

## CHAPTER 1

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## ARTICLE I

### Code

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

The published code known as the Windsor Municipal Code, 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 Windsor as a codification of all the ordinances of the Town of Windsor, Colorado, of a general and permanent nature through Ordinance No. 2006-1236 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. 2006-1236 §1)

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

This Code constitutes a compilation, revision and codification of all the ordinances of the Town of Windsor, Colorado, of a general and permanent nature, and shall be known as the Windsor Municipal Code. (Prior Code 1-2; Ord. 2006-1236 §1)

#### **Sec. 1-1-30. Purpose.**

The Town Board finds, determines and declares that the ordinance codified in this Chapter is necessary for the general health, safety and welfare of the community. (Prior code 1-3; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

#### **Sec. 1-1-40. Adoption of codes by reference.**

Codes may be adopted by reference, as provided in Section 4.13 of the Home Rule Charter. (Prior code 1-4; Ord. 2006-1236 §1)

#### **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 1-1-60 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incurred or any contract, right or obligation established prior to the time said ordinances and parts of ordinances are repealed. (Prior code 1-5; Ord. 2006-1236 §1)

#### **Sec. 1-1-60. Repeal of ordinances not contained in Code.**

All ordinances and parts of ordinances of a general and permanent nature adopted by the Town Board, and in force on the date of adoption of this Code and not contained in the Code, are hereby repealed as of the effective date of the adopting ordinance, except as hereinafter provided. (Prior code 1-6; Ord. 2004-1193 §1; Ord. 2006-1236 §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 the 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) Authorizing or relating to specific issuances of general obligation bonds.
- (6) Creating specific sewer and paving districts and other local improvement districts.
- (7) Authorizing the issuance of specific local improvement district bonds.
- (8) Making special assessments for local improvement districts and authorizing refunds from specific local improvement district bond proceeds.
- (9) Annexing territory to or excluding territory from the Town.
- (10) Dedicating or accepting any specific plat or subdivision.
- (11) Calling or providing for a specific election.
- (12) Authorizing specific contracts for purchase of beneficial use of water by the Town.
- (13) Approving or authorizing specific contracts with the State, with other governmental bodies or with others.
- (14) Authorizing a specific lease, sale or purchase of property.
- (15) Granting rights-of-way or other rights and privileges to specific railroad companies or other public carriers.
- (16) 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.
- (17) Granting a franchise to a specific public utility company or establishing rights for or otherwise regulating a specific public utility company.
- (18) Appropriating money.

(19) Levying a temporary tax or fixing a temporary tax rate.

(20) Relating to salaries.

(21) Amending the Official Zoning Map adopted May 11, 1970, by Ordinance No. 415 N.S. (Prior code 1-7; Ord. 2006-1236 §1)

**Sec. 1-1-80. Code supersedes prior ordinances.**

This Code shall supersede all other general and permanent ordinances and parts of ordinances passed by the Town Board, except such ordinances as are expressly saved from repeal or continued in force and effect as shall hereafter be set forth by reference. (Prior code 1-8; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

**Sec. 1-1-90. Changes in previously adopted ordinances.**

In compiling and preparing the ordinances of the Town for adoption and revision as part of the Code, certain grammatical changes and other minor changes were made in one (1) or more of said ordinances. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such. (Prior code 1-9; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

**ARTICLE II**

**Definitions and Usage**

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

The following words and phrases, whenever used in the ordinances of the Town of Windsor and/or any codification of the same, shall be construed as defined in the Home Rule Charter and as established in this Article, 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:

*Computation of time* means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded.

*County* means the County of Weld, Colorado.

*C.R.S.* means Colorado Revised Statutes.

*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.

*Must and shall.* Each is mandatory.

*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.

*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* means natural person, joint venture, joint stock company, partnership, association, club, company, 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.

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

*Property* includes real and personal property.

*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 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 whole or a part of such building or land, whether alone or with others.

*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.

*Town Board* means the Board of Trustees of the Town of Windsor.

*Written* includes printed, typewritten, mimeographed or multigraphed.

