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CHAPTER 1.01

Code Adoption

1.01.010 Adoption.

The La Junta Municipal Code as promulgated by the City of La Junta, Colorado, is hereby adopted and enacted by reference. The purpose of this Code is to codify the ordinances of the City which are of a general and permanent nature. The subject matter of this Code includes provisions concerning the application and interpretation of the Code, the administration and organization of the City, animals, buildings, abandoned automobiles, peddlers, finances, streets, nuisances, traffic, offenses, civil defense, elections and zoning. (Ord. 829 §1, 1982)

1.01.020 Title; citation; reference.

This Code shall be known as the *La Junta Municipal Code* and it shall be sufficient to refer to said Code as the *La Junta 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 portion thereof as an addition to, amendment to, correction or repeal of the La Junta Municipal Code. Further reference may be had to the titles, chapters, sections and subsections of the La Junta Municipal Code, and such references shall apply to that numbered title, chapter, section or subsection as it appears in the Code. (Ord. 829 §2, 1982)

1.01.030 Ordinances passed prior to adoption of the Code.

The last ordinance included in the original Code is Ordinance 812, passed November 17, 1980. The following ordinances, passed subsequent to Ordinance 812, but prior to the adoption of this Code are hereby adopted and made a part of this Code: Ordinances 817, 818, 819, 820, 821, 822, 823, 824, 825 and 826. (Ord. 829 §3, 1982).

1.01.040 Repeal of prior ordinances.

All ordinances of the City, of a general and permanent nature which were finally adopted on or before November 17, 1980, whether or not in legal effect at that date, are hereby repealed, except as hereinafter provided in this Chapter, and except as this Code expressly saves any ordinance or part thereof from repeal. (Ord. 829 §5, 1982)

1.01.050 Matters not affected by repeal.

The repeal of ordinances and parts of ordinances of a permanent or general nature by Section 1.01.040 of this Chapter shall not affect any offense committed or act done, any penalty or forfeiture incurred or any contract, right or obligation established prior to the time when said ordinances and parts of ordinances are repealed. (Ord. 829 §6, 1982)

1.01.060 Ordinances saved from repeal.

The repeal of ordinances of a general and permanent nature by Section 1.01.040 of this Chapter shall not repeal any ordinance or part thereof saved from repeal specifically by this Code; nor shall such repeal affect any ordinance:

- (1) Promising, guaranteeing or authorizing the payment of money by or for the City;
- (2) Authorizing or relating to specific issuances of bonds or other evidences of indebtedness;
- (3) Granting a franchise;
- (4) Establishing the compensation of City officers or employees;
- (5) Levying taxes, making appropriations or adopting a budget;
- (6) Creating specific local improvement districts;
- (7) Making special assessments for local improvements;
- (8) Vacating, accepting, establishing, locating, relocating or opening any street or public way;
- (9) Affecting the corporate limits of the City;
- (10) Which is of a special or temporary nature;
- (11) Dedicating or accepting any plat or subdivision. (Ord. 829 §7, 1982)

1.01.070 Severability of ordinance provisions.

Each section of this Chapter 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. (Ord. 829 §8, 1982)

1.01.080 Severability of Code provisions.

If any section, subsection or provision of this Code or the application thereof to any person or circumstances, is declared unconstitutional or otherwise invalid by any competent court, such invalidity shall not affect the other sections, subsections, provisions or applications of this Code if they can be given effect without the invalid sections, section, subsection, provisions or application. (Ord. 829 §9, 1982)

1.01.090 Codes kept on file.

(a) At least three (3) copies of the Code and of each secondary code adopted therein, all certified by the Mayor and the City Clerk to be true copies of such codes as they were adopted by the ordinance codified in this Chapter, shall be kept on file in the office of the City Clerk, available for public inspection. One (1) copy of each such code may be kept in the office of the Chief Enforcement Officer thereof rather than in the office of the Clerk.

