

CHAPTER 1

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ARTICLE I

Code

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

The published code known as the *Platteville Municipal Code*, published by Colorado Code Publishing Company, of which one (1) copy is now on file in the office of the Town 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 Town of Platteville, Colorado, as a codification of all the ordinances of the Town of Platteville of a general and permanent nature through Ordinance No. 532, 2001, 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 Town. (Ord. 532, 2001)

Sec. 1-1-20. Title and scope.

This Code constitutes a compilation, revision and codification of all the ordinances of the Town of Platteville, Colorado, of a general and permanent nature, and shall be known as the *Platteville Municipal Code*. (Ord. 532, 2001)

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

This Code shall supersede the Code of Ordinances of the Town of Platteville, as adopted by Ordinance No. 204, passed by the Board of Trustees and approved on October 4, 1977, as subsequently amended, and all other municipal codes consisting of compilations of general and permanent ordinances and parts of ordinances passed by the Board of Trustees. (Ord. 532, 2001)

Sec. 1-1-40. Repeal of ordinances not contained in Code.

The Code of Ordinances of the Town of Platteville, as adopted by Ordinance No. 204, passed by the Board of Trustees and approved on October 4, 1977, as subsequently amended, and all other existing ordinances and portions of ordinances of a general and permanent nature which are inconsistent with any provision of this Code are hereby repealed to the extent of any inconsistency therewith as of the effective date of the ordinance adopting this Code, except as hereinafter provided. (Ord. 532, 2001)

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 of this Code shall not affect any offense committed or act done, any penalty or forfeiture incurred or any contract, right or obligation established prior to the effective date of such repealer. (Prior code 1-1-9; Ord. 532, 2001)

Sec. 1-1-60. Ordinances saved from repeal.

The continuance in effect of temporary and/or special ordinances and parts of ordinances, although omitted from this Code, shall not be affected by such omission therefrom, and the adoption of this Code shall not repeal or amend any such ordinance or part of any such ordinance. Among the ordinances not repealed or amended by the adoption of this Code are ordinances:

- (1) Creating, opening, dedicating, vacating or closing specific streets, alleys and other public ways.

- (2) Naming or changing the names of specific streets and other public ways.
- (3) Establishing the grades of specific streets and other public ways.
- (4) Establishing the grades or lines of specific sidewalks.
- (5) Promising or guaranteeing the payment of money for the Town, or authorizing the issuance of any bonds of the Town or any evidence of the Town's indebtedness.
- (6) Creating specific improvement districts.
- (7) Authorizing the issuance of specific improvement district bonds.
- (8) Creating or making special assessments for improvement districts and authorizing refunds from specific improvement district bond proceeds.
- (9) Annexing territory to or disconnecting territory from the Town.
- (10) Dedicating or accepting any specific plat or subdivision.
- (11) Calling for a special election.
- (12) Authorizing specific contracts for purchase of beneficial use of water by the Town.
- (13) Approving or authorizing specific contracts.
- (14) Authorizing the sale, purchase or lease of property.
- (15) Granting rights-of-way or other rights and privileges to specific railroad companies or other public carriers.
- (16) Granting any franchise.
- (17) Authorizing construction of public works facilities.
- (18) Appropriating money.
- (19) Levying a temporary tax or fixing a temporary tax rate.
- (20) Relating to salaries or other employment conditions for Town officers and employees.
- (21) Creating or amending the Official Zoning Map. (Prior code 1-1-8; Ord. 532, 2001)

Sec. 1-1-70. Changes in previously adopted ordinances.

In compiling and preparing the ordinances of the Town for adoption and revision as part of this Code, certain grammatical changes and other changes were made in one (1) or more of said ordinances. It is the intention of the Board of Trustees that all such changes be adopted as part of this Code as if the ordinances so changed had been previously formally amended to read as such. (Ord. 532, 2001)

ARTICLE II

Definitions and Usage

Sec. 1-2-10. Definitions.

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

Board of Trustees means the Board of Trustees of the Town of Platteville.

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

County means Weld 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 Town of Platteville 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.

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 Town; 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, land, motorized vehicle, animal or other real or personal property, includes any part owner, joint owner, tenant in common, 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.

Personal property includes all property other than real property.

Preceding and *following* mean next before and next after, respectively.

Property includes real, tangible and intangible personal property.

Real property includes lands, tenements and hereditaments.

Shall and *must* are both mandatory.

Sidewalk means any portion of a street between the curb, or the lateral line of the roadway, and the adjacent property line, intended for the use of pedestrians.

State means the State of Colorado.

Street includes any highway, alley, street, avenue, boulevard, lane, court, public place or square, in the Town which has been or may hereafter be dedicated or devoted to public use, or such other public property so designated by state law.

