

Title 1

GENERAL PROVISIONS

Chapters:

1.01 Code Adoption

1.04 General Provisions

1.08 Town Seal

1.12 Elections

1.16 General Penalty

1.20 Stop Work Orders

Chapter 1.01

CODE ADOPTION

Sections:

1.01.010 Adoption.

1.01.020 Title--Citation--Reference.

1.01.030 Reference applies to all amendments.

1.01.040 Title, chapter and section headings.

1.01.050 Reference to specific ordinances.

1.01.060 Effect of code on past actions and obligations.

1.01.070 Constitutionality.

1.01.080 Authentication, recording and publication.

1.01.010 Adoption.

There is adopted the "Cedaredge Municipal Code," as compiled, edited and published by Book Publishing Company, Seattle, Washington.

(Ord. 3-1996 § 1, 1996)

1.01.020 Title--Citation--Reference.

This code shall be known as the Cedaredge Municipal Code and it shall be sufficient to refer to this code as the Cedaredge Municipal 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 Cedaredge Municipal Code. References may be made to the titles, chapters, sections and subsections of the Cedaredge Municipal Code and such references shall apply to those titles, chapters, sections or subsections as they appear in the code.

(Ord. 3-1996 § 2, 1996)

1.01.030 Reference applies to all amendments.

Whenever a reference is made to this code as the Cedaredge Municipal Code or to any portion thereof, or to any ordinance of the town of Cedaredge, Colorado, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

(Ord. 3-1996 § 3, 1996)

1.01.040 Title, chapter, and section headings.

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

(Ord. 3-1996 § 5, 1996)

1.01.050 Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

(Ord. 3-1996 § 5, 1996)

1.01.060 Effect of code on past actions and obligations.

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

(Ord. 3-1996 § 6, 1996)

1.01.070 Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

(Ord. 3-1996 § 7, 1996)

1.01.080 Authentication, recording, and publication.

The ordinance codified in this chapter shall be authenticated by the signatures of the town clerk and the mayor, shall be recorded in a book kept for that purpose, and shall be published according to law.

(Ord. 3-1996 § 8, 1996)

Chapter 1.04

GENERAL PROVISIONS (RESERVED)

Chapter 1.08

TOWN SEAL

Sections:

- 1.08.010 Established.**
- 1.08.020 Authority.**

1.08.010 Established.

A seal, the impression of which is as follows: In the center the word "seal," and around the outer edge the words, "Town of Cedaredge, Delta County, Colorado," is declared to be the seal of the town.

(Ord. 1 Ch. 1 § 1, 1907)

1.08.020 Authority.

All attestations made to papers issued and acts done under the authority of, and attested by, the town seal prior to the date of the passage of the ordinance codified in this chapter, are declared to have been and are now to be, the attestations of the seal of the town.

(Ord. 1 Ch. 1 § 2, 1907)

Chapter 1.12

ELECTIONS

Sections:

- 1.12.010 Nomination of Municipal Officers.**
- 1.12.020 Withdrawal from Nominations.**
- 1.12.030 Vacancies in Nominations.**
- 1.12.040 Write in Candidate Affidavit**
- 1.12.050 Cancellation of Election**
- 1.12.090 Emergency Declaration: Effective Date**

1.12.010 Nomination of Municipal Officers.

By authority of Home Rule Charter Section 5.1, and with reference to section 31-10-302, C.R.S. as amended:

- A. Nomination petitions for candidates in mail ballot elections may be circulated and signed beginning on the ninety-first day and ending on the seventy-first day prior to the day of election.
- B. Nomination petitions shall be submitted to the Town Clerk's office at close of business day on the seventy-first day prior to the day of election.
- C. At any time at least sixty-four days before the day of election, any such nomination petition may be amended to correct or replace those signatures which the clerk finds are not in apparent conformity with the requirements of said CRS 31-10-302 and the Cedaredge Home Rule Charter.