*Year* means a calendar year. (Prior code 1-21; Ord. 2004-1193 §§1—3; Ord. 2006-1236 §1)

**Sec. 1-2-20. 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. (Prior code 1-22; Ord. 2006-1236 §1)

**Sec. 1-2-30. Grammatical interpretation.**

The following grammatical rules shall apply 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 1-23; Ord. 2006-1236 §1)

**ARTICLE III**

**General**

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

Chapter and Article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code or inserted in the Code, may be inserted in supplements to the Code for the convenience of persons using the Code, and are not part of the ordinances. (Prior code 1-41; Ord. 2006-1236 §1)

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

(a) When an ordinance requires an act to be done which may as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

(b) 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 1-42; Ord. 2006-1236 §1)

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

Whenever in Town 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. (Prior code 1-43; Ord. 2006-1236 §1)

**Sec. 1-3-40. Acts by agents, representatives.**

When an act is required by an ordinance, the same being such that it 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 1-44; Ord. 2006-1236 §1)

**Sec. 1-3-50. Purpose of ordinances.**

The provisions of Town ordinances, and all proceedings under them, are to be construed with a view to effect their objectives and to promote justice. (Prior code 1-45; Ord. 2006-1236 §1)

**Sec. 1-3-60. 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. (Prior code 1-46; Ord. 2006-1236 §1)

**Sec. 1-3-70. Adoption of ordinances.**

The procedure for adopting ordinances shall be as set forth in Article IV of the Home Rule Charter (Prior code 1-47; Ord. 2004-1193 §§1, 4—6; Ord. 2006-1236 §1)

**Sec. 1-3-80. 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. (Prior code 1-48; Ord. 2006-1236 §1)

**Sec. 1-3-90. 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 the Code adopted by this Code or without specific reference to the Code. However, in either case, all such ordinances and parts of ordinances shall be deemed amendments to the Code, and all of the substantive, permanent and general parts of said ordinances and changes made thereby in the Code shall be inserted and made in the Code as provided in Section 1-3-110 hereof. (Prior code 1-49; Ord. 2006-1236 §1)

**Sec. 1-3-100. 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 the Code. Similarly, after each supplement has been prepared, printed and inserted in the Code, the Mayor and Town Clerk shall carefully examine at least one (1) copy of the Code as supplemented. The copy of the Code as originally adopted or amended, certified and sealed shall constitute the permanent and general ordinances of the

Town as of the date indicated in the certificate and shall be so accepted by the courts of law, administrative tribunals and all others concerned. (Prior code 1-50; Ord. 2006-1236 §1)

**Sec. 1-3-110. Copy of Code on file.**

At least one (1) copy of the 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 office hours, but may not be removed from the Town Clerk's office except upon proper order of a court of law. (Prior code 1-51; Ord. 2006-1236 §1)

**Sec. 1-3-120. Supplementation of Code.**

(a) The Town Clerk shall cause supplementation of the Code to be prepared and printed from time to time as he or she may see fit. All substantive, permanent and general parts of ordinances passed by the Town Board or adopted by initiative and referendum, and all amendments and changes in ordinances or other measures included in the 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 copy of the book containing the Code required to be filed in the office of the Town Clerk for the use of the public. (Prior code 1-52; Ord. 2006-1236 §1)

**Sec. 1-3-130. Sale of Code books.**

Copies of the Code book may be purchased from the Town Clerk upon the payment of a fee to be set by resolution of the Town Board. (Prior code 1-53; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

**Sec. 1-3-140. Altering or tampering with Code; penalties for violation.**

Any person, firm or corporation who shall alter, change or amend this Code, except in the manner prescribed in this Article, or who shall alter or tamper with the 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. (Prior code 1-54; Ord. 2006-1236 §1)

**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. (Prior code 1-71; Ord. 2006-1236 §1)

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

(a) Any person, firm or corporation who shall violate or fail to comply with any provision of any Chapter of this Code for which a different penalty is not specifically provided shall, upon conviction

thereof, be punishable by a fine not exceeding one thousand dollars (\$1,000.00). In addition, such person, firm or corporation shall pay all costs and expenses in the case. Each day such violation continues shall be considered a separate offense.

(b) In addition to the aforesaid fine, the Municipal Judge shall add thereto a surcharge in the amount of seven dollars (\$7.00) for each ordinance violation, but the total fine imposed under Subsections (a) and (b) of this Section may not exceed one thousand dollars (\$1,000.00). All proceeds generated by the surcharge under this Subsection shall be paid into a separate account of the Town, fifty percent (50%) of which shall be used for the purpose of funding the participation of the Town in the Weld County Drug Task Force, and the remaining fifty percent (50%) of which shall be deposited to a Town Methamphetamine Remediation Fund (MRF) account, with such MRF funds being dedicated to defraying the cost of methamphetamine laboratory remediation costs incurred by the Town. The balance in the MRF fund shall not exceed fifty thousand dollars (\$50,000.00); any excess accumulation in the MRF fund shall be reallocated for the purpose of funding the Town's participation in the Weld County Drug Task Force. Any reduction of the MRF fund caused by payment of Town methamphetamine laboratory remediation expenses will be restored through subsequent allocations to assure an ongoing target balance of fifty thousand dollars (\$50,000.00). Should any funding called for hereunder be or become unnecessary for any reason, the surcharge will continue and be used for the purpose of law enforcement training, administration and/or acquisition of equipment. (Prior code 1-72; Ord. 2006-1236 §1; Ord. 2010-1392 §6; Ord. 2011-1411 §1)

