

CHAPTER 1
GENERAL PROVISIONS

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Article 1

CODE

Sec. 1-1. Adoption.

The published code known as the *Municipal Code of the Town of Hudson*, 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 Hudson as a codification of all the ordinances of the town of Hudson, Colorado, of a general and permanent nature through Ordinance No. 90-2 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. (Ord. 90-2 Sec. 1, 1990)

Secs. 1-2—1-9. Reserved.

Article 2

GENERAL PROVISIONS

Sec. 1-10. Title and scope.

This code constitutes a compilation, revision, and codification of all the ordinances of the town of Hudson, Colorado, of a general and permanent nature, and shall be known as the Municipal Code of the Town of Hudson and may be cited under that name or as the Hudson Municipal Code. (Ord. 90-2 Sec. 1, 1990)

Sec. 1-11. Definitions.

The following words and phrases, whenever used in the town ordinances, 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:

(1) *Board of trustees* means the board of trustees of the town.

(2) *Building inspector* includes building official.

(3) *Clerk* means the town clerk of the town.

(4) *Code* means *the code of the town of Hudson* as published and subsequently amended, unless the context requires otherwise.

(5) *County* means the county of Weld, Colorado.

(6) *C.R.S.* means Colorado Revised Statutes.

(7) *Day* is the period of time between any midnight and the midnight following.

(8) *Daytime* is the period of time between sunrise and sunset. *Nighttime* is the period of time between sunset and sunrise.

(9) *Fire chief* includes *fire marshal*.

(10) *Law* means the applicable federal law, the Constitution and statutes of the state of Colorado, town ordinances and when appropriate, any and all rules and regulations which may be promulgated thereunder.

(11) *Month* means a calendar month.

(12) *Municipal judge* includes *police magistrate*.

(13) *Oath* includes 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* are equivalent to the words *affirm* and *affirmed*.

(14) *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.

(15) *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.

(16) *Person* includes natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization or the manager, lessee, agent, servant, officer or employee of any of them.

(17) *Personal property* includes money, goods, chattels, things in action and evidence of debt.

(18) *Preceding* and *following* mean next before and next after, respectively.

(19) *Property* includes real, tangible and intangible personal property.

(20) *Public inspector* includes *building inspector, building official, police officer and water superintendent*.

(21) *Real property* includes lands, tenements and hereditaments.

(22) *Sidewalk* means the portion of the street between the curb line and the adjacent property line, intended for the use of pedestrians.

(23) *State* means the state of Colorado.

(24) *Street* means and 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.

(25) *Tenant* or *occupant*, applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.

(26) *Town* means the town of Hudson, Colorado, or the area within the corporate limits of the town of Hudson, Colorado, and such territory outside of the corporate limits over which the town has jurisdiction for the exercise of its police powers or other regulatory powers by virtue of any constitutional or statutory provision.

(27) *Town marshal* includes police chief or chief of police.

(28) *Treasurer* means the town treasurer.

(29) *Written* includes printed, typewritten, mimeographed, multigraphed or machine copied.

(30) *Year* means a calendar year, unless otherwise expressed. (Ord. 90-2 Sec. 1, 1990)

Sec. 1-12. 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. 90-2 Sec. 1, 1990)

Sec. 1-13. 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. (Ord. 90-2 Sec. 1, 1990)

Sec. 1-14. Section and subsection titles.

The title of any section, chapter, article or code shall not be deemed to in any way restrict the quality or to limit the effect of the provisions set forth and contained in such section. (Ord. 90-2 Sec. 1, 1990)

Sec. 1-15. 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. (Ord. 90-2 Sec. 1, 1990)

Sec. 1-16. 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. (Ord. 90-2 Sec. 1, 1990)

Sec. 1-17. 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. (Ord. 90-2 Sec. 1, 1990)

Sec. 1-18. 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. 90-2 Sec. 1, 1990)

Sec. 1-19. Publication--Use as evidence.

This code is ordered published in bound looseleaf form and copies thereof, duly certified by the clerk and mayor of the town, shall be received without further proof as prima facie evidence of the provisions of this code in all courts and administrative tribunals of this state. (Ord. 90-2 Sec. 1, 1990)

Sec. 1-20. Amendments.

