Title 1
GENERAL PROVISIONS

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Chapter 1.01
CODE ADOPTION

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1.01.010 Generally.

Pursuant to Title 31, Article 16, 1973 Colorado Revised Statutes, as amended, there is adopted by reference that certain municipal code entitled City of Lakewood Municipal Code, as supplemented, containing certain ordinances of the City of Lakewood as compiled, consolidated, codified and indexed therein. Said code consisting of the general and permanent ordinances of the City of Lakewood enacted on and prior to January 9, 1995 has been compiled and printed for the City of Lakewood, Colorado, 480 South Allison Parkway, Lakewood, Colorado 80226-3127, by Book Publishing Company, 201 Westlake Avenue North, Seattle, Washington 98109. (Ord. O-95-30 § 1, 1995; Ord. O-93-24 § 1, 1993; Ord. O-77-107 § 1 (part), 1977).

1.01.020 Copies filed.

One copy of the said code is on file in the City Clerk’s Office of the City of Lakewood at the Lakewood Civic Center, 480 South Allison Parkway, Lakewood, Colorado 80226-3127, where the same may be inspected during regular business hours. (Ord. O-2019-24 § 4, 2019; Ord. O-93-24 § 2, 1993; Ord. O-77-107 § 1 (part), 1977).

1.01.030 Purpose of primary code.

The purpose of the primary code, as supplemented, herein adopted, is to set forth in a generally available and updated codification all of the general and permanent ordinances of the City of Lakewood enacted on and prior to January 9, 1995, together with the adopting Ordinance No. O-95-30 and penalty provisions contained therein. (Ord. 2019-24 § 4, 2019; Ord. O-95-30 § 2, 1995; Ord. O-77-107 § 1 (part), 1977).

1.01.040 Subject matter of primary code.

The subject matter of the primary code, as supplemented, herein adopted, is the ordinances of a general and permanent nature of the City of Lakewood adopted by council action taken on or prior to January 9, 1995, together with the adopting Ordinance No. O-95-30, and penalty provisions contained therein. (Ord. O-95-30 § 3, 1995; Ord. O-93-24 § 3, 1993; Ord. O-77-107 § 1 (part), 1977).
1.01.050 Conformance of ordinances—Conflicting provisions.

All ordinances of a general and permanent nature adopted by the City of Lakewood on and prior to January 9, 1995, are amended to conform to the provisions of the ordinance codified in this chapter and the primary code, as supplemented, herein adopted; provided, however, that nothing herein contained shall be taken or construed to repeal any ordinance of the City of Lakewood heretofore or hereafter adopted. In the event of conflict or inconsistency between any provision of this ordinance or of said Code herein adopted and any provisions of any ordinance adopted after January 9, 1995, the provision of the ordinance adopted after January 9, 1995, shall prevail. (Ord. O-95-30 § 4, 1995; Ord. O-93-24 § 4, 1993; Ord. O-77-107 § 1 (part), 1977).

1.01.060 Code adoption not to reenact repealed ordinances.

The adoption of the ordinance codified in this chapter and of the primary code, as supplemented, adopted in Section 1.01.010, shall not reenact or adopt any ordinance or part of any ordinance repealed after January 9, 1995, notwithstanding the fact that such repealed ordinance or part thereof may appear in said code. (Ord. O-95-30 § 5, 1995; Ord. O-77-107 § 1 (part), 1977).

1.01.070 Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal or amendment of any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to January 9, 1995 nor be construed as a waiver of any license, fee or penalty on January 9, 1995 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, or 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 under the ordinances of the city shall continue in full force and effect. (Ord. O-95-30 § 6, 1995; Ord. O-77-107 § 1 (part), 1977).

1.01.080 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 constructed to apply to the corresponding provisions contained within this code. (Ord. O-77-107 § 1 (part), 1977).

1.01.090 Title, chapter and section headings.

Title, chapter, and section headings contained in this code shall not be deemed to govern, limit, or modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. O-77-107 § 1 (part), 1977).

