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ARTICLE 1

Code

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

(a) Pursuant to the provisions of Title 31, Article 16, C.R.S., there is hereby adopted the *Severance Municipal Code*. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part of portion thereof as an addition to, amendment to, correction of or repeal of this Code. Further reference may be had to the articles, sections and subsections of this Code and such references shall apply to the numbered article and section or subsection as it appears in this Code.

(b) The *Severance Municipal Code*, published by Colorado Code Publishing Company, of which one (1) certified 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 Severance, Colorado, as a codification of all the ordinances of the Town of Severance of a general and permanent nature through Ordinance No. 2007-07, 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. (Prior code 1-1; Ord. 2007-07 §1)

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

This Code shall be known as the *Severance Municipal Code* and it shall be sufficient to refer to this Code as the *Severance Municipal Code* in any prosecution for the violation of any provision thereof or any proceeding at law or equity. This Code constitutes a compilation, revision and codification of all the ordinances of the Town of Severance, Colorado, of a general and permanent nature. (Ord. 2007-07 §1)

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

This Code shall supersede all other municipal codes of the Town consisting of compilations of general and permanent ordinances and parts of ordinances passed by the Board of Trustees. (Ord. 2007-07 §1)

Sec. 1-1-40. Adoption of secondary codes by reference.

Secondary codes may be adopted by reference, as provided by state law. (Ord. 2007-07 §1)

Sec. 1-1-50. Repeal of ordinances not contained in Code.

All ordinances and parts of ordinances of a general and permanent nature adopted by the Board of Trustees, and in force on the date of adoption of this Code and not contained in this Code, are hereby repealed as of the effective date of the adopting ordinance, except as hereinafter provided. (Ord. 2007-07 §1)

Sec. 1-1-60. Matters not affected by repeal.

The repeal of ordinances and parts of ordinances of a permanent and general nature by Section 1-1-50 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 time said ordinances and parts of ordinances are repealed. (Ord. 2007-07 §1)

Sec. 1-1-70. 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, naming, renaming, vacating or closing specific streets, alleys and other public ways.
- (2) Establishing the grades or lines of specific streets, sidewalks and other public ways.
- (3) Creating specific sewer and paving districts and other local improvement districts.
- (4) Authorizing the issuance of general obligation or specific local improvement district bonds.
- (5) Making special assessments for local improvement districts and authorizing refunds from specific local improvement district bond proceeds.
- (6) Annexing territory to or excluding territory from the Town.
- (7) Dedicating or accepting any specific plat or subdivision.
- (8) Calling or providing for a specific election.
- (9) Authorizing specific contracts for purchase of beneficial use of water by the Town.
- (10) Approving or authorizing specific contracts with the State, with other governmental bodies or with others.
- (11) Authorizing a specific lease, sale or purchase of property.
- (12) Granting rights-of-way or other rights and privileges to specific railroad companies or other public carriers.
- (13) 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) Granting a franchise to a specific public utility company or establishing rights for or otherwise regulating a specific public utility company.

- (15) Appropriating money.
- (16) Levying a temporary tax or fixing a temporary tax rate.
- (17) Relating to salaries.
- (18) Amending the Official Zoning Map. (Ord. 2007-07 §1)

Sec. 1-1-80. 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. 2007-07 §1)

ARTICLE 2

Definitions and Usage

Sec. 1-2-10. Definitions.

The following words and phrases, whenever used in this Code, the ordinances of the Town of Severance 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 or Board of Trustees means the Board of Trustees of the Town of Severance.

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

County means the County of Weld, Colorado.

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

Day means a calendar day.

Law denotes applicable federal law, the Constitution and statutes of the State of Colorado, the ordinances of the Town 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, member, 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.

Real property includes lands, tenements and hereditaments.

Regular business hours generally means Monday through Friday 8:00 a.m. to 5:00 p.m., holidays excepted. However, *regular business hours* for the Town Hall are 8:30 a.m. to 4:30 p.m. Monday through Friday, except for closure from 12:00 p.m. to 1:00 p.m., and closure on holidays.

Shall and *must* are both mandatory.

Sidewalk means that portion of a street between the curblin 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 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, includes any person who occupies all or a part of such building or land, whether alone or with others.

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

Town Hall means the Town Hall located at 231 West Fourth Avenue, Severance, Colorado 80546.

Written or in writing includes any representation of words, letters, symbols or figures, or otherwise reproduced in permanent visible form.

Year means a calendar year. (Ord. 2007-07 §1)

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

Except as provided by applicable state law, 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 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. (Ord. 2007-07 §1)

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. (Ord. 2007-07 §1)

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 law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 2007-07 §1)

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. (Ord. 2007-07 §1)

ARTICLE 3

General

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

Chapter, article and section titles, headings, numbers and titles of other divisions contained in this Code or in supplements made to this Code, may be inserted in this Code and in supplements to this Code for the convenience of persons using this Code, are not part of this Code and shall not be

deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any provision of this Code. (Prior code 1-2; Ord. 2007-07 §1)

Sec. 1-3-20. Authorized acts.

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. (Ord. 2007-07 §1)

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. (Ord. 2007-07 §1)

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. 2007-07 §1)

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. 2007-07 §1)

Sec. 1-3-60. Publication of ordinances.