Any additions or amendments to this code shall be adopted as ordinances under applicable provisions of the state law, and when passed in such form as to indicate the intention to make the same a part thereof, shall be deemed to be incorporated in this code so that reference to it as the *Municipal Code of the Town of Hudson* shall be understood as including such additions or amendments. (Ord. 90-2 Sec. 1, 1990)

Sec. 1-21. 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. (Ord. 90-2 Sec. 1, 1990)

Sec. 1-22. Saving clause.

The repeal of any ordinance or part thereof by the adoption of this code shall not affect, deny, abridge or impair any right, action or cause of action accruing or arising under the ordinance or section so repealed, and such right, action or cause of action may be prosecuted to a final determination notwithstanding such repeal. No offense committed, and no fine, forfeiture or penalty incurred before any ordinance or part thereof is repealed by this code, shall be affected, released or in any way discharged by such repeal, but the trial, conviction and punishment for any such offense, and the recovery of fines, forfeitures and penalties, shall be had in all respects as if the repealed provisions had remained in force. (Ord. 90-2 Sec. 1, 1990)

Sec. 1-23. Officers continue.

If any ordinance which creates an office or employment in the town is repealed by the adoption of this code, and the same office or employment is also provided for in this code, then the present incumbent of the office or employment shall continue to hold such office or employment and to perform the duties and functions thereof until removed therefrom in accordance with this code or until his or her successor is elected or appointed and qualified. (Ord. 90-2 Sec. 1, 1990)

Secs. 1-24—1-30. Reserved.

Article 3

CORPORATE SEAL

Sec. 1-31. Corporate seal.

The corporate seal shall consist of a circular plate and disc with a diameter of two (2) inches. The words *Town of Hudson, Weld Co., Colorado* shall be in circular form around the outside, and the word *Seal* shall be within the circular inscription. (Ord. 90-2 Sec. 1, 1990)

Secs. 1-32—1-39. Reserved.

Article 4

INCORPORATION

Sec. 1-40. Incorporation.

The town was incorporated on April 2, 1914. (Ord. 90-2 Sec. 1, 1990)

Secs. 1-41—1-49. Reserved.

Article 5

GENERAL PENALTY

Sec. 1-50. 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. (Ord. 90-2 Sec. 1, 1990)

Sec. 1-51. Fines and penalties.

Whenever by any ordinance of the town any act is prohibited or declared to be unlawful, any offense or a misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful, an offense or a misdemeanor:

(1) Where a specific criminal or civil penalty is provided therefor, or such ordinance, or the chapter or article of this code within which such ordinance provision is contained, provides a criminal or civil penalty for any violation of the provisions of such ordinance, chapter or article, it shall be punished as therein provided.

(2) Where no specific criminal penalty is provided therefor, any person who is either convicted of or pleads nolo contendere to violating any such provision of the ordinances of the town hereafter enacted, or who is convicted of or pleads nolo contendere to violating any rule or regulation adopted pursuant to such ordinances, shall be punished by a fine of not more than nine hundred ninety-nine dollars (\$999.00) or imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment. (Ord. 90-2 Sec. 1, 1990; Ord. 96-4 Sec. 1, 1996)

Sec. 1-52. Application of penalties to juveniles.

Where no specific criminal penalty is provided therefor, any 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 criminal provision of this code shall be punished by a fine of not less than twenty-five dollars (\$25.00) but not exceeding three hundred dollars (\$300.00) 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. Any restitution ordered by the court shall be in addition to any such fine. 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. Any such person arrested or convicted of a violation of any provision of this code, or found in contempt of court in connection with a violation under this code, or in violation of a municipal court-ordered probation, shall not be confined in a jail, lockup or other place used for the confinement of adult offenders but may be held in a juvenile detention facility operated by or under contract with the Department of Human Services or a temporary holding facility operated by or under contract with the town which shall receive and provide care for such persons. Any such person who violates conditions of probation or is held in contempt in connection with an alleged violation may be confined for up to forty-eight (48) hours in said detention facility. Any such person may not be confined, pursuant to this section, for any period in excess of ten (10) days. (Ord. 90-2 Sec. 1, 1990; Ord. 96-4 Sec. 2, 1996)

Sec. 1-53. Continuing offense.

Where any violation is a continuing offense, each day that the violation continues shall be considered and held to be a separate and distinct offense. (Ord. 90-2 Sec. 1, 1990)

Secs. 1-54—1-59. Reserved.

Article 6

INSPECTIONS

Sec. 1-60. 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 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. 90-2 Sec. 1, 1990)

Secs. 1-61—1-69. Reserved.