(Ord. 2018-02; Ord. 1992-2 § 1, 1992) (2014-01 § 01/16/2014)

1.12.020 Withdrawal from Nominations.

By authority of Home Rule Charter Section 5.1, and with reference to section 31-10-303, C.R.S. as amended:

- A. Any person who has been nominated and who has accepted a nomination may cause his or her name to be withdrawn from such nomination at any time prior to sixty-three days before election by a written affidavit withdrawing from such nomination. The affidavit stating withdrawal shall be signed by the candidate and filed with the clerk.

If the nomination petition designates one or more persons as a committee to fill a vacancy, the clerk shall immediately notify such persons of their candidate's withdrawal. If there is no committee designated, the clerk shall immediately notify the three persons whose names appear at the top of the nomination petition of the withdrawal of their candidate.

1.12.030 Vacancies in Nominations.

By authority of Home Rule Charter Section 5.1, and with reference to section 31-10-304, C.R.S. as amended:

- A. If any candidate dies or withdraws from the nomination prior to twenty-three days before the day of election, the vacancy may be filled by the vacancy committee, if any, designated on the nomination petition or, if no vacancy committee is designated, by petition in the same manner required for original nomination. If any petition of nomination is insufficient or inoperative because of failure to remedy or cure the same,

the vacancy thus occasioned may be filled by petition in the same manner required for original nomination.

B. Any certificate of nomination or petition to fill a vacancy shall be filed with the clerk not later than the twentieth day before the day of election.

12.040 Write in Candidate Affidavit.

By authority of Home Rule Charter Section 5.1, and with reference to section 31-10-306, C.R.S. as amended:

No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the Town Clerk by the person whose name is written in prior to sixty-four days before the day of the election indicating that such person desires the office and is qualified to assume the duties of that office if elected.

1.12.050 Cancellation of Election.

By authority of Home Rule Charter Section 5.1, and with reference to section 31-10-507, C.R.S. as amended:

If the only matter before the voters is the election of persons to office and if, at the close of business on the sixty-fourth day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the clerk, if instructed by resolution of the governing body either before or after such date, shall cancel the election and by resolution declare the candidates elected. If so provided by ordinance, upon such declaration the candidates shall be deemed elected. Notice of such cancellation shall be published, if possible, in order to inform the electors of the municipality, and notice of such cancellation shall be posted at each polling place and in not less than one other public place.

1.12.090 Emergency Declaration; Effective Date: In order that the Town may proceed with the election procedures set forth as provided by this Ordinance at the earliest possible date, the Board hereby finds and declares that an emergency exists, that this Ordinance is immediately necessary for the preservation of public peace, health and safety of the residents of the Town, and that this Ordinance should take effect immediately upon passage.

(Ord. 2018-02; 2014-01 § 01/16/2014)

Chapter 1.16

GENERAL PENALTY

Sections:

1.16.010 Violation--Penalty--Provisions regarding children.

**1.16.020 Former lesser penalties--Non-violent violations—
Failure or inability to pay.**

1.16.010 Violation--Penalty--Provisions regarding children.

Any person convicted of violating any municipal ordinance of the town may be incarcerated for a period not to exceed one year or fined an amount not to exceed two thousand six hundred fifty dollars (\$2,650.00) with an adjustment for inflation on January 1, 2014 and on January 1 of each year thereafter applied and adopted by Ordinance from time to time, or both such incarceration and fine; provided, however, that a child convicted of violating a municipal ordinance shall not be confined in a jail, lock-up 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 a municipal government which shall receive and provide care for such child; provided, that such confinement shall not exceed ten days. The municipal court imposing penalties for violation of probation conditions imposed by such court or for contempt of court for failure to comply with any lawful order of the court, including an order to pay a fine, or in connection with a violation of probation conditions imposed by such court may confine a child for up to forty-eight (48) hours in a juvenile detention facility operated by or under contract with the department of human services. (Ord. 7-1995 § 6 (part), 1995: Ord. 1-1991 § 2, 1991) (Ord. 2013-8 20130815)