(b) The City Clerk shall prepare and publish revised sheets of every looseleaf page in need of revision by reason of amendment, addition or repeal. The City Clerk shall distribute the revised looseleaf sheets for such fee as the City Council may direct.

(c) In addition to those copies of this Code specified in Subsection (a) of this Section, a copy of this Code shall be kept on file in the office of the City Clerk, to insert in their designated places all amendments or ordinances which are intended to become part of this Code. (Ord. 829 §10, 1982)

1.01.100 Sale of Code copies.

The City Clerk shall maintain a reasonable supply of copies of this Code to be available for purchase by the public at a moderate price. (Ord. 829 §11, 1982)

1.01.110 Violation; penalty.

Conviction of a violation of any provision of this Code may be punished by a fine of not more than two thousand dollars (\$2,000.00) or imprisonment not to exceed one hundred eighty (180) days or ordering community service pursuant to Chapter 1.09 of this Code, or for a sentence of fine, imprisonment and community service. (Ord. 1095 §§1, 2, 1993; Ord. 1081 §§1, 2, 1992; Ord. 829 §12, 1982)

1.01.111 Misspelling and typographical errors.

The City Clerk shall be authorized to correct any obvious misspelling or typographical errors which may appear in any ordinance heretofore passed or which may be passed in the future; provided, however, that correction of the typographical error or misspelling does not alter or change any substantive provision of the ordinance. Said corrections may be accomplished by the Clerk during the recodification of this Code without prior Council action. The Clerk shall maintain a list of corrections to typographical errors or corrections to misspellings to include the typographical error or misspelling as corrected, together with the date of correction. (Ord. 1081 §55, 1992)

CHAPTER 1.04

General Provisions

1.04.010 Definitions.

The following words and phrases, whenever used in the ordinances of the City, 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) *City* and *town* each mean the City of La Junta, Colorado or in the area within the territorial limits of the City of La Junta, Colorado, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision.

(2) *Council* means the City Council of the City of La Junta. *All its members* or *all councilmen* means the total number of councilmen holding office.

(3) *County* means the County of Otero.

(4) *Law* denotes applicable federal law, the Constitution and statutes of the State of Colorado, the ordinances of the City, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

(5) *May* is permissive.

(6) *Month* means a calendar month.

(7) *Must* and *shall* are each mandatory.

(8) *Oath* includes an affirmation or declaration in all cases 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*.

(9) *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 part of such building or land.

(10) *Person* includes a 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.

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

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

(13) *Property* includes real and personal property.

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

(15) *Sidewalk* means that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians.

(16) *State* means the State of Colorado.

(17) *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.

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

(19) *Written* includes printed, typewritten, mimeographed, multigraphed or otherwise reproduced in permanent visible form.

(20) *Year* means a calendar year. (Added during 1980 codification)

1.04.020 Title of office.

Use of the title of any officer, employee, department, board or any commission means that officer, employee, department, board or commission of the City. (Added during 1980 codification)

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. (Added during 1980 codification)

1.04.040 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the City unless it is apparent from the context that a different construction is intended:

- (1) Gender. Each gender includes the masculine, feminine and neuter 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 and vice versa, unless manifestly inapplicable. (Added during 1980 codification)

1.04.050 Acts by agents.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Added during 1980 codification)

1.04.060 Prohibited acts include causing and permitting.

Whenever in the ordinances of the City 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. (Added during 1980 codification)

1.04.070 Computation of time.

Except when otherwise provided, the time within which an 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 holiday, in which case it shall also be excluded. (Added during 1980 codification)

1.04.080 Construction.

The provisions of the ordinances of the City and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Added during 1980 codification)

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. (Added during 1980 codification)

CHAPTER 1.08

General Penalty

1.08.010 Penalty for violations.

(a) Whenever in this Code or any other ordinance of the City hereafter enacted or any section, rule or regulation promulgated under the provisions of this Code any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or misdemeanor, where no specific penalty is provided therefor, any person who shall be convicted of the violation of any such provision of this Code or other ordinance of the City hereafter enacted or of such rules or regulations shall be punished by a fine of not more than two thousand dollars (\$2,000.00) or by imprisonment in jail not exceeding one hundred eighty (180) days or sentencing to community service pursuant to Chapter 1.09, or any combination thereof.