1.01.100 Reference to code or municipal code.

The primary code adopted in Section 1.01.010, together with the ordinance codified in this chapter, and together with all supplements thereto and amendments, additions, deletions and exceptions hereafter provided for, shall be and constitute the municipal code of the City of Lakewood, Colorado. All references in this or any other ordinance of the city or in the municipal code itself to the “code” or the “municipal code” or the “Lakewood Municipal Code” shall be deemed to be references to such code as so constituted. (Ord. O-93-24 § 5, 1993; Ord. O-77-107 § 1 (part), 1977).
1.01.110 Citation.

The primary code adopted in Section 1.01.010, including all subsequent amendments, may be cited as the “Lakewood Municipal Code” or the “City of Lakewood Municipal Code” or the “Municipal Code of the City of Lakewood” in any summons, complaint, warrant, process, or any other instrument, document or amendment thereto. (Ord. O-77-107 § 1 (part), 1977).

1.01.120 Penalty provisions.


1.01.130 Adoption of secondary codes-Traffic-control devices.

Pursuant to Title 31, Article 16, of the Colorado Revised Statutes, there are adopted by reference in this chapter the following, as secondary codes together with such amendments and modifications as may be adopted by the publishing agencies:


C. The two manuals referred to in this section are adopted by reference as secondary codes supplementing the primary code adopted in this chapter. While the primary code adopted herein contains comprehensive traffic-control regulations within the City of Lakewood, the two codes adopted by reference in this section provide for and contain standards and specifications for uniform traffic-control devices. At least one copy of each said secondary code is now on file in the office of the clerk of the City of Lakewood, Colorado, and may be inspected during regular business hours the same being adopted as if set out at length. (Ord. O-2006-30 § 1, 2006; Ord. O-90-21 § 1, 1990; Ord. O-86-115 § 1, 1986; Ord. O-77-107 § 1 (part), 1977).
Chapter 1.04
GENERAL PROVISIONS

Sections:
1.04.010 Definitions.
1.04.020 Grammatical interpretation.
1.04.030 Prohibited acts include causing, permitting and related acts.
1.04.050 Repeal not to revive any ordinances.
1.04.060 Permit or licenses.

1.04.010 Definitions.

The following words and phrases whenever used in this code or any other ordinances of the City of Lakewood, Colorado, 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:

“City” means the City of Lakewood, Colorado, or the area within the territorial limits of the City of Lakewood, Colorado, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision;

“City Clerk” means that duly appointed official or his deputy;

“Council” means the City Council of the City of Lakewood, Colorado. “All its members” or “all Councilmen” means the total number of Councilmen provided by the general laws of the State of Colorado;

“County” means the County of Jefferson;

“Department of Administration” or “Department of Administrative Services.” The Department of Administration as established by Ordinance O-70-76 of 1970 has been abolished, and the functions of said department have been assigned to other departments of the city, including the office of the City Manager and the Department of Human Resources and Department of Finance. All references in this code to the Department of Administration or Department of Administrative Services shall be taken to be and read as references to the office of the City Manager or Department of Human Resources or Department of Finance, or such other office or department of the city as may have the responsibility and authority for the performance of the function, service or duty referred to in the context of such reference;

“Director of Administrative Services” and “Director of Administration.” The office of Director of Administrative Services or Director of Administration established by Ordinance O-70-76 of 1970 has been abolished. All references in this code to the Director of Administration or the Director of Administrative Services shall be read and taken to be references to the City Manager or in the case of functions, services or duties assigned to the Director of Human Resources or to the Director of Finance, then the same shall be taken to be references to the Director of Human Resources or Director of Finance and City Treasurer, as the case may be;

“Law” denotes applicable federal law, the constitution and statutes of the State of Colorado, the ordinances of the City of Lakewood, Colorado, and, when appropriate, any and all rules and regulations which may be promulgated thereunder;

“May” is permissive;

“Must” and “shall”: Each is mandatory;

“Oath” includes affirmation;

“Office.” The use of the title of any officer, employee, or any office, means such officer, employee, or office of Lakewood, unless otherwise specifically designated;
“Ordinance” means a law of the city; provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution;

