law, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

(d) The provisions of this Code, and all proceedings under it, are to be construed with a view to effect their objects and to promote justice. (Prior code 1-2; Ord. 12-08 §1, 2008)

Sec. 1-2-30. Computation of time.

The time within which an act is to be done shall be computed by excluding the first day and including the last day; but if the time for an act to be done falls on a Saturday, Sunday or legal holiday, the act shall be done upon the next regular business day following such Saturday, Sunday or legal holiday. (Prior code 1-2; Ord. 12-08 §1, 2008)

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

Words and phrases shall be construed 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 1-2; Ord. 12-08 §1, 2008)

Sec. 1-2-50. Grammatical interpretation.

The following grammatical rules shall apply to this Code and to City ordinances:

- (1) Any gender includes the other genders.
- (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 1-2; Ord. 12-08 §1, 2008)

ARTICLE 3

General

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

(a) The captions of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, or as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the captions, are amended or reenacted.

(b) The history or source notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section.

(c) All references to chapters, articles or sections are to the chapters, articles and sections of this Code unless otherwise specified. (Prior code 1-7; Ord. 12-08 §1, 2008)

Sec. 1-3-20. 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. Whenever reference is made to an officer, employee, official, representative, agent, department, commission or other agency, the same shall be construed as if followed by the words "of the City of Edgewater, Colorado." (Prior code 1-2; Ord. 12-08 §1, 2008)

Sec. 1-3-30. Authorized acts.

Whenever in accordance with this Code any specific act is required to be done by any designated department officer, official or employee of the City, such act may be performed by any duly authorized person. When this Code requires an act to be done which may as well be done by an agent, designee or representative as by the principal, such requirement shall be construed to include all such acts performed when done by an authorized agent, designee or representative. (Prior code 1-2; Ord. 12-08 §1, 2008)

Sec. 1-3-40. Prohibited acts.

Whenever in this Code any act or omission is made unlawful, it includes causing, allowing, effecting, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Prior code 1-2; Ord. 12-08 §1, 2008)

Sec. 1-3-50. Newspaper of general circulation for publication of legal notices; defined.

The City Council shall designate at least once a year, by motion, the newspaper which shall be utilized by all officers, employees, departments and agencies of the City for legal publications and legal notices. (Prior code 2-2; Ord. 12-08 §1, 2008)

Sec. 1-3-60. Amendments or additions to Code.

Any additions or amendments to this Code, when passed in such form as to indicate the intention of the City Council to make the same a part hereof, shall be deemed to be incorporated in this revision so that reference to this Code shall be understood as including them. (Prior code 1-8)

Sec. 1-3-70. Supplementation of Code.

(a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the City Council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the City Council or adopted by initiative or referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete. The new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may only make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers; and

(4) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code. (Prior code 1-9)

Sec. 1-3-80. Copy of Code on file.

At least one (1) copy of this 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. (Ord. 12-08 §1, 2008)

Sec. 1-3-90. Sale of Code books.

Copies of this Code book may be purchased from the City Clerk upon the payment of a fee to be set by the City Council. (Ord. 12-08 §1, 2008)

Sec. 1-3-100. Ratification.

(a) When the term *ratification* is used in the Charter, it shall mean that the action or appointment is subject to approval by City Council at the sole discretion of City Council. Whenever any action or appointment is described in the Charter as being "subject to ratification" by the City Council or requiring ratification as a condition precedent, it shall mean that the City Council must approve the action or appointment for such action or appointment to take effect.

(b) In the event City Council declines to ratify any action or appointment, the action or appointment requiring ratification shall be null and void. (Ord. 08-06 §1, 2006)

Sec. 1-3-110. 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. Unless expressly provided to the contrary, 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 by a court, such invalidity shall not affect the remaining portions of this Code which can be given effect, and to this end are declared to be severable. The application thereof to other persons shall not be affected thereby. (Prior code 1-13; Ord. 12-08 §1, 2008)

ARTICLE 4

General Penalty

Sec. 1-4-10. Violations.

(a) 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.

(b) 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. (Ord. 12-08 §1, 2008)

Sec. 1-4-20. General penalty.

(a) Any person convicted of a violation of this Code for which a different penalty is not provided shall be punished by a fine not exceeding nine hundred ninety-nine dollars (\$999.00) or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment, except as hereinafter provided in Section 1-4-30. Each day that a violation continues shall be deemed a separate offense.

(b) The suspension or revocation of any license, certificate evidencing accord of inspection services, or other privilege conferred by the City shall not be regarded as a penalty for the purposes of this Code, but shall be in addition to the penalty provided in Subsection (a) hereof.

(c) Nothing herein shall be construed to limit the power of the Municipal Court to take such action as it may deem appropriate, in the sound exercise of its discretion, to summon, try and punish any person who may be found in contempt of the Court.

(d) The Municipal Court may order payment of restitution to the damaged party by the person responsible for damage resulting from a violation of this Code. (Prior code 1-11; Ord. 12-08 §1, 2008)

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, shall be punished by a fine of not more than nine hundred ninety-nine dollars (\$999.00) per violation or count. Nothing in this Section shall be construed to prohibit incarceration in an appropriate facility, at the time of charging, of a juvenile violating any section of this Code. No person under the age of eighteen (18) years as of the date of

the violation of which convicted shall be subject to imprisonment. (Prior code 1-11; Ord. 12-08 §1, 2008)

Sec. 1-4-40. Commitment for failure to pay fine.

(a) Every person against whom a fine or penalty has been assessed under the ordinances of the City, who refuses or neglects to pay the same when demanded, upon execution ordered by the Municipal Judge may be committed in default thereof to the County Jail or such other suitable place as provided by the City under the direction of the proper officer until the fine or penalty is fully paid and satisfied or the person has served the maximum incarceration period for the offense of which such person was convicted, whichever first occurs. Such satisfaction shall be made at such monetary rate as the Court deems appropriate in its discretion. Any such person may be required to do any reasonable work. The foregoing notwithstanding, in the discretion of the Municipal Judge, a stay of execution may be granted to enable the defendant to pay the fine or penalty at a later date or in installment payments. In case the defendant refuses or neglects to comply with the terms of the stay of execution, then execution may issue and the defendant may be committed to the County Jail, as hereinabove provided, until such fine, penalty or judgment is fully paid or otherwise satisfied.

(b) Upon the failure or neglect by a person to pay a fine as directed by the Municipal Court, the Court shall inquire as to the grounds for the person's neglect or failure to pay such fine. Should the Court be satisfied that the grounds for a person's failure to pay the fine is solely indigency, the Court shall not incarcerate the person; provided, however, that the person who owes the fine has the burden of going forward and persuading the Court on the issue of indigency. (Prior code 1-12; Ord. 12-08 §1, 2008)

ARTICLE 5

Inspections

Sec. 1-5-10. Entry.

Whenever necessary to make an inspection to enforce this Code or whenever there is probable cause to believe there exists an ordinance 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 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 this Code. Except in emergency situations or when consent of the owner and/or occupant to the inspection has been obtained, the official shall give the owner and/or occupant, if they can be located after reasonable effort, twenty-four (24) hours' written notice of 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 that, if entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. If the occupant or, if unoccupied, the owner, refuses entry to such building or premises, or the authorized official is unable to obtain permission of such occupant or owner to enter such building or premises after the request has been made, the official may seek assistance from any court of competent jurisdiction in obtaining such entry. (Prior code 1-10; Ord. 12-08 §1, 2008)

ARTICLE 6

Seal

Sec. 1-6-10. City seal.

The City seal in use on the adoption date of this Code is ratified and confirmed. (Prior code 2-1)