

Title 1

GENERAL PROVISIONS

Chapters:

- 1.01 Code Adoption
- 1.04 General Provisions
- 1.08 Town Seal
- 1.12 General Penalty

Chapter 1.01

CODE ADOPTION

Sections:

- 1.01.010 Adoption.
- 1.01.020 Repeal of Prior Ordinances.
- 1.01.030 Effect on Past Actions and Obligations.
- 1.01.040 Severability.

1.01.010 Adoption. Pursuant to the authority conferred by Title 31, Article 16, Part 2 of the Colorado Revised Statutes, there is adopted that certain Code, entitled the "Dinosaur Municipal Code," together with all ancillary codes duly described in said Code and incorporated therein by reference. It shall be sufficient to refer to said Code as the "Dinosaur Municipal Code" or the "Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Dinosaur Municipal Code" or the "Code." References may be made to the Titles, Chapters, Sections and subsections of the "Dinosaur Municipal Code" or the "Code" and such references shall apply to those Titles, Chapters, Sections or subsections as they appear in the Code.

1.01.020 Repeal of Prior Ordinances. All ordinances of a general and permanent nature enacted on or before _____, and not included in the Code or recognized and continued in force by reference therein are repealed unless otherwise provided.

1.01.030 Effect on Past Actions and Obligations. The adoption of the Code does not affect prosecutions for ordinance violations committed prior to the effective date of the Code, does not waive any fee or penalty due and unpaid on the effective date of the Code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance.

1.01.040 Severability. If any Section, subsection, sentence, clause or phrase of the Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity if the remaining portions of the Code.

Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Definitions.
- 1.04.020 Title of Office.
- 1.04.030 Interpretation of Language.
- 1.04.040 Grammatical Interpretation.
- 1.04.050 Acts by Agents.
- 1.04.060 Prohibited Acts Include Causing and Permitting.
- 1.04.070 Computation of Time.
- 1.04.080 Construction.
- 1.04.090 Repeal Shall Not Revive Any Ordinances.

1.04.010 Definitions. The following words and phrases, whenever used in the ordinances of the Town of Dinosaur, Colorado, shall be construed as defined in this Section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words and phrases:

- A. "County" means the County of Moffat, State of Colorado.
- B. "Law" denotes applicable federal law, the Constitution and statutes of the State of Colorado, the ordinances of the Town of Dinosaur, Colorado, and, where appropriate, any and all rules and regulations which may be promulgated thereunder.
- C. "May" is permissive.
- D. "Month" means a calendar month.
- E. "Municipal Code" means the Town of Dinosaur Municipal Code as in effect or hereafter amended or enacted.
- F. "Must" and "shall" are each mandatory.
- G. "Oath" includes 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."
- H. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

I. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, limited liability company, business, trust, organization or the manager, lessee, agent, servant, officer or employee of any of them.

J. "Personal property" includes money, goods, chattels, things in action and evidences of debt.

K. "Preceding" and "following" means next before and next after, respectively.

L. "Property" includes real and personal property.

M. "Real property" includes lands, tenements and hereditaments.

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

O. "State" means the State of Colorado.

P. "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.

Q. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

R. "Town" means the Town of Dinosaur, Colorado, formerly known as the Town of Artesia, or the area within the territorial limits of the Town of Dinosaur, Colorado, and such territory outside the Town of Dinosaur over which the Town of Dinosaur has jurisdiction or control by virtue of any constitutional or statutory provision.

S. "Town Council" and "Council" each mean the Town Council of the Town of Dinosaur, also known as the Board of Trustees. "All its Members" or "all Councilpersons" mean the total number of Councilpersons holding office.

T. "Written" includes printed, typewritten, photocopied, facsimile or otherwise reproduced in permanent visible form.

U. "Year" means a calendar year.

1.04.020 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 of Dinosaur.

1.04.030 Interpretation of Language. All 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 the law shall be construed and understood according to such peculiar and appropriate meaning.

1.04.040 Grammatical Interpretation. The following grammatical rules shall apply in the ordinances of the Town of Dinosaur, unless it is apparent from the context that a different construction is intended:

- A. Gender. Each gender includes the masculine, feminine and neuter genders.
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

1.04.050 Acts by Agents. When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent.

1.04.060 Prohibited Acts Include Causing and Permitting. Whenever in the ordinances of the Town of Dinosaur any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

1.04.070 Computation of Time. Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded.

1.04.080 Construction. The provisions of the ordinances of the Town of Dinosaur, and all proceedings under them, are to be construed with a view to affect their objects and to promote justice.