Tenant or *occupant*, applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.

Town means the Town of Platteville, 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.

Written or *in writing* includes any representation in words, letters or figures, whether by printing or otherwise reproduced in permanent visible form.

Year means a calendar year. (Prior code 1-1-1; Ord. 532, 2001)

Sec. 1-2-20. Computation of time.

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 next regular business day following such Saturday, Sunday or legal holiday. (Prior code 1-1-1; Ord. 532, 2001)

Sec. 1-2-30. 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 Town, or his or her designated representative. (Prior code 1-1-1; Ord. 532, 2001)

Sec. 1-2-40. 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 1-1-2)

Sec. 1-2-50. Grammatical interpretation.

The following grammatical rules shall apply to this Code and to Town 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.
- (4) Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. (Prior code 1-1-4; Ord. 532, 2001)

ARTICLE III

General

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

Chapter and Article titles, headings, numbers and titles of sections and other divisions in this Code or in supplements made to this Code shall not be deemed in any way to restrict, qualify or limit the effect of any provisions of this Code; they are inserted in this Code and may be inserted in supplements to this Code for the convenience of persons using this Code; and they and are not part of this Code. (Prior code 1-1-2; Ord. 532, 2001)

Sec. 1-3-20. Authorized acts.

When this Code requires an to be done which may be done as well by an agent or representative as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent or representative. (Prior code 1-1-3; Ord. 532, 2001)

Sec. 1-3-30. Prohibited acts.

Whenever in this Code or any Town ordinance any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Prior code 1-1-5; Ord. 532, 2001)

Sec. 1-3-40. Purpose of Code.

The provisions of this Code, and all proceedings under them, are to be construed with a view to effect their objectives and to promote justice. (Ord. 532, 2001)

Sec. 1-3-50. Repeal of ordinances.

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby. (Ord. 532, 2001)

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

(a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein.

(b) Amendments to any of the provisions of this Code shall be made by an ordinance amending such provisions by specific reference to the section number of this Code. All such ordinances and parts of ordinances shall be deemed amendments to this Code, and all of the substantive, permanent and general parts of said ordinances and changes made thereby shall be inserted and made in this Code as provided in Section 1-3-70 hereof. (Prior code 1-1-6; Ord. 532, 2001)

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

(a) The Board of Trustees shall cause supplementation of this Code to be prepared and printed from time to time as it may see fit. All substantive, permanent and general parts of ordinances passed by the Board of Trustees or adopted by initiative and referendum, and all amendments and changes in temporary and special ordinances or other measures included in this Code prior to the supplementation and since the previous supplementation, shall be included.

(b) It shall be the duty of the Town Clerk, or someone authorized and directed by the Town Clerk, to keep up to date the one (1) certified copy of the book containing this Code required to be filed in the office of the Town Clerk for the use of the public. (Ord. 532, 2001)

Sec. 1-3-80. Examination of Code.

The Mayor and Town Clerk shall carefully examine at least one (1) copy of the Code adopted by this ordinance to see that it is a true and correct copy of this Code. Similarly, after each supplement has been prepared, printed and inserted in this Code, the Mayor and Town Clerk shall carefully examine at least one (1) copy of this Code as supplemented. The copy of this Code as originally adopted or amended shall constitute the permanent and general ordinances of the Town and shall be so accepted by the courts of law, administrative tribunals and all others concerned. (Ord. 532, 2001)

Sec. 1-3-90. Copy of Code on file.

At least one (1) copy of this Code so certified and sealed most recently shall be kept in the office of the Town 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 Town Clerk's office except upon proper order of a court of law. (Ord. 532, 2001)

Sec. 1-3-100. Sale of Code books.

Copies of this Code book may be purchased from the Town Clerk upon the payment of a fee to be set by resolution of the Board of Trustees. (Ord. 532, 2001)

Sec. 1-3-110. Altering or tampering with Code; penalty.

Any person who shall alter, change or amend this Code, except in the manner prescribed in this Article, or who shall alter or tamper with this Code in any manner so as to cause the ordinances of the Town to be misrepresented thereby, shall, upon conviction thereof, be punishable as provided by Section 1-4-20 hereof. (Ord. 532, 2001)

Sec. 1-3-120. Severability.

The articles, sections, paragraphs, sentences, clauses, phrases and provisions of this Code are severable, and if any provision, phrase, clause, sentence, paragraph, section, or article of this Code shall be declared

unconstitutional or otherwise without force or effect, the remainder of this Code shall continue in full force and effect, it being the legislative intent that this Code would have been enacted by the Board of Trustees even if such unconstitutional or otherwise invalid matter had not been included therein. 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, the remainder of this Code and the application thereof to other persons shall not be affected thereby. (Prior code 1-1-10; Ord. 532, 2001)

ARTICLE IV

General Penalty

Sec. 1-4-10. Violations.