**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 Chapter, 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. (Ord. 2010-1392 §6)

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

Any person, firm or corporation 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 the Code by a supplement, shall, upon conviction thereof, be punishable as provided by Section 1-4-20 or 1-4-30, unless another penalty is specifically provided for the violation. (Prior code 1-74; Ord. 2006-1236 §1)

**ARTICLE V**

**Inspections**

**Sec. 1-5-10. Entry.**

Whenever necessary to make an inspection to enforce 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 or other authorized representative 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 or other authorized representative is unable to obtain permission of such occupant or owner to enter such building or premises, the public inspector or other authorized representative is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Prior code 1-91; Ord. 2006-1236 §1)

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

Law enforcement officers, members of the Windsor-Severance 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 or occupants 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 or occupants of such premises are incapable of consenting to the entry because of such medical emergency. (Prior code 1-92; Ord. 2006-1236 §1)

**ARTICLE VI**

**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 Windsor, Colorado," shall be and hereby is declared to be the Seal of the Town. (Prior code 1-101; Ord. 2006-1236 §1)

**ARTICLE VII**

**Referendum Procedures**

**Sec. 1-7-10. Referendum power.**

The registered electors of the Town shall have the power at their option to approve or reject, by election, any ordinance adopted by the Town Board which is subject to referendum pursuant to the Colorado Constitution, the Charter and applicable state law. (Ord. 2007-1287 §1)

**Sec. 1-7-20. Commencement of proceedings.**

(a) One (1) or more registered electors may commence referendum proceedings by filing with the Town Clerk a mandatory notice of protest of the subject ordinance within ten (10) days after the final publication of said ordinance. The notice of protest must be in writing and must fully identify the ordinance proposed to be the subject of the referendum. The notice of protest may be brief, but shall clearly state the intention of the elector or electors to commence the referendum process. The filing of

the notice of protest shall be a condition precedent to the filing of a referendum petition, and the failure to do so shall preclude the later filing of any such petition. In the event a notice of protest is filed during the ten-day period, the operation of the subject ordinance shall be suspended until such time as the registered elector or electors giving such notice have failed to comply with the referendum requirements hereinafter set forth.

(b) Not later than ten (10) days after the filing of the notice of protest, the proponents thereof shall present to the Town Clerk the final form of a referendum petition relating to the ordinance identified in the notice of protest, and said petition shall conform with the requirements of the Home Rule Charter, the Colorado Constitution and state statutes.

(c) In the event the conforming notice of protest and the conforming referendum petition form are timely presented, the Town Clerk shall evaluate and determine the adequacy of the form of the petition in accordance with the referendum provisions of the Home Rule Charter, the Colorado Constitution and state statutes. Upon approval of the form of the petition by the Town Clerk, the petition shall then be available for circulation and thereafter signed, verified and filed in accordance with the Home Rule Charter, Colorado Constitution and state statutes as aforesaid. (Ord. 2007-1287 §2)

**Sec. 1-7-30. Signatures required.**

A referendum petition shall be signed by registered electors of the Town equal in number to at least five percent (5%) of the total number of electors of the Town registered to vote at the last regular municipal election. (Ord. 2007-1287 §4)

**Sec. 1-7-40. Petition deadline.**

A completed referendum petition with all required information attached thereto shall be filed with the Town Clerk no later than thirty (30) days after the Town Clerk's approval of the petition for circulation. Upon receipt of a completed referendum petition, the Town Clerk shall evaluate the petition for certification in accordance with the provisions of the Home Rule Charter, Colorado Constitution and the state statutes. If a completed referendum petition is not filed within this thirty-day period, the referendum effort shall be deemed null and void, the petition shall not be further circulated and the subject ordinance shall become effective. (Ord. 2007-1287 §5)

**Sec. 1-7-50. Town Board action.**

The presentation to the Town Clerk of a timely notice of protest as aforesaid, the timely filing of a referendum petition and thereafter the certification by the Town Clerk to the Town Board of a petition sufficient for referendum shall further suspend the operation of the ordinance in question pending repeal by the Town Board or final determination by the registered electors. The Town Board shall reconsider the ordinance at the next regular or special meeting of the Town Board following the receipt and verification of the petition by the Town Clerk. If the ordinance, or that part sought to be repealed, is not repealed, the Town Board shall refer the same to a vote of the registered electors in accordance with the referendum powers as set forth in the Home Rule Charter, the Colorado Constitution and state statutes. (Ord. 2007-1287 §6)