

Title 1

GENERAL PROVISIONS

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Chapter 1.01

CODE ADOPTION

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- 1.01.010 Adoption.
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- 1.01.090 Effective Date.
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1.01.010 Adoption. Pursuant to the provisions of C.R.S. 1963, 139-34-1 *et seq.*, as amended, there is adopted the “Eagle Municipal Code” as published by Book Publishing Company, Seattle, Washington. (Ord. 157 §2, 1972).

1.01.020 Title - Citation - Reference. This Code shall be known as the “Eagle Municipal Code” and it shall be sufficient to refer to said Code as the “Eagle 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 or amendment to, or as a correction or repeal of, the “Eagle Municipal Code.” Further, reference may be had to the titles, chapters, sections and subsections of the “Eagle Municipal Code” and such reference shall apply to that numbered title, chapter, section or subsection as it appears in the Code. (Ord. 157 §2, 1972).

1.01.030 Codification Authority. This Code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the Town codified pursuant to the provisions of C.R.S. 1963, 139-34-1, et seq., as amended, as said ordinances existed on January 31, 1972. (Ord. 157 §3, 1972).

1.01.040 Reference Applies to All Amendments. Whenever a reference is made to this Code as the “Eagle Municipal Code” or to any portion thereof, or to any ordinances of the Town the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 157 §4, 1972).

1.01.050 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. 157 §5, 1972).

1.01.060 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. 157 §6, 1972).

1.01.070 Effect of Code on Past Actions and Obligations. Neither the adoption of this Code nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the Town shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, on the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 157 §7, 1972).

1.01.080 Violations and Punishment. It is unlawful for any person to violate any provisions or to fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code, shall be guilty of a municipal offense. Any person convicted of a municipal offense under the provisions of this Code, unless provision is otherwise herein made, shall be punishable pursuant to Section 9.02.030. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued, or permitted by such person and he shall be punished accordingly. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be, by this Town, summarily abated as such, and each day that such condition continues shall be regarded as a new and separate offense. (Ord. 157 §8, 1972; Amended Ord. 12 §1, 2004).

1.01.090 Effective Date. This Code shall become effective on the date the

ordinance adopting this Code as the “Eagle Municipal Code” shall become effective. (Ord. 157 §9, 1972).

1.01.100 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. The Board of Trustees declares that it would have passed this Code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this Code should be declared invalid or unconstitutional, then the original ordinance or ordinances comprising the same shall be in full force and effect. (Ord. 157 §10, 1972).

Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Definitions.
- 1.04.020 Grammatical Interpretation.
- 1.04.030 Prohibited Acts Include Causing, Permitting, Etc.
- 1.04.040 Construction.

1.04.010 Definitions. The following words and phrases whenever used in the ordinances of the Town, 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 or phrases:

1. “Board” means the Board of Trustees, consisting of one (1) mayor and six (6) trustees, of the Town. “All its members” or “all Board members” means the total number on the Board entitled to vote in any particular circumstances upon any question, as provided by the general laws of the State;
2. “Code” means the “Municipal Code of the Town of Eagle,” or “Eagle Municipal Code”;
3. “County” means the County of Eagle, Colorado;
4. “Law” denotes applicable federal law, the Constitution and statutes of the State, the ordinances of the Town, and when appropriate, any and all rules and regulations which may be promulgated thereunder;
5. “May” is permissive;
6. Both “must” and “shall” are mandatory;
7. “Oath” includes affirmation;
8. “Ordinance” means a permanent law of the Town. A temporary or special law, administrative action, order or directive, or declaration of intent, may be in the form of a “resolution” of the Town;
9. “Owner,” as applied to land or a building, includes any part owner, joint owner, tenant in common, or joint tenant, of the whole or of a part of such building or land;

10. “Person” means natural person, joint venture, joint stock company, partnership, association, firm, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer, director, member, or employee of any of them;
11. “State” means the State of Colorado;
12. “Street” includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this 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;
13. “Title.” The use of the title of any officer, employee, board, commission, office, or ordinance shall mean such officer, employee, office, board, commission, or ordinance of the Town unless otherwise specifically designated;
14. “Town” means the Town of Eagle, Colorado or the area within the territorial limits of the Town and such territory outside of the Town over which the Town has jurisdiction or control by virtue of any constitutional or statutory provision;
15. “Written” or “in writing” means any representation of words, letters or figures, whether by printing or otherwise. (Ord. 139 §1, 1971).

