

ORDINANCE NO. 145

AN ORDINANCE ADOPTING BY REFERENCE AND ENACTING A NEW CODE OF ORDINANCES FOR THE TOWN OF MEAD, COLORADO, INCLUDING ORDINANCES PREVIOUSLY ADOPTED BY THE TOWN; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR CERTAIN ORDINANCES NOT INCLUDED THEREIN TO BE SAVED FROM REPEAL; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; PROVIDING GENERAL DEFINITIONS AND RULES OF CONSTRUCTION; PROVIDING FOR THE EFFECTIVE DATE OF THE CODE; PROVIDING FOR PENALTIES FOR THE VIOLATION OF THE CODE; AND DECLARING AN EMERGENCY.

WHEREAS, the Town of Mead has prepared and published on July 1, 1986, a codification of ordinances of a general and permanent nature adopted by the Town of Mead prior to May 1, 1986, and

WHEREAS, certain new material is contained in said codification, it being the intention of the Board of Trustees that said material be adopted and made a part of the code as if ordinances incorporating said material had been previously adopted to read as such.

NOW, THEREFORE, BE IT ORDINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MEAD, COLORADO:

Section 1. Adoption of Code, How Code Designated and Cited. Pursuant to Title 31, Article 16, Part 2, C.R.S. 1973, as amended, there is hereby adopted by reference thereto The Code of the Town of Mead, Colorado, as promulgated July 1, 1986, by the Town of Mead, Box 217, Mead, Colorado, 80542. Subject matter of said code includes the ordinances of the Town of Mead of a general and permanent nature and certain resolutions adopted by the Board of Trustees of the Town of Mead on or before May 1, 1986, as revised, codified and consolidated into chapters and sections by the Town of Mead, and consisting of Chapters 1 through 25, together with Appendix and Index. The Code also contains new material that is hereby adopted, it being the intention of the Board of Trustees of the Town of Mead that all such new material be adopted and made a part of the Code as if ordinances or resolutions incorporating said material had been previously formally adopted to read as such. The Code consists of two volumes, Volume I containing Chapters 1 through 25 and Volume II containing the text of The Town of Mead Land Use Code, and The Mead Oil and Gas Drilling Regulations. The Code may be cited as "The Code of the Town of Mead, Colorado", the "Mead Municipal Code" or as the "Code."

At least three (3) copies of The Code of the Town of Mead, Colorado have been and are now on file in the office of the Town Clerk and may be inspected by any interested person during the normal business hours of the Town Clerk.

Section 2. Code Supersedes Prior Ordinances. This Code shall supersede all other general and permanent ordinances and parts of ordinances passed by the Board of Trustees of the Town of Mead on or before May 1, 1986, except such ordinances as are expressly saved from repeal or continued in force and effect as shall hereafter be set forth by reference.

Section 3. 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 of the Town of Mead on or before May 1, 1986, and in force on the date of adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this Adopting Ordinance, except as hereinafter provided.

Section 4. Matters Not Affected by Repeal. The repeal of ordinances and parts of ordinances of a permanent and general nature by Section 3 of this ordinance shall not affect any offense committed or act done, and penalty or forfeiture incurred or any contract, right or obligation established prior to the time when said ordinances and parts of ordinances are repealed.

Section 5. Ordinances Saved from Repeal. The continuance in effect of temporary and/or special ordinances or resolutions and parts of ordinances or resolutions, 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 parts of any such ordinance. Among the temporary and/or special ordinances not repealed or amended by the adoption of this Code are ordinances:

- 5.1. Creating, opening, dedicating vacating or closing specific streets, alleys and other public ways.
- 5.2. Naming or changing the names of specific streets and other public ways.
- 5.3. Establishing the grades of specific streets and other public ways.
- 5.4. Establishing the grades or lines of specific sidewalks.
- 5.5. Authorizing or relating to specific issuance of general obligation, revenue or special improvement district bonds.
- 5.6. Creating specific local improvement districts.
- 5.7. Making special assessments for local improvements and authorizing refunds from specific local improvement district bond proceeds.
- 5.8. Annexing territory to or excluding territory from the Town.
- 5.9. Dedicating or accepting any specific plat or subdivision.

- 5.10. Calling or providing for a specific election.
- 5.11. Authorizing specific contracts for purchase of beneficial use of water by the Town.
- 5.12. Approving or authorizing specific contracts with the State or other governmental bodies or with others.
- 5.13. Authorizing a specific lease, sale or purchase of property.
- 5.14. Granting rights-of-way or other rights and privileges to specific railroad companies or other public carriers.
- 5.15. Granting a franchise to a specific public utility company or establishing rights for or otherwise regulating a specific public utility company.
- 5.16. Appropriating money.
- 5.17. Levying a temporary tax or fixing a temporary tax rate.
- 5.18. Relating to salaries.
- 5.19. All Zoning Map amendments.