(b) Every day any violation of this Code or any other ordinance of the City hereafter enacted or any rule or regulation promulgated under the provisions of this Code shall continue shall constitute a separate offense. (Ord. 1095 §§3, 4, 1993; Ord. 1081 §§3, 4, 1992; prior code §1-9)

1.08.011 Moving violation surcharge.

A moving violation surcharge of five dollars (\$5.00) shall be imposed as additional court costs on all convictions, deferred judgments or deferred prosecutions of any moving traffic offense prosecuted within the Municipal Court after October 1, 2008. (Ord. 1471 §1, 2008)

1.08.012 Surcharge funds.

The Clerk of the Municipal Court shall turn over the moving violation surcharge funds to the City Finance Officer, and the City Finance Officer shall make the funds available for use only as set forth in Section 1.08.013 of this Chapter and only as budgeted by the City Council as required by law. (Ord. 1471 §2, 2008)

1.08.013 Use of moving violation surcharge fund.

Until December 31, 2011, all sums collected in conjunction with the moving violation surcharge imposed shall be used as set forth below:

- (1) Beginning January 1, 2012, and continuing thereafter, the moving violation surcharge shall be used for the purposes set out herein unless the City Council directs the same for some other law enforcement education-related purpose.

(2) Initially, the moving violation surcharge shall be used for the training of the City SWAT team personnel and for the purchase of SWAT team-related items of equipment. (Ord. 1471 §3, 2008)

1.08.020 Imprisonment.

Any person over the age of eighteen (18) years of age upon whom any penalty of imprisonment may be imposed shall, upon the order of the Court before whom the conviction is had, be committed to the City jail or other place provided by the City for the incarceration of offenders. (Ord. 1095 §§5, 6, 1993; Ord. 1081 §§5, 6, 1992; prior code §1-10)

1.08.021 No jury trial for Model Traffic Code violations.

No person shall be entitled to a trial by jury for any offense within this Code that is for a violation of any provision of the Model Traffic Code as adopted pursuant to Section 10.04.010 of this Code, and there shall be no offense with which a sentence of imprisonment shall be imposed for violation of any provision of the Model Traffic Code as adopted pursuant to Section 10.04.010 of this Code. (Ord. 1166 §1, 1996)

Editor's Note: This Section shall be read in conjunction with Section 10.04.010 and shall apply only for so long as Section 10.04.010 remains codified within this Code.

1.08.030 Juvenile exemption from incarceration.

No person under the age of eighteen (18) years of age shall be subject to imprisonment for violation of any provision of this Code. (Ord. 1095 §7, 1993)

1.08.031 No jury trial for juveniles.

No person under the age of eighteen (18) years of age shall be entitled to a trial by jury for any offense within this Code, unless such offense is subject to imprisonment for violation of any provision of this Code. (Ord. 1161 §1, 1996)

Editor's Note: This Section shall be read in conjunction with Section 1.08.030 and shall apply only for so long as Section 1.08.030 remains codified within this Code.

1.08.040 Miscellaneous provisions concerning juveniles.

(a) For the purposes of this Section, a *minor offender* or *juvenile* shall be defined as any person accused of an offense contrary to this 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. Except as to alleged violations of Chapter 10.04 of this Code (the Traffic Code of the City), any minor offender convicted of a violation of this Code, or any rule or regulation promulgated thereunder, shall be punished by a fine of not more than two thousand dollars (\$2,000.00) or subject to perform useful community service or both.