1.04.020 Grammatical Interpretation. The following grammatical rules shall apply in the ordinances of the Town:

1. GENDER. Any gender includes the other genders;
2. SINGULAR AND PLURAL. The singular number includes the plural and the plural includes the singular;
3. TENSES. Words used in the present tense include the past and the future tenses. Words used in the future tense include the present and the past tenses. Words used in the past tense include the future and the present tenses;
4. USE OF WORDS AND PHRASES. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. (Ord. 139 §2, 1971).

1.04.030 Prohibited Acts Include Causing, Permitting, Etc. Whenever in this Code 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. (Ord. 139 §3, 1971).

1.04.040 Construction. The provisions of the Code and all proceedings under it are to be construed with a view to effect its objects and to promote justice. (Ord. 139 §4, 1971)

Chapter 1.08

RIGHT OF ENTRY

Sections:

1.08.010 Inspections.

1.08.010 Inspections. Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists in any building or upon any premises within the jurisdiction of the Town, a violation of any ordinance or resolution, any authorized official of the Town may, upon presentation of proper credentials, enter such building or premises at any and all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance; provided that except in emergency situations he shall give the occupant, or the owner if there is no occupant, if he can be located after reasonable effort, twenty-four (24) hours written notice of the authorized official's intention to inspect. In the event the occupant, or the owner if there be no occupant, refuses entry, said official is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

Chapter 1.12

PENALTY FOR MUNICIPAL ORDINANCE VIOLATIONS

Sections:

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

1.12.010      General Penalties Designated. A. Unless otherwise specifically provided, any person who performs or fails to perform an act where performance or failure to perform is declared in any provision of the Eagle Municipal Code, or any rule or regulation promulgated thereunder, shall be deemed guilty of a municipal offense, and any person who performs an act which is prohibited or fails to perform an act which is required by any provision of the Eagle Municipal Code, or any rule or regulation promulgated thereunder shall be deemed guilty of a municipal offense, and any person who fails to meet a standard of conduct or behavior prescribed in a provision of this Code shall be deemed guilty of a municipal offense, and upon conviction thereof, shall be punished as provided in subsection (B) of this Section. (Amended Ord. 10-2001 §1(part), 2001).

B. All municipal offenses are divided into three (3) categories of offenses. The three (3) classifications, and the maximum penalties which may be imposed for each classification, are as follows:

CLASS	MAXIMUM FINE	MAXIMUM IMPRISONMENT
A	\$1,000.00	One (1) year
B	\$500.00	Six (6) months
Non-Criminal	\$500.00	None

If any offense carries a specific penalty, then that penalty shall apply. Any offense not otherwise classified which does not carry a specific penalty is hereby denominated as a Class B municipal offense. (Amended Ord. 10-2001 §1(part), 2001).

C. A separate and distinct offense shall be deemed to have been committed for each day, or part thereof, on which any violation of this Municipal Code, or any rule or regulation promulgated thereunder, shall continue. (Amended Ord. 10-2001 §1(part), 2001).

D. Unless otherwise provided in the Eagle 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. (Amended Ord. 10-2001 §1(part), 2001).

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 Eagle 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. Any juvenile offender convicted of a violation of this Code, or any rule or regulation promulgated thereunder, shall be punished by a fine only as set forth in Section 1.12.010 above. Notwithstanding any provision of this Code to the contrary, a juvenile offender shall not be subject to imprisonment except as provided in subsection (C) of this Section. As to juvenile offenders alleged to have violated any provision of the Model Traffic Code, as adopted by reference by the Town of Eagle, such persons shall, upon conviction, not be subject to imprisonment, but shall remain subject to the fines only as set forth in Section 1.12.010 above. (Amended Ord. 12 §2, 2004).

C. Nothing contained in this Chapter 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 by 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 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 child 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 violating 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 an Eagle 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 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 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, guardian, or lawful custodian of any child under eighteen (18) years of age who is charged with an offense under this 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.

Chapter 1.16  
TOWN SEAL

Sections:

1.16.010 Declaration.

1.16.010 Declaration. A seal, the word "Seal" being in the center thereof and the words "Town of Eagle, Colorado," being around the word "Seal" and near the outer edge of said seal, is declared to be the legal seal of the Town.