“Peace Officer.” For the purpose of interpreting or construing any ordinance, resolution, rule, regulation, or charter provision of the City of Lakewood and every applicable statute and court rule of procedure, the term “peace officer” means and includes every public official of the City of Lakewood, whether appointed or elected, and every employee of the City of Lakewood who, as a part of, in the course of, or in connection with his duties as such public official or employee, has or shall have any responsibility for or in connection with the execution, administration or enforcement of all or any part of any city ordinance, resolution, rule, regulation or charter provision. “Peace officer” includes but is not limited to police agents of the City of Lakewood and public officials and employees who are not police agents. Public officials and employees of the city who are peace officers within the meaning of this code, shall have the power and authority to issue and serve summonses and complaints in the Municipal Court, without oath, affidavit or verification, but nothing contained in this subsection shall vest or be taken to vest in persons who are not police agents other powers, duties, rights and emoluments of sworn police agents of the City of Lakewood not otherwise vested in such public officials or employees. Peace officers who are not sworn police agents of the city shall not be entitled to any of the retirement, pension, disability or other benefits to which sworn police agents are entitled, and shall not have the power to arrest, but shall have those powers of inspection, investigation, search and seizure conferred by the ordinance, resolution, rule, regulation, or charter provision, or part thereof, which it is their duty to execute, administer or enforce. Municipal Court marshals shall have the power to arrest as set forth in Chapter 2.20 of the Municipal Code. Officers of the Red Rocks Community College Campus Police Department shall have the nonexclusive power and authority to enforce all provisions of the Lakewood Traffic Code and Title 9 of the Lakewood Municipal Code pertaining to public peace and safety within the boundaries of the Red Rocks Community College, which are located within the City of Lakewood;

“Person” means 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;

“State” means the State of Colorado;

“Street” includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in this city, and the rights-of-way thereof, which are in fact open to public use or used by the public, whether the same have been open to public use or used by the public, whether the same have been properly dedicated and accepted or not, unless the context of a particular bylaw, ordinance, resolution or regulation, otherwise indicates, together with any other public property so designated in any law of this state;

1.04.020  **Grammatical interpretation.**

The following grammatical rules shall apply in this code:

A. Gender. Any gender includes all other 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;
D. 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. O-72-19 § 2, 1972).

1.04.030  **Prohibited acts include causing, permitting and related acts.**

Whenever in this code 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. O-72-19 § 3, 1972).

1.04.050  **Repeal not to revive any 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. O-72-19 § 5, 1972).

1.04.060  **Permit or licenses.**

Wherever a permit or license is required by the provisions of this or any other ordinance of this city and there are no other specific provisions of any ordinance relating to the application for and issuance of any such license (excepting liquor licenses); application for any such license or permit shall be made to the City Clerk by the person, partnership, corporation, association, group or organization applying for the same, in which application shall be set forth all pertinent data relating to the applicant, its principal officers, directors, managers and stockholders (as may be determined by the City Clerk), a description of the place or places where the licensed or permitted activity is to be carried on; and such other relevant or pertinent data, either together with or as a supplement to such application as may be required by the City Clerk. A nonreturnable application fee of twenty-five dollars shall accompany any such application, save and except that a civic and charitable organization or corporation is not required to pay such application fee for licenses sought in connection with civic, patriotic, public or charitable activities sought to be licensed or permitted.

The City Clerk shall refer such application to the appropriate department or officer of the city for investigation, and shall issue or deny such license or permit as recommended by such appropriate department, and/or the City Manager. The investigating department, and/or the City Manager, shall make written recommendations to the City Clerk with respect to the issuance or denial of such permit, in which reasons for recommendation of issuance or denial shall be set forth.

The license or permit fee of five dollars shall be charged by and paid to the City Clerk at the time of issuance of any such license or permit. (Ord. O-93-24 § 11, 1993; Ord. O-91-59 § 3 (part), 1991; Ord. O-70-47 § 8.1, 1970).
Chapter 1.08
CITY SEAL-INSIGNIA

Sections:
  1.08.010 Seal adopted-Description.
  1.08.020 Obtaining seal-Uses.

