

# CHAPTER 1

## General Provisions

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**ARTICLE I****Code****Sec. 1-1-10. Designation and citation.**

This Code constitutes a compilation, revision and codification of ordinances and resolutions of the County of Weld, Colorado, of a general and permanent nature, and shall be known as the *Weld County Code*. (Weld County Codification Ordinance 2000-1)

**Sec. 1-1-20. Adoption of codes by reference.**

Codes may be adopted by reference, as provided by state law. (Weld County Codification Ordinance 2000-1)

**Sec. 1-1-30. 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nature which are inconsistent with any ordinance and resolution included in the adoption of this Code are hereby repealed to the extent of any inconsistency therein as of the effective date of the ordinance adopting this Code, except as hereinafter provided. (Weld County Codification Ordinance 2000-1)

**Sec. 1-1-40. Matters not affected by repeal.**

The repeal of ordinances and parts of ordinances of a permanent and general nature by Section 1-1-30 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incurred or any contract, right or obligation established prior to the time said ordinances and parts of ordinances are repealed. (Weld County Codification Ordinance 2000-1)

**Sec. 1-1-50. Ordinances saved from repeal.**

The continuance in effect of temporary and/or special ordinances and resolutions and parts of ordinances and resolutions, 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 resolution or part of any such ordinance or resolution. Among the ordinances and resolutions not repealed or amended by the adoption of this Code are ordinances and resolutions:

- A. Creating, opening, dedicating, naming, renaming, vacating, closing specific streets, alleys and other public ways.
- B. Establishing the grades of specific streets, sidewalks and other public ways.
- C. Prescribing through streets, parking and traffic regulations, speed limits, one-way traffic, limitations on loads of vehicles or loading zones.
- D. Providing for local improvements and assessing taxes therefor.
- E. Authorizing or relating to specific issuances of general obligation bonds or of specific local improvement district bonds.
- F. Creating specific sewer and paving districts and other local improvement districts.
- G. Making special assessments for local improvement districts and authorizing refunds from specific local improvement district bond proceeds.
- H. Dedicating or accepting any specific plat or subdivision.
- I. Calling or providing for a specific election.

- J. Approving or authorizing specific contracts with the State, with other governmental bodies or with others.
- K. Authorizing a specific lease, sale or purchase of property.
- L. Granting rights-of-way or other rights and privileges to specific railroad companies or other public carriers.
- M. Granting a specific gas company or other public utility the right or privilege of constructing lines in the roads, streets and alleys or of otherwise using the roads, streets and alleys.
- N. Granting a right or franchise to a specific company.
- O. Appropriating money.
- P. Levying or imposing taxes, charges, rates or fees.
- Q. Establishing or classifying employee positions, setting salaries of County officers and employees or any personnel regulations, or regarding pension or retirement plans, funds or benefits.
- R. Rezoning property or amending the zoning map.
- S. Of an administrative nature not in conflict or inconsistent with this Code. (Weld County Codification Ordinance 2000-1)

**Sec. 1-1-60. Changes in previously adopted ordinances.**

In compiling and preparing the ordinances of the County 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 County Commissioners 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. (Weld County Codification Ordinance 2000-1)

## ARTICLE II

### Definitions and Usage

**Sec. 1-2-10. Definitions.**

The following words and phrases, whenever used in the ordinances of the County of Weld 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 County Commissioners* means the Board of County Commissioners of the County of Weld.

*Charter* means the Home Rule Charter adopted by the County of Weld, and any amendments thereto.

*Code* means the Weld County Code as published and subsequently amended, unless the context requires otherwise.

*County* means the County of Weld, Colorado.

*County Commissioner* means a member of the Weld County Board of County Commissioners.

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

*Highway* includes all roads, streets, highways, avenues, lanes, alleys, courts, places, squares, bridges, viaducts, tunnels, underpasses, overpasses, causeways or other public ways in the County 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.

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

*May* is permissive.

*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 County; 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, society, company, firm, corporation, business, trust or 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.

*Property* includes real and personal property.

*Public place* means any place subject to the primary control of any public agency, including but not limited to any park, road, street, public way, cemetery, schoolyard or open space adjacent thereto and any lake or stream.

*Real property* includes lands, tenements and hereditaments.