(b) Nothing contained herein shall be construed to abrogate, abolish or otherwise limit the power of this code set forth in Section 9.08.426 of this Code to punish any person before it for contempt of

court, whether by failure to obey a summons, subpoena or other lawful order of the Court, or by personal conduct before the Court.

(c) The Judge of the Municipal Court may promulgate such rules or orders regarding the procedural processing of minor offenders appearing before the Municipal Court as he may, from time to time, deem appropriate.

(d) In addition to the provisions of Subsection (a) above, or in lieu of the provisions of this Section, any violation of any of the offenses listed in Section 1.08.050 may be punishable as follows:

(1) On a conviction of a first offense: four (4) hours of useful public service;

(2) On a conviction of each subsequent offense: four (4) additional hours of useful public service per conviction.

Nothing contained herein shall prohibit the imposition of a fine in addition to the minimum standards set forth herein. (Ord. 1276 §1, 2000; Ord. 1095 §8, 1993)

1.08.050 Violations pertaining to juveniles.

The following charges, as applied to juveniles, shall be subject to the provisions of Section 1.08.040 above:

(1) The charge of animal violations in violation of Sections 6.04.020, 6.04.040, 6.04.050, 6.12.020, 6.12.030, 6.12.040, 6.12.150, 6.12.180 and 6.12.190 of the Code.

(2) The charge of garbage and refuse in violation of Sections 8.04.010 through 8.04.130, inclusive, of this Code.

(3) The charge of littering in violation of Sections 8.08.020 and 8.08.040 of this Code.

(4) The charge of child restraint in violation of Section 8.28.020 of this Code.

(5) The charge of safety belt in violation of Section 8.28.030 of this Code.

(6) The charge of interference in violation of Section 9.08.170 of this Code.

(7) The charge of false reporting in violation of Section 9.08.050 of this Code.

(8) The charge of impeding a police officer in violation of Section 9.08.060 of this Code.

(9) The charge of resisting arrest in violation of Section 9.08.070 of this Code.

(10) The charge of disobeying a lawful order in violation of Section 9.08.080 of this Code.

(11) The charge of resisting an officer in violation of Section 9.08.090 of this Code.

(12) The charge of interference with police dogs in violation of Section 9.08.095 of this Code.

- (13) The charge of intimidation in violation of Section 9.08.110 of this Code.
- (14) The charge of disorderly conduct in violation of Section 9.08.130 of this Code.
- (15) The charge of disrupting a lawful assembly in violation of Section 9.08.140 of this Code.
- (16) The charge of harassment in violation of Section 9.08.160 of this Code.
- (17) The charge of noise in violation of any of the provisions of Sections 8.16.010 through 8.16.170 in this Code.
- (18) The charge of substances of abuse in violation of Section 9.08.195 of this Code.
- (19) The charge of trespass in violation of Section 9.08.200 of this Code.
- (20) The charge of loitering in violation of Section 9.08.201 of this Code.
- (21) The charge of destruction of public or private property in violation of Section 9.08.210 of this Code.
- (22) The charge of window peeping in violation of Section 9.08.230 of this Code.
- (23) The charge of violation of library books in violation of Sections 9.08.250, 9.08.270 and 9.08.280 of this Code.
- (24) The charge of curfew in violation of Section 9.08.290 of this Code.
- (25) The charge of concealed weapon in violation of Section 9.08.330 of this Code.
- (26) The charge of displaying, brandishing or flourishing in violation of Section 9.08.340 of this Code.
- (27) The charge of possession of weapons in violation of Section 9.08.360 of this Code.
- (28) The charge of discharging firearms in violation of Section 9.08.380 of this Code.
- (29) The charge of throwing missiles or stones in violation of Section 9.08.390 of this Code.
- (30) The charge of blocking railway crossings in violation of Section 9.08.400 of this Code.
- (31) The charge of spitting in a public place in violation of Section 9.08.410 of this Code.
- (32) The charge of clogging sewers in violation of Section 9.08.420 of this Code.
- (33) The charge of urinating in public in violation of Section 9.08.425 of this Code.
- (34) The charge of driving on sidewalk in violation of Section 12.04.340 of this Code. (Ord. 1105 §§1, 2, 1993; Ord. 1095 §9, 1993)