1.16.020 Former lesser penalties--Non-violent violations-- Failure or inability to pay.

- A. Any person convicted of violating any provisions of any municipal ordinance may be incarcerated for a period not to exceed one (1) year or fined in an amount not to exceed two thousand six hundred fifty dollars (\$2,650.00) with an adjustment for inflation on January 1, 2014 and on January 1 of each year thereafter applied and adopted by Ordinance from time to time, or both such incarceration or imprisonment.
- B. A separate offense may be deemed committed upon each day any violation continues.
- C. In the event the municipal judge imposes a fine for a non-violent violation of a municipal ordinance or offense, and the municipal judge determines the person who committed the offense is unable to pay the fine at the time of the court hearing, or if they fail to pay any fine imposed for the commission of such offense, in order to guarantee the payment of such fine, the municipal judge may compel collection of the fine in the manner provided in CRS Section 18-1-110. For the purposes of this subsection, "non-violent municipal ordinance or offense" means a municipal ordinance or offense which does not involve the use or threat of physical force on or to a person in the commission of the offense.(Ord. 2010-17, 6-17-2010) (Ord. 7-1995 § 6 (part), 1995; Ord. 1-1991 § 3, 1991) (Ord. 2013-8 20130815)

Chapter 1.20

WORK ORDERS

Sections:

1.20.010 Unlawful Acts.

1.20.020 Notice of Stop Work Order.

1.20.030 Lift a Stop Work Order.

1.20.040 Procedures in the event the Contractor Disagrees with a Stop Work Order.

1.20.50 Violations

1.20.060 Effective Date

1.20.010 Unlawful Acts.

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure, unauthorized utility use or excavation within public right-of-way regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

1.20.020 Notice of Stop Work Order.

The building official is authorized to serve a notice of Full or Partial Stop Work Order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure, unauthorized utility use or excavation within public right-of-way in violation of the provisions of this code, or in violation of a detail statement or a plan approved there under, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. The Stop Work Order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or the person doing the work and shall state the conditions under which work will be permitted to resume.

- A. Full Stop Work Order - Stops all work on a construction site or building, excluding any necessary remedial work to make the site safe.
- B. Partial Stop Work Order - Stops a certain type of work or work on a particular section of the construction site or building. A partial Stop Work Order does not stop all work on the site and certain work is still allowed to continue.

1.20.030 Lift a Stop Work Order.

To resume work after receiving a Stop Work Order, a person, firm or corporation must:

- A. Correct all the violating conditions that resulted in the issuance of the Stop Work Order.
- B. Request a re-inspection from the Building Official.
- C. Submit a \$100 fine.

1.20.040 Procedures in the event the contractor disagrees with a Stop Work Order.

The procedures in the event a contractor disagrees with a Stop Work Order, the following apply:

- A. Seek reconsideration of the Stop Work Order within 10 working days of receiving it to the Town Administrator and pay a cash deposit of \$100. The person, firm or corporation may resume working while the order is being reconsidered.
- B. Seek reconsideration of the Stop Work Order within 10 working days of receiving it to the Town Administrator, but without paying the \$100 deposit. Under this option, the person, firm or corporation cannot work until the reconsideration process is completed.

- C. Request reconsideration of a Stop Work Order request must include a brief explanation of reasons for disagreeing.
- D. The Town Administrator shall provide a written response with findings to the request for reconsideration of the Stop Work Order within 10 working days to the person, firm or corporation. The findings are either the Building Official issued the Stop Work Order correctly or not.

1.20.050 Violations

If the Building Official finds work being done against a Stop Work Order, the person, firm or corporation shall be subject to the General Penalty Chapter 1.16 of the municipal code.

1.20.060 Effective Date

The provisions of this chapter shall take effect April 1, 2015, a date in excess of thirty (30) days following publication of the ordinance codified in this chapter. **Editor Notes:** (2015-01, 02-19-2015)