

Title 1

GENERAL PROVISIONS

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Chapter 1.04

GENERAL PROVISIONS

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1.04.010 Definitions. The following words and phrases, whenever used in this Code, shall be construed as defined in this Section unless from 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. "City" and "town" each mean the City of Delta, Colorado, or the area within the territorial limits of the City of Delta, and such territory outside the City of Delta over which the City has jurisdiction or control by virtue of any constitutional or statutory provision.

B. "Council" means the City Council of the City of Delta. "All its members" or "all Councilmembers" means the total number of Councilmembers holding office.

C. "County" means County of Delta.

D. "Law" means applicable federal law, the Constitution and statutes of the State of Colorado, the ordinances of the City of Delta, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

E. "May" is permissive.

F. "Month" means calendar month.

- G. "Must" and "shall" are each mandatory.
- H. "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."
- I. "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.
- J. "Person" includes a natural person, joint venture, joint stock company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
- K. "Personal property" includes money, goods, chattels, things in action and evidence of debt.
- L. "Preceding" and "following" mean next before and next after, respectively.
- M. "Property" includes real and personal property.
- N. "Real property" includes lands, tenements and hereditaments.
- O. "Sidewalk" means that portion of a street between the curblineline and the adjacent property line intended for the use of pedestrians.
- P. "State" means the State of Colorado.
- Q. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in this City 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.
- R. "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.
- S. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.
- T. "Year" means a calendar year. (Ord. 18, §1, 1983)

1.04.020 Title of office. Use of a title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the City. (Ord. 18, §2, 1983)

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. (Ord. 18, §3, 1983)

1.04.040 Grammatical interpretation. The following grammatical rules shall apply in this Code, 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. (Ord. 18, §4, 1983)

1.04.050 Acts by agents. When an act is required by an ordinance or Section of this Code to be performed by a person not an employee of the City, the same being such that it may be done as well by an agent of the person as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent within the scope of his agency. (Ord. 18, §5, 1983)

1.04.060 Prohibited acts include causing, permitting. 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. 18, §6, 1983)

1.04.070 Computation of time. Except when otherwise provided, the time within which 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 legal holiday, in which case it shall also be excluded. Legal holiday, as used herein, shall include New Years Day, Washington's Birthday, Memorial Day, Independent Day, Labor Day, Veterans Day (November 11), Thanksgiving Day and Christmas Day. (Ord. 18, §7, 1983)

1.04.080 Construction. The provisions of the ordinances of the City and of this Code, and all proceedings thereunder, are to be constructed with a view to effect their objects and to promote justice. (Ord. 18, §8, 1983)

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. (Ord. 18, §9, 1983)

Chapter 1.08

GENERAL PENALTY AND MUNICIPAL COURT

Sections:

- 1.08.010 General penalty.
- 1.08.020 Costs.
- 1.08.030 Sentencing.

1.08.010 General penalty.

A. It shall be unlawful to violate any provision of the Delta Municipal Code, City ordinances, or any code or regulation adopted by reference. Any person convicted of a violation of any provision of the Delta Municipal Code, any ordinance or any code adopted by reference, may be punished by a fine in an amount not to exceed one thousand dollars (\$1,000.00) or by imprisonment in jail for a period of not more than one (1) year, or by both such fine and imprisonment, unless a lower maximum sentence is specified.

B. Provided, however, no person under the age of eighteen (18) years may be sentenced to any period of imprisonment in excess of ten (10) days, except for traffic offenses.

C. A separate offense shall be deemed committed upon each day any violation continues. (Ord. 3, §1, 1987; Ord. 18, §1, 1997)

1.08.020 Costs. Any person found guilty of any violation following a trial to the court shall be assessed court costs in the amount of \$15.00. Costs shall be \$45.00 for conviction following a jury trial. Any person entering a plea of guilty or nolo contendere to a complaint shall be assessed court costs in the amount of \$5.00. These costs shall not be suspended by the court. (Ord. 3, §1, 1987)

1.08.030 Sentencing. The Municipal Court, except as expressly limited by specified maximum or minimum sentences and costs, shall have the discretion to sentence persons in any lawful manner, including acceptance of deferred sentence and deferred prosecution stipulations, and may suspend all or part of any fine or jail sentence or impose probation on such terms as the court deems appropriate. (Ord. 3, §1, 1987)