1.08.060 Violations not pertaining to juveniles.

Any other violation of this Code, not set forth in Section 1.08.040 or Section 1.08.050, shall not be prosecutable against juveniles in the Municipal Court of the City. (Ord. 1095 §10, 1993)

CHAPTER 1.09

Community Service as a Sentencing Alternative

1.09.010 Public service as a sentence alternative.

(a) A defendant convicted of an offense in the Municipal Court may be sentenced to perform useful community public service, in an amount not to exceed ninety-six (96) hours per conviction. Such service may be as a condition of or in addition to any other sentence provided by this Code.

(b) For the purposes of this Section, *useful community public service* means any work which is beneficial to the public, which work involves a minimum of direct supervision or other public cost and which work would not, with the exercise of reasonable care, endanger the health or safety of the person required to work. (Ord. 1024 §1, 1990)

1.09.020 Role of the Court.

The City recognizes that the decision of each case rests with the Municipal Court. The guidelines set out in this Chapter are for the benefit of the Municipal Court in applying the policies of the City in individual cases. (Ord. 1024 §2, 1990)

1.09.030 City policy.

It is the policy of the City that where a jail term may be assessed by a Municipal Court as a punishment for an ordinance violation or as part of the punishment for an ordinance violation, alternatives to serving time in jail shall be considered by the Municipal Court in accordance with principles set out in this Chapter. (Ord. 1024 §3, 1990)

1.09.040 Where applicable.

The provisions of this Chapter shall apply to all prosecutions for violations or alleged violations of any City ordinance for which imprisonment is possible as a punishment; or shall apply to those convictions in which a fine has been imposed, and the Court has determined that the defendant lacks the ability to pay the fine; or in the case of juveniles where imprisonment is inappropriate although a possible sentence thereon may have been imposed if the offense had been committed by an adult. (Ord. 1024 §4, 1990)

1.09.050 Alternative method.

The alternative method authorized by this Chapter shall consist of unpaid community service to the City or to a department or agency of the City. The work to be performed may be any work with a public purpose. No such work shall generate a profit for any person. (Ord. 1024 §5, 1990)

1.09.060 Service not to be coerced.

No person shall be required to do community service pursuant to the terms of this ordinance against such person's will. Any person refusing to accept such community service or failing to complete such community service may be subject to serving sentence involving time in jail, unless the Court suspends the sentence for any valid reason. No sentence shall be increased for failure to accept community service, and no such jail sentence shall be fixed at a harsh level for the purpose of inducing any person to accept community service. (Ord. 1024 §6, 1990)

1.09.080 Factors in assigning work.

Work shall be assigned to persons under this ordinance in accordance with the following criteria:

- (1) The individual's health and physical condition.
- (2) The individual's emotional condition and needs.
- (3) The individual's ability to do the kind of work contemplated because of the individual's capacities and training. (Ord. 1024 §8, 1990)

1.09.090 Defendant's eligibility.

Any defendant charged with violating a City ordinance or convicted of violating a City ordinance shall be eligible for the alternative method set out in this Code, unless there is a reason to believe the defendant is not likely to perform the service or unless the defendant is dangerous and placing the defendant in jail is necessary for the safety of the community. In determining whether a defendant is not likely to perform the service, the following factors shall be considered:

- (1) Has the defendant failed, without an adequate excuse, to complete any community service required under this alternative method for any previous conviction?
- (2) Does the defendant have no place of residence in the area?
- (3) Does the defendant have any previous convictions?
- (4) The Court may consider any other relevant factors. (Ord. 1024 §9, 1990)