*Sidewalk* means that portion of a road or street between the curblines and the adjacent property line intended for the use of pedestrians, excluding parkways.

*State* means the State of Colorado.

*Tenant* and *occupant*, applied to a building or land, includes any person who holds a written or oral lease of or occupies all or a part of such building or land, whether alone or with others.

*Written* includes printed, typewritten, mimeographed, electronic (E-Mail) messages, CD Rom, electronic media or any other document otherwise reproduced in permanent form. (Weld County Codification Ordinance 2000-1)

#### **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. (Weld County Codification Ordinance 2000-1)

#### **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 County, or his or her designated representative. (Weld County Codification Ordinance 2000-1)

#### **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. (Weld County Codification Ordinance 2000-1)

**Sec. 1-2-50. Grammatical interpretation.**

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

- A. Any gender includes the other genders.
- B. The singular number includes the plural and the plural includes the singular.
- C. Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable.
- D. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. (Weld County Codification Ordinance 2000-1)

**ARTICLE III****General****Sec. 1-3-10. Section catchlines 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 are intended to indicate the contents of the sections, articles and chapters, are inserted in this Code and in supplements to this Code for the convenience of persons using this Code, and are not part of this Code. (Weld County Codification Ordinance 2000-1)

**Sec. 1-3-20. Authorized acts.**

When this Code requires an act to be done by a County official or employee which may as well be done by an agent or representative as by the principal, such requirement shall be construed to include all such acts performed when done by such authorized agent or representative. (Weld County Codification Ordinance 2000-1)

**Sec. 1-3-30. Prohibited acts.**

Whenever in this Code or any County ordinances any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Weld County Codification Ordinance 2000-1)

**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. (Weld County Codification Ordinance 2000-1)

**Sec. 1-3-50. Effect of 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. (Weld County Codification Ordinance 2000-1)

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

Ordinances and parts of ordinances adopted by the Board of County Commissioners or by initiative or referendum after the adoption of this Code shall be adopted in the form of amendments to this Code, referring to the specific section or other portion of the Code being amended. All amendments should be in accordance with the supplementation/update schedule set forth in Section 1-3-70. (Weld County Codification Ordinance 2000-1)

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

A. The Board of County Commissioners shall cause supplementation of the printed version of this Code, and update of the website version thereof, to be prepared and printed and/or updated biannually, in accordance with the schedule set forth in Subsection C below (or at any other time as the Board of County Commissioners may deem necessary). All amendments to the Code adopted by the Board of County Commissioners or amendments to the Code adopted by initiative or referendum, prior to the supplementation and since the previous supplementation, shall be included.

B. It shall be the duty of the Clerk to the Board, or someone authorized and directed by the Clerk to the Board, 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 Clerk to the Board for the use of the public, and provide certified copies of any portion thereof.

C. It shall be the duty of the Clerk to the Board to assemble all amendments to the Code which have been adopted subsequent to the previous supplement. Deadlines for inclusion in the biannual supplements shall be as follows:

1. Mid-Year Supplement:
  - a. February 1: Drafts to CTB.
  - b. May 30: Adoption by BOCC (3rd Reading).
  - c. June 15: CTB to Colorado Code Publishing Company.
  - d. July 31: Print and update to Web and CD-ROM.
2. End-of-Year Supplement:
  - a. August 1: Drafts to CTB.
  - b. November 30: Adoption by BOCC (3rd Reading).
  - c. December 15: CTB to Colorado Code Publishing Company.
  - d. January 31: Print and update to Web and CD-ROM. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2006-5; Weld County Code Ordinance 2007-13)

**Sec. 1-3-80. 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 County to be misrepresented thereby, shall, upon conviction thereof, be punishable as provided by Section 1-4-20 hereof. (Weld County Codification Ordinance 2000-1)

**Sec. 1-3-90. 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. 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. (Weld County Codification Ordinance 2000-1)

## ARTICLE IV

### Seal

**Sec. 1-4-10. Corporate seal.**

A seal, the impression of which shall contain in the center images of a sugar beet, an oil lamp, a cow and a sheaf of wheat, with the words "Weld County" and the year "1861" arranged in a circle surrounding the images, shall be and hereby is declared to be the Seal of the County. (Weld County Codification Ordinance 2000-1)