1.04.090 Repeal Shall Not Revive Any Ordinances. The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby.

Chapter 1.08

TOWN SEAL

Sections:

1.08.010 Established.

1.08.010 Established. A. A seal, the impression of which shall be as follows: in the center the word "SEAL" and around the outer edge the words "TOWN OF DINOSAUR, COLORADO" and below the word "seal" the words "Incorporated December 9, 1947", and shall be and is hereby declared to be the corporate seal of the Town of Dinosaur, Colorado. (Ord. 1, 1947)

B. All the attestations made to papers issued under authority of, and attested by, the Seal of the Town prior to the date of the passage of this Chapter the impression of which Seal is, as described in subsection (A) of this Section, are declared to have been, and now to be, the attestations of the Town.

Chapter 1.12

GENERAL PENALTY

Sections:

- 1.12.010 General Penalties.
- 1.12.020 Juvenile Offenders-Penalties.

1.12.010 General Penalties. A. Any person who performs or fails to perform an act where performance or failure to perform is declared in any provision of the Dinosaur Municipal Code, or any rule or regulation promulgated thereunder, to be unlawful, or commits a criminal offense, or a misdemeanor, or any person who performs an act which is prohibited or fails to perform an act which is required by any provision of the Dinosaur Municipal Code, or any rule or regulation promulgated thereunder, or any person who fails to meet a standard of conduct or behavior prescribed in a provision of the Dinosaur Municipal Code for which no specific penalty is provided, upon conviction thereof, shall be punished as provided in subsection (B) of this Section.

B. Any person convicted or found liable for a violation of any provision of the Dinosaur Municipal Code, or any rule or regulation promulgated thereunder, shall be punished by a fine of not more than three hundred dollars (\$300.00), by incarceration not to exceed ninety (90) days, or by both such fine and incarceration, unless otherwise specifically provided in any other provision of the Dinosaur Municipal Code.

C. A separate and distinct offense shall be deemed to have been committed for each day on which any violation of the Dinosaur Municipal Code, or any rule or regulation promulgated thereunder, shall continue.

D. Unless otherwise provided in the Dinosaur Municipal Code, the Municipal Judge may suspend the sentence or fine of any violator and place him on probation for a period not to exceed one (1) year.

(Ord. 81, §1, 1993)

1.12.020 Juvenile Offenders-Penalty. A. For the purposes of this Section, a “juvenile offender” is defined as any person accused of an offense pursuant to the Dinosaur Municipal Code who, on the date of the alleged offense, was at least ten (10) years of age, but had not yet attained the age of eighteen (18) years.

B. Except as to alleged violations of the Model Traffic Code, as adopted by reference, any juvenile offender convicted of a violation of the Dinosaur Municipal Code, or any rule or regulation promulgated thereunder, shall be punished by a fine of not more than three hundred dollars (\$300.00), unless otherwise provided by the specific section alleged to have been violated.

Notwithstanding any other provision contained in the Dinosaur Municipal Code to the contrary, a juvenile offender shall not be subject to incarceration, except as herein provided. Any juvenile offender convicted or found liable for a violation of any provision of the Model Traffic Code, as adopted by reference, may be punished by a fine of not more than three hundred dollars (\$300.00), or by incarceration not to exceed ninety (90) days, or by both such fine and incarceration.

C. Nothing contained in this Section shall be construed to abrogate, abolish, or otherwise limit the power of the Municipal Court to incarcerate a juvenile offender before the Court for contempt of court, whether failure to obey a summons, subpoena, or other lawful order of the Court, including an order to pay a fine, or by personal conduct before the Court. In addition, the Municipal Court may incarcerate a juvenile offender for violation of probation conditions imposed by the Court. The Municipal Court shall have the authority to order a juvenile offender confined in a juvenile detention facility operated or contracted by the Colorado Department of Institutions or a temporary holding facility operated by or under contract with a municipal government. Any confinement of a juvenile offender for contempt of Municipal Court or for violation of probation conditions shall not exceed forty-eight (48) hours.

D. Notwithstanding any other provision of law, a juvenile offender arrested for an alleged violation of a municipal ordinance, convicted of violation of a municipal ordinance or probation conditions imposed by the Municipal Court, or found in contempt of court in connection with a violation or an alleged violation of the Dinosaur Municipal Code shall not be confined in a jail, lockup, or other place used for confinement of adult offenders but may be held in an juvenile detention facility operated or under contact with the Department of Institutions or a temporary holding facility operated by or under contract with the municipal government which shall receive and provide care for such child.

E. Upon the request of the Municipal Judge, the Town Marshal, the prosecuting attorney, or the defendant, the Clerk of the Municipal Court shall issue a Notice of Required Appearance for the appearance, at any and all stages of the Court's proceedings, of the parent, legal guardian, or lawful custodian of any child under eighteen (18) years of age who is charged with an offense under the Dinosaur Municipal Code. Any person who fails to appear pursuant to such Notice shall be deemed to be in contempt of the court.

F. The presiding judge of the Municipal Court may promulgate such rules or orders regarding the procedural processing of juvenile offenders appearing before the Municipal Court as (s)he may, from time to time deem appropriate.

(Ord. 81, §2, 1993)