1.09.100 Judicial discretion.

Nothing in this Chapter shall be interpreted as limiting the decisions that can be made by the Municipal Court. The provisions of this Chapter are intended to provide a means to provide a framework for alternatives to jail sentences. The Municipal Court may use suspended jail sentences to effectuate the purposes of this Chapter. (Ord. 1024 §10, 1990)

1.09.110 Approval of jobs.

No participant shall be assigned to any job unless the job has been approved in writing by the community service coordinator. One (1) approval may include either one specific job or a category of

jobs. A written job description shall be provided before the community service coordinator approves any job. A job shall be approved by the coordinator if it meets the following criteria:

- (1) It will not cause the participant to handle substantial sums of money.
- (2) It is needed service in the community and not mere "busy work."
- (3) It will not be unusually likely to subject the participant to ridicule.
- (4) It will not subject the participant to unusual danger.
- (5) It will not subject the participant to health hazards.
- (6) The work to be done is not religious worship or religious education, or specific expression of religious belief.
- (7) The work to be done is not political action, action supporting or opposing any candidate, action supporting or opposing any issue or proposition in a referendum, action for or against any proposed legislation of the local, state or federal level or any other political action. (Ord. 1024 §11, 1990)

1.09.120 Procedure for assignment.

Assignments to jobs shall be made by the community service coordinator, choosing an approved job within this municipal corporation. (Ord. 1024 §12, 1990)

1.09.130 Community service coordinator.

The community service coordinator shall be designated from time to time by resolution of the City Council. (Ord. 1024 §13, 1990)

1.09.140 Severability.

The provisions of this Chapter are severable, and if any sentence, section or other part of this Chapter should be found to be invalid, such invalidity shall not affect the remaining provisions. (Ord. 1024 §14, 1990)

CHAPTER 1.10

In-Home Detention

1.10.010 Conditions of probation.

(a) The Municipal Judge is authorized to impose probation upon any defendant, upon conviction of any violation of this Code and to enter judgment and conviction, and to place the defendant/violator on probation thereof.

(b) The conditions of probation shall be such as the Court in its discretion deems reasonably necessary to insure that the defendant will lead a law-abiding life and to assist the defendant in doing so. The Court shall provide as explicit conditions of every sentence to probation that the defendant not commit another offense during the period for which the sentence remains subject to revocation, and that the defendant make restitution as may be ordered by the Court.

(c) Any defendant placed on probation shall pay reasonable costs of the court proceedings or costs of supervision of probation, or both. When the payment of costs of court or probation supervision is a condition of probation, the Court shall fix the amount thereof, which shall not exceed an amount the defendant can or will be able to pay, and shall fix the manner of performance.

(d) As a sentencing alternative, any defendant may be subject to home detention as defined herein, if determined by the Court to be an appropriate sentencing alternative.

(e) For purposes of this Section, *home detention* means an alternative correctional sentence or term of legal supervision wherein a defendant charged or convicted of a misdemeanor, nonpayment of any fine or contempt of Court is allowed to serve his or her sentence or term of supervision, or a portion thereof, within his or her home or other approved residence. Such sentence or term of supervision shall cause the defendant to remain within such defendant's approved residence at all times except for approved employment, educational related events, court-ordered activities and medical needs. Supervision of the defendant shall include personal monitoring by an agent or designee of the referring unit of government and monitoring by electronic devices which are capable of detecting and reporting the defendant's absence or presence within the approved residence.

(f) Persons sentenced to jail as a direct sentence or sentenced to the county jail as a condition of probation who are permitted to participate in home detention shall receive day for day credit against their sentences for a period of time spent in such programs. (Ord. 1111 §1, 1993)