Section 6. Ordinance Adopted Subsequent to May 1, 1986. The Code contains ordinances and resolutions of a general and permanent nature adopted by the Board of Trustees of the Town of Mead prior to May 1, 1986, which the Board of Trustees intends to remain in effect. All ordinances or resolutions and parts thereof, including amendments to specific ordinances or resolutions, enacted and adopted by the Board subsequent to May 1, 1986, shall remain in full force and effect; and their omission from this Code shall not affect the validity of the same. All such measures adopted subsequent to May 1, 1986, shall be codified and made a part of this Code in supplements to be prepared as herein provided for.

Section 7. Nonsubstantive Changes in Previously Adopted Legislation. In compiling and preparing the ordinances and resolutions of the Town of Mead 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 ordinance or resolutions. It is the intention of the Board of Trustees of the Town of Mead that all such changes be adopted as part of the Code as if the ordinances or resolutions so changed had been previously formally amended to read as such.

Section 8. Titles and Headings Not Part of Legislation. Chapter and section titles and headings and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the ordinances or resolutions.

Section 9. Notes Not Part of Legislation. Notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the ordinances or resolutions.

Section 10. Certification of Code. The Town Clerk shall carefully examine at least three (3) copies of the Code. Similarly, after each supplement has been prepared, printed and inserted in the Code, the Town Clerk shall carefully examine at least three (3) copies of the Code as supplemented. The Town Clerk shall then insert a certificate in the front of each said true and correct copies of the Code, certifying substantially that the copy is a true and correct copy containing all permanent and general ordinances and resolutions passed or adopted since the previous supplement and until the date of the current supplement. The Town Clerk shall sign the certificate and seal it with the Seal of the Town of Mead. The copies of the Code as originally adopted, or as amended, certified and sealed, shall constitute the permanent and general ordinances and resolutions of the Town of Mead as of the date indicated in the certificate and shall be so accepted by the courts of law, administrative tribunals and by all other concerned.

Section 11. Copies of Code to be Kept on File. At least three (3) copies of the Code so certified and sealed most recently shall be kept in the office of the Town Clerk at all times and 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, provided that the Mayor, in writing, may authorize the temporary removal of one (1) of said copies at a time from the Town Clerk's office for good cause.

Section 12. Amendments to Code. Ordinances or resolutions and parts thereof of a permanent and general nature, passed or adopted after the adoption of this ordinance, may be passed or adopted either in the form of amendments to the Code adopted by this ordinance or without specific reference to the Code. In either case, all such ordinances and resolutions and parts thereof shall be deemed amendments to the Code, and all of the substantive, permanent and general parts of said ordinances and resolutions and changes made thereby in the Code shall be inserted and made in the Code as provided in Section 13 hereof.

Section 13. Supplementation of Code.

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

- 13.2. It shall be the duty of the Town Clerk or someone authorized and directed by the Town Clerk to keep up-to-date the three (3) certified copies of the book containing the Code required to be filed in the office of the Town Clerk for the use of the public.

Section 14. General Penalty for Violations.

- 14.1. Any person, firm or corporation who shall violate any provision of the Code, or any provision of any code or other regulation adopted by reference by this Code, by doing any act prohibited or declared to be unlawful thereby, or who shall engage in or exercise any business or occupation or do anything for which a license or permit is required without having a valid license or permit therefor as required, or who shall fail to do any act required by any such provision when such provision declares such failure to be unlawful or to be an offense or misdemeanor shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding three hundred dollars (\$300.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment, in addition to the collection of any costs which may be provided for, unless a specific penalty is provided for a particular misdemeanor. Each day upon which any violation shall continue shall constitute a separate misdemeanor unless some other specific time period is provided for any particular violation.
- 14.2. In addition to, or instead of, the above-described fine or imprisonment, any person, firm or corporation violating any provision of this Code, including the Model Traffic Code, may be required to perform public service work for, or on behalf of, the Town of Mead. Such person, firm or corporation must first sign a release indemnifying the Town for any injury received while performing such work, and there must be work available as evidenced by a written request from the Mayor.
- 14.3. In addition to any of the foregoing remedies, the Town Attorney, acting in behalf of the Town Board, may institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate or remove such violations. The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies.

Section 15. Enforcement by Citizen Initiated Complaint Procedure.

- 15.1. When a violation of the provisions of any Code, Ordinance, or law of the Town has occurred, any person may file a sworn complaint of such violation with the Municipal Court Clerk. The complaint shall relate facts sufficient to establish probable cause that an offense has been committed and probable cause that a particular person committed that offense. The complaint shall contain the name of the defendant; the date and approximate location of the offense; identification of the offense charged, citing the Code, Ordinance, or law of the Town alleged to have been violated, and shall contain a brief statement or description of the offense charged. Immediately upon receipt of a signed complaint, the Municipal Court Clerk shall issue a summons and a copy of the complaint to the accused party in the manner provided by law.

Section 16. Enforcement by Municipal Officials.