1.08.010 Seal adopted-Description.
The seal of this city, which is adopted as the official seal of the municipal corporation, shall be circular; shall bear the word “Seal” in the center; the name “City of Lakewood, Colorado” shall appear printed about the periphery of such device and seal. A true copy of the aforesaid device and seal, as adopted in this section, is as set out below:

![Seal of Lakewood, Colorado](image)


1.08.020 Obtaining seal-Uses.
The City Clerk is authorized and directed to obtain a stamp of said seal, in the form adopted in this chapter, which seal shall be affixed to all transcripts, orders or certificates or official documents to be authenticated, or upon which a seal is required. (Ord. O-93-24 § 13, 1993; Ord. O-70-55 § 2, 1970).
Chapter 1.12
RIGHT OF ENTRY FOR INSPECTION

Sections:
1.12.010 Generally.
1.12.020 Emergencies.
1.12.030 Unlawful to resist official entry when.
1.12.040 Search warrant—Jurisdiction of municipal court.
1.12.050 Seizure of property.
1.12.060 Return of warrant—Inventory required.

1.12.010 Generally.
Whenever necessary to make an inspection for the purpose of enforcing any ordinance or resolution or regulation of the city, or whenever there is reasonable cause to believe that there exists in any building or upon any premises within the jurisdiction of the city any violation of a city ordinance, resolution or regulation, any police agent or other authorized official of the city may enter such building or premises at all reasonable times to inspect the same, or to perform any duty imposed upon the police agent or official by law; provided, that if such building or premises are occupied, he shall first present proper credentials and demand entry; and if such building or premises are unoccupied, he shall first make a reasonable effort to locate the owner and/or occupant or other person or persons having charge or control of the building or premises, and upon locating the owner, occupant or other person or persons to present proper credentials and demand entry. If such entry is refused, such police agent or official shall give the owner and/or occupant or person in charge or control of the building or premises, or if the owner and/or occupant or person in charge or control cannot be located after a reasonable effort, he shall leave at the building or premises, a twenty-four hours’ written notice of his intention to inspect. The notice given to the owner and/or occupant or person in charge or control or left on the premises as aforesaid shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a Presiding Judge of the city. After the expiration of the twenty-four hour period from the giving or leaving of such notice, the police agent or official may appear before any Presiding Judge of the municipal court of the city and upon a showing of probable cause, which shall be made in writing and under oath, shall obtain a search warrant entitling him to enter into the building or upon the premises. Upon presentation of the search warrant and proper credentials, or possession of the search warrant and proper credentials in the case of an unoccupied building or premises, the police agent or official may enter into the building or upon the premises using such reasonable force as may be necessary to gain entry therein.

For the purposes of this section, a determination of “probable cause” will be based upon reasonableness as the ultimate standard, and if a valid public interest justifies the intrusion contemplated, then there is probable cause to issue a search warrant. The standard necessary to determine the probable cause will vary with the municipal program being enforced, but may be based upon the passage of time, the nature of the building or premises, the condition of the building, premises, or structure, or of the entire area, or the need to inspect in order to enforce the provisions of municipal ordinance, resolution or regulation. The police agent or official will not be required to demonstrate specific knowledge of the condition of the particular building, premises, or structure in issue in order to obtain a search warrant under this chapter. (Ord. O-2019-24 § 4, 2019; Ord. O-72-24 § 1, 1972).
1.12.020 Emergencies.
Whenever an emergency situation exists in relation to the enforcement of any of the provisions of municipal ordinance, resolution or regulation, a police agent or an official of the city may enter into any building or upon any premises within the jurisdiction of the city upon a presentation of proper credentials in the case of an occupied building or premises, or possession of the proper credentials in the case of unoccupied buildings or premises. In an emergency situation, the agent or official may use such reasonable force as may be necessary to gain entry into any building or upon any premises.

For the purposes of this section, an emergency situation includes but is not limited to any situation where there is imminent danger of loss of life, limb and/or property caused by explosive materials, disease, fire, structural weakness, or any other condition which could cause such imminent danger, whether similar or dissimilar. (Ord. O-72-24 § 2, 1972).