(a) All ordinances, as soon as possible after their passage, shall be recorded in a book kept for that purpose and authenticated by the signature of the Mayor and Town Clerk. All ordinances of a general or permanent nature, and those imposing any fine or forfeiture, shall be published in a newspaper published within the Town or, if there is none, in a newspaper of general circulation in the Town. Such ordinances shall not take effect until thirty (30) days after such publication, except for ordinances calling for special elections or necessary for the immediate preservation of the public peace, health and safety and containing the reasons making the same necessary in a separate section. The excepted ordinances shall take effect upon their final passage and adoption and the approval and signature of the Mayor, if they are adopted by an affirmative vote of three-fourths of the quorum of the Board of Trustees.

(b) The Town is authorized to publish all ordinances passed by the Board of Trustees by title only, rather than by publishing the full text of the ordinances, provided that each such ordinance is made available for review at the Town Hall during regular business hours. (Ord. 2002-04 §1; Ord. 2004-02 §1; Ord. 2007-07 §1)

Sec. 1-3-70. Amendments to Code.

Ordinances and parts of ordinances of a permanent and general nature, passed or adopted after the adoption of this Code, may be passed or adopted either in the form of amendments to this Code or

without specific reference to this Code. However, in either case, 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 1-3-80 hereof. (Ord. 2007-07 §1)

Sec. 1-3-80. 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 preceding 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. 2007-07 §1)

Sec. 1-3-90. 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 and must verify all contents of Articles of municipal pages prior to adoption. The copy of this Code as originally adopted, supplemented 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. 2007-07 §1)

Sec. 1-3-100. Copy of Code on file.

At least one (1) copy of this Code 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 business hours, but may not be removed from the Town Clerk's office except upon proper order of a court of law. (Ord. 2007-07 §1)

Sec. 1-3-110. Sale of Code books.

Copies of this Code book may be purchased from the Town Clerk upon the payment of a fee as set forth in Appendix B to this Code. (Ord. 2007-07 §1)

Sec. 1-3-120. Posting of notices.

Notice in the form of a door hanger on occupied residential property is a generally acceptable method whenever notice is required under the provisions of this Code. (Ord. 2007-07 §1)

Sec. 1-3-130. Severability.

The provisions of this Code are declared to be severable and, if any chapter, article, section, subsection, sentence, clause, phrase, provision or part 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, it being the intent and declaration of the Board of Trustees that this Code and each chapter, article, section, subsection, sentence, clause, phrase, provision or part thereof would have been adopted irrespective of the fact that any one (1) or more chapters, articles, sections, subsections, sentences, clauses, phrases, provisions or parts of this Code had been declared invalid or unconstitutional; and if, for any reason, any portion of this Code shall be declared invalid or unconstitutional, then the applicable portions of the original ordinance or ordinances shall be in full force and effect. (Prior code 1-3; Ord. 2007-07 §1)

ARTICLE 4

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 by this Code or to fail to do or perform any act required in this Code. (Ord. 2007-07 §1)

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

(a) Any person violating any of the provisions of this Code for which a different penalty is not specifically provided, including any violation of any other ordinance of the Town, whether or not part of this Code, shall be deemed guilty of a misdemeanor, and each such person, upon conviction of any such foregoing offense, shall be punished by a fine of not more than three hundred dollars (\$300.00) or be imprisoned for not more than ninety (90) days or be subject to both such fine and imprisonment for each offense, except as hereinafter provided in Section 1-4-30. In addition, such person shall pay all costs and expenses in the case, including attorneys' fees.

(b) When a violation of any section of this Code occurs and continues for more than one (1) day, each day such violation occurs or continues shall constitute a separate offense. (Prior code 8-1; Ord. 8-1995 §§1A, 1B, 1C, 1E; Ord. 2007-07 §1)

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

The violation of any section of this Code by a person who was at least ten (10) but not yet eighteen (18) years of age at the time of the commission of the violation shall be a misdemeanor; however, such conviction shall be punishable by a fine only, not exceeding three hundred dollars (\$300.00), useful public service or such other penalty excluding imprisonment as may be appropriate. 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. 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, in the discretion of the Municipal Judge. (Ord. 8-1995 §1D; Ord. 2007-07 §1)

Sec. 1-4-40. Altering or tampering with Code; penalty.

Any person who alters, changes or amends this Code, except in the manner prescribed in this Chapter, or who alters or tampers with this Code in any manner so as to cause the ordinances of the Town to be misrepresented thereby, shall, upon conviction thereof, be punished as provided by Section 1-4-20 hereof. (Ord. 2007-07 §1)

Sec. 1-4-50. Penalty for violations of ordinances adopted after adoption of Code.

Any person who violates 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. 2007-07 §1)

Sec. 1-4-60. 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. (Ord. 2007-07 §1)

ARTICLE 5

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. 2007-07 §1)

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

Law enforcement officers certified with the State, members of the Fire Department, 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 persons have 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. 2007-07 §1)

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. 2007-07 §1)

ARTICLE 6

Seal

Sec. 1-6-10. Corporate seal.

A seal, the impression of which shall contain in the center the word "Seal" and around the outer edge the words "Town of Severance, Colorado," shall be and hereby is declared to be the Seal of the Town. (Ord. 2007-07 §1)