- 16.1. When a violation of the provisions of any Code, Ordinance, or law of the Town occurs in the presence of, or has been personally verified by a municipal official, he may file a sworn complaint of such violation on behalf of the Town, as provided in Section 15 of this Code. Immediately upon receipt of a signed complaint, the Municipal Court Clerk shall issue a summons and a copy of the complaint to the accused party in the manner provided by law.
- 16.2. In those instances where an alleged violation takes place outside the Town's normal business hours or otherwise cannot be personally verified by a municipal official, the complainant shall be required to follow the procedures provided by Section 15 of this Code to file a sworn complaint of such violation with the Municipal Court Clerk.

Section 17. Definitions and Rules of Construction. In the construction of the Code and of all ordinances of the Town, the following definitions and rules of construction shall be observed, unless it shall be otherwise expressly provided in any section or ordinances, or unless inconsistent with the manifest intent of the ordinance:

- 17.1. Town. The word "Town" or "this Town" shall mean the Town of Mead, Colorado.
- 17.2. Board of Trustees. The word "Board" or "Trustees" shall mean the Board of Trustees of the Town of Mead, consisting of one Mayor and six Trustees.
- 17.3. Code. The term "Code" shall be deemed to mean "The Code of the Town of Mead" as published and subsequently amended, unless the context requires otherwise.

- 17.4. Person. The word "person" shall include a firm, partnership, corporation, association, or other organization acting as a group or unit as well as an individual.
- 17.5. County. The words "the County" shall mean the County of Weld, Colorado.
- 17.6. Day. A day is the period of time between any midnight and the midnight following.
- 17.7. Daytime, Nighttime. "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.
- 17.8. In the Town. The words "in the Town" shall mean and include all territory over which the Town now has, or shall hereafter acquire, the jurisdiction for the exercise of its police powers or other regulatory powers.
- 17.9. Month. The word "month" shall mean a calendar month.
- 17.10. Oath. The word "oath" shall be construed to include an affirmation 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".
- 17.11. Owner. The word "owner" applied to a building or land, shall include 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 including mineral and oil and gas owners.
- 17.12. Preceding, Following. The words "preceding" and "following" shall mean next before and next after, respectively.
- 17.13. Property. The word "property" shall include real, tangible and intangible personal property.
- 17.14. Real Property. Real property shall include lands, tenements, and hereditaments.
- 17.15. Public Way. The words "public way" shall include any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.
- 17.16. Street. The word "street" shall mean and include any public way, highway, street, avenue, boulevard, parkway, alley or other public thoroughfare, and each of such words shall include all of them.

- 17.17. Sidewalk. The word "sidewalk" shall mean the portion of the street between the curb line and the adjacent property line, intended for the use of pedestrians.
- 17.18. Tenant. The word "tenant" or "occupant" applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.
- 17.19. Year. The word "year" shall mean a calendar year, unless otherwise expressed.
- 17.20. State. The words "the State" shall be construed to mean the State of Colorado.
- 17.21. Interpretation. 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.
- 17.22. 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.
- 17.23. 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 Sunday or a legal holiday, the act shall be done upon the day following such Sunday or legal holiday.
- 17.24. Every word in any ordinance importing the masculine gender shall extend to and be applied to females as well as males, and associations and bodies corporate as well as individuals, shall be included.
- 17.25. "Shall" is mandatory and "may" is permissive.
- 17.26. The title of any section or subsection of this Code shall not be deemed to in any way restrict, qualify or to limit the effect of the provisions set forth and contained in such section or subsection.
- 17.27. In all cases where any ordinance shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time of notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.

Section 18. Severability of Code Provisions. If any section, subsection or provision of this Code of ordinances and resolutions or the application thereof to any person or circumstances is declared unconstitutional or otherwise invalid by any competent court, the remainder of this Code shall continue in full force and effect, it being the intent of the Board of Trustees that this Code would have been adopted even if such unconstitutional or invalid matter had not been included herein. It is further declared that if any section, 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 or circumstances shall not be affected thereby.

Section 19. Severability of Ordinance Provisions. Each section of this ordinance is an independent section and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof, it being the intent of the Board of Trustees that this ordinance would have been adopted even if such unconstitutional or invalid matter had not been included herein. It is further declared that if any section, provision or part of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application thereof to other persons or circumstances shall not be affected thereby.

Section 20. Certification. The Town Clerk shall certify to the passage of this Ordinance and make not less than three (3) copies of the adopted Code available for inspection by the public during regular business hours.

Section 21. Declaration of Emergency. In order to allow immediate use of the compilation of all Town laws and to allow Town residents to immediately refer to this Code for the source of Town law, immediate passage and effectiveness of this Ordinance as an emergency is necessary. For the reasons recited above, the Board of Trustees finds an emergency to exist with respect to the subject matter of this ordinance and finds this ordinance to be necessary to the immediate preservation of the public health and safety. Therefore, this ordinance shall take effective immediately upon passage.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF MEAD AND ORDERED PUBLISHED THIS 14th DAY OF August, 1986, AND ORDERED TO BECOME EFFECTIVE IMMEDIATELY UPON PUBLICATION.

PUBLISHED IN FULL IN "THE LONGMONT TIMES-CALL" ON THE _____ DAY OF _____, 1986

Harvey O. Potts
MAYOR
TOWN OF MEAD

ATTEST:

Diane Hedge
Town Clerk