CHAPTER 1.12

Bail

1.12.010 Release on bail authorized.

(a) Any person arrested for violation of this Code or any other City ordinance or a violation of the City Charter may be admitted to bail pending appearance before the Municipal Judge by executing a bond, with one (1) or more sufficient sureties, to the People of the State for the use and benefit of the City, in any amount not exceeding double the maximum penalty for the offense charged. Bail so required may be, at the election of the accused, in the form of cash, security, real property, tangible or intangible personal property, an acceptable corporate surety bond or adequate or acceptable private sureties. In the case of a juvenile being arrested, the juvenile's parent or legal guardian shall always be considered an acceptable private surety. No juvenile shall be incarcerated for inability to post a bond. The amount of any bond shall initially be established by the Municipal Judge on any warrant or by written bond schedule established by the Municipal Judge in the case of a warrantless arrest. In the event a person arrested is unable to post the established bond, and if it is not possible to incarcerate the person arrested pending the next session of Court, the amount and nature of the bail shall be reviewed, and approved or modified as appears appropriate in the case by the

Municipal Judge, or in his or her absence, by the City Attorney during regular business hours. In the absence of both the Municipal Judge and the City Attorney during regular business hours, or if a person is arrested during nonbusiness hours and is unable to post bond and it is not possible to incarcerate the person arrested pending the next session of Court, the amount and nature of the bail shall be reviewed and approved or modified as appears appropriate in the case by the Shift Commander of the Police Department or other responsible and appropriate officer designated in writing by the Municipal Judge. The officer approving a bond shall be shown on the bond. The Municipal Judge may promulgate additional rules as to when bail may be upon personal recognizance without security or surety. The primary condition of the bail bond, and the only condition for a breach of which a surety or security on the bond may be subjected to forfeiture, is that the released person appear to answer the charge at a place and upon a date certain and at any place or upon any date to which the proceeding may be transferred or continued, and the person arrested will not depart the Court without leave. In addition to the primary condition, the Court may impose reasonable additional conditions upon the conduct of the defendant.

(b) A bond may also be taken when a continuance or postponement of the trial is granted. (Ord. 1212 §§1, 2, 1998; Ord. 1081 §§8, 9, 1992; prior code §1-12)

CHAPTER 1.16

Ordinances

1.16.010 Adoption and publication.

All ordinances, before they are adopted or passed by the City Council, shall be read at a preceding regular meeting of the City Council and published in full in a newspaper of general circulation, published in the City, at least ten (10) days before the passage or adoption of such ordinances. The fact of a previous introduction of such ordinances at a preceding regular meeting of the City Council and the fact of their publication in such newspaper shall appear in the certificate and attestation of the City Clerk on such ordinances after their adoption. (Prior code §1-13)

1.16.020 Printing in ordinance book.

All ordinances shall be printed, typewritten or written in the City ordinance book after their adoption and publication. (Prior code §1-14)

CHAPTER 1.20

Wards

1.20.010 Designated.

The City is divided into three (3) wards for municipal purposes and for the government of the City. Such wards shall be numbered First Ward, Second Ward and Third Ward, respectively.

(1) First Ward. All that part of the City lying East of the following described line: Commencing at the South City Limits of the City on 22nd Street, thence North along the center

line of Smithland Avenue to its intersection with the center line of 14th Street, thence West on the center line of 14th Street to its intersection with the center line of Cimarron, thence North along the center line of Cimarron extended to the North boundary of the City.

(2) Second Ward. All that portion of the City bounded on the East by the West line of the First Ward, except and including such lands as there may be lying South of 22nd Street which is within the corporate boundaries of the City and bounded upon the West by a line described as follows: Commencing at the South boundary of the City on the center line of San Juan Avenue thence North along the center line of San Juan Avenue to the center line of 16th Street, thence West along the center line of 16th Street to the center line of Belleview Avenue thence North along the center line of Belleview Avenue extended to the North boundary of the City.