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. (Ord. 532, 2001)

Sec. 1-4-20. General penalty for violation.

(a) Any person who violates or fails to comply with any provision of this Code for which no specific penalty is provided shall, upon conviction, be punished by incarceration for a period not to exceed one (1) year, or fined an amount not to exceed one thousand dollars (\$1,000.00) or both. In addition, such person shall pay all costs and expenses assessed by the court, including attorney fees. Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge, shall subject the person so pleading to all fines and/or penalties applicable to the original charge. A separate and distinct offense shall be deemed committed upon each day or portion thereof that any violation of this Code or of any ordinance shall occur or continue.

(b) Any person punished by any fine upon conviction of a nonviolent municipal ordinance or code offense who is unable to pay the fine at the time of the court hearing or if he or she fails to pay a fine imposed by the Court, in order to guarantee the payment of such fine, the Court may compel collection of the fine in the manner provided in Section 18-1.3-506, C.R.S. For the purposes of this Subsection, *nonviolent municipal ordinance or code offense* means a municipal ordinance or code offense which does not involve the use or threat of physical force on or to a person in the commission of the offense. (Prior code 1-1-11; Ord. 532, 2001; Ord. 561 §1, 2005)

Sec. 1-4-30. Application of penalties to juveniles.

(a) 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 one thousand dollars (\$1,000.00) per violation or count. Any voluntary plea of guilty or nolo contendere to the original charge or to, a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge.

(b) Notwithstanding any provision of law to the contrary, the 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 Human Services or a temporary holding facility operated by or under contract with the Town for failure to comply with a lawful order of the court, including an order to pay a fine. Any confinement of a child for contempt of Municipal Court shall not exceed forty-eight (48) hours. (Ord. 532, 2001; Ord. 561 §2, 2005)

Sec. 1-4-40. Penalty for violations of ordinances adopted after adoption of Code.

Any person who shall violate any provision of any ordinance of a permanent and general nature passed or adopted after adoption of this Code, either before or after it has been inserted in this Code by a supplement, shall, upon conviction thereof, be punishable as provided by Section 1-4-20 unless another penalty is specifically provided for the violation. (Ord. 532, 2001)

Sec. 1-4-50. Interpretation of unlawful acts.

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. (Prior code 1-1-5; Ord. 532, 2001)

ARTICLE V

Inspections

Sec. 1-5-10. Entry.

Whenever necessary to make an inspection to enforce any provision of this Code or any ordinance or whenever there is probable cause to believe that there exists an ordinance violation in any building or upon any premises within the jurisdiction of the Town, any public inspector of the Town 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 ordinance. In the event the occupant, or if unoccupied, the owner, refuses entry to such building or premises, or the public inspector is unable to obtain permission of such occupant or owner to enter such building or premises, the public inspector is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. 532, 2001)

Sec. 1-5-20. Authority to enter premises under emergency.

Law enforcement officers certified with the State, members of the Platteville - Gilcrest Fire Protection District, other fire departments operating under a mutual assistance agreement or automatic aid agreement with the Town, certified emergency medical technicians and paramedics during the course of employment with a governmental agency are hereby granted the authority to enter private residences within the Town without invitation from the occupant of the residence at any time such person has reasonable grounds to believe a medical emergency is in progress within the subject premises and the occupant of such premises is incapable of consenting to the entry because of such medical emergency. (Ord. 532, 2001)

Sec. 1-5-30. Announcement of purpose and authority to enter premises.

Unauthorized entry pursuant to Section 1-5-20 shall be permissible only after the individuals seeking entry have announced both their purpose and authority in a loud and conspicuous voice and have waited a reasonable period of time for the occupant to respond before making entry. (Ord. 532, 2001)

ARTICLE VI

Seal

Sec. 1-6-10. Corporate seal.

(a) The seal of the Town shall be circular in shape, and the word *SEAL* shall be engraved in the center, with the words *TOWN OF PLATTEVILLE, COLORADO*, engraved in Roman capitals surrounding the word *SEAL* and around the margin of said seal. Said seal above described is hereby established and declared to be the seal of the Town.

(b) The Town seal shall be affixed to any document for purposes of authentication under the provisions of the statute in such cases made and provided, and to ordinances of the Town. The seal shall be affixed to every contract or other instrument requiring the seal of the Town under any state law or any ordinance. (Prior code 2-1-1; Ord. 532, 2001)