(3) Third Ward. All that portion of the City lying West of the West boundary of the Second Ward. (Ord. 938, 1987)

CHAPTER 1.24

City Seal

1.24.010 Adopted.

There is adopted, as the seal of the City, a seal, not exceeding two (2) inches in diameter, the impress of which is as follows: In the center, the word "Seal" shall be engraved, and surrounding this, the words "City of La Junta, Colorado." (Prior code §1-16)

CHAPTER 1.28

Public Records Retention

1.28.010 Filing system.

The City Manager is authorized to cause to have all papers, documents and records stored in an expeditious and orderly filing system. All records and documents to be stored shall be placed in transfer files or suitable containers that will insure the safekeeping of all documents and records, and each file or container shall be clearly marked as to the type of record or documents contained therein, with the date of disposal, if any, noted on each file or container. (Ord. 1126 §§2, 3, 1994; Ord. 663 §1, 1972)

1.28.020 Certificate of destruction.

Upon completion of each fiscal year and completion of an independent post audit, the City Manager is authorized to cause to have examined all records proposed for disposal or destruction by each department. Following such examination, he or she shall complete a certificate authorizing the destruction of such records accompanied by an index of records proposed for destruction. Records to be disposed of shall be destroyed by burning or in such other manner that the City Manager may direct. A certificate of destruction with the index of records authorized to be destroyed shall be in accordance with Exhibit A attached to the ordinance codified in this Chapter. (Ord. 663 §2, 1972)

1.28.030 Schedule of retention adopted.

The schedule of records retention set forth in Exhibit B, which is attached to the ordinance codified in this Chapter and by reference made a part of this Chapter, shall be adhered to and shall govern the retention and disposal of all files, documents, papers and records now on file in each department of the City. (Ord. 663 §3, 1972)

CHAPTER 1.32

Nomination of Candidates

1.32.010 Petition forms.

The form of petition which shall be used in the City for the nomination of candidates for municipal elections shall be as prescribed by the City Council. A copy of such form shall be kept on file in the office of the City Clerk. (Prior code §2-11)

1.32.020 Signatures.

A petition for the nomination of candidates for municipal elections shall be signed by qualified electors of the City in the number provided by law. The signatures to such petition need not all be appended to one (1) paper; provided that each signer shall add to his or her signature his or her place of residence and shall, before an officer duly authorized to administer the same, acknowledge his or her signature and make oath by affidavit attached thereto that he or she is a qualified elector within and for the political division for which such nomination is made and has truly stated his or her residence. (Prior code §2-12)

CHAPTER 1.40

Elections

1.40.010 Conformance with Uniform Election Code.

Unless a determination is made by the City Council as set forth in Section 1.40.020 below, all future elections shall be coordinated elections to be held in conformance with the Uniform Election Code as set forth in Title 1 of the Colorado Revised Statutes, as amended. (Ord. 1291 §1, 2001)

1.40.020 Exclusions.

The City Council may determine that any particular election shall be excluded from the provisions of Section 1.40.010 by passage of a resolution excluding that particular election from participation in a coordinated election. (Ord. 1291 §1, 2001)

1.40.030 Write-in candidate.

(a) No write-in vote for any candidate for office shall be counted unless an affidavit of intent has been filed by the candidate with the City Clerk no less than twenty (20) days prior to the day of

election. The notice of intent must indicate the name of the proposed candidate, the position of office which is to be sought and that the applicant is qualified to assume the duties of the office, if elected.

(b) Unless a person declares himself to be a write-in candidate pursuant to Section 31-10-306, C.R.S., within the time frame set forth therein, and if the election for an elected position is otherwise noncontested, and if there are no other ballot issues on the ballot, and if there are not more candidates than offices to be filled at such election (including candidates filing affidavits of intent), then upon resolution of the City Council, the City Clerk may declare that the election is cancelled and that the sole candidate for each elected position shall be declared "elected" and shall commence the term of election as otherwise provided.

(c) Notice of such cancellation shall be published as soon as practicable in a newspaper of general circulation within the City. In cases of noncoordinated elections, the notice shall also be posted in all designated polling places and in at least one (1) other public place.

(d) The notice shall inform the electors of the City of the cancellation of the election. (Ord. 1295 §4, 2001; Ord. 1291 §2, 2001)