1.12.030 Unlawful to resist official entry when.
It is unlawful for any owner and/or occupant of any building or premises to resist reasonable force used by a police agent or any other authorized official acting pursuant to Sections 1.12.010 or 1.12.020. (Ord. O-72-24 § 3, 1972).

1.12.040 Search warrant-Jurisdiction of municipal court.
Any Presiding Judge of the municipal court of the city shall have power to issue a search warrant upon a showing of probable cause for the implementation of inspection as provided for in Section 1.12.010. (Ord. O-2019-24 § 4, 2019; Ord. O-72-24 § 4, 1972).

1.12.050 Seizure of property.
If any property is seized incident to or as a result of an entry or search made under this chapter (and nothing contained in this chapter shall be taken to authorize an unlawful seizure), the person taking the property shall give to the person from whom or from whose premises the property was taken a copy of any search warrant issued and a receipt for the property taken, specifically describing the property; or shall leave such copy and receipt at the place from which the property was taken, posted or left in a conspicuous place within or upon the premises searched or inspected, if the premises are unoccupied at time of search or inspection.

If the person from whose possession or premises property is taken is present at the time of the seizure, the receipt shall be filled out in the presence of such person; provided, however, that if for any reason the receipt cannot be filled out in the presence of such person, or if the premises are unoccupied, then the receipt shall be filled out in the presence of at least one credible person other than the applicant for the warrant. (Ord. O-72-24 § 5, 1972).

1.12.060 Return of warrant-Inventory required.
After a search or inspection under authority of any search warrant issued from the municipal court, the return of such warrant shall be made promptly and within ten days after the date of the warrant. It shall be accompanied by a verified written inventory of any property taken under the warrant, which may consist of a true copy of the receipt referred to in Section 1.12.050. If a copy of the receipt is returned to the court as such inventory, it shall be verified by the person who made the search or inspection and seizure. (Ord. O-72-24 § 6, 1972).
Chapter 1.16
PENALTY FOR VIOLATIONS

Sections:
- 1.16.010 Definitions.
- 1.16.020 Penalties designated.
- 1.16.030 Aiding and abetting.
- 1.16.035 Liability of corporations.
- 1.16.036 Liability of an individual for corporate conduct.
- 1.16.037 Administrative processing fee.
- 1.16.040 Court costs and fines.
- 1.16.050 Juveniles.
- 1.16.060 Deferred prosecution.
- 1.16.070 Deferred judgment and sentencing.
- 1.16.080 Protection order against defendant.
- 1.16.090 Identity theft victims.

1.16.010 Definitions.
Unless the context otherwise requires, the following words where used in this chapter shall have the meanings and constructions given in this section:

“Accomplice” means any person who knowingly and voluntarily unites with the principal offender in the commission of any violation, either as a principal or as an accessory, before, during or after the fact.

“Child” or “Juvenile” means any person under eighteen years of age.

“Person” means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust, or their manager, lessee, agent, servant, officer or employee of any of them.

“Victim” means any person aggrieved by the conduct of an offender and includes, but is not limited to the following: (1) any person against whom a municipal penal offense has been perpetrated or attempted; (2) any person harmed by an offender’s criminal conduct in the course of a scheme, conspiracy, or pattern of criminal activity; or (3) any victim compensation board that has paid a victim compensation claim. If any person described in subsection (1) or (2) of this definition is deceased or incapacitated, the person’s spouse, parent, legal guardian, natural or adopted child, child living with the victim, sibling, grandparent, significant other, as defined in § 24-4.1-302(4), C.R.S. or other lawful representative shall be included in this definition. Any “victim” under the age of eighteen is considered incapacitated, unless that person is legally emancipated or the court orders otherwise. “Victim” shall not include a person, who is accountable for the crime or a crime arising from the same conduct, criminal episode, or plan as defined under the Lakewood Municipal Code, the laws of this state, or of the United States.

“Violation” means failing to comply with any of the mandatory requirements of this code or of any other ordinance of the city, including failure to take affirmative action, or the doing of any act prohibited by this code or by any other ordinance of the city. (Ord. O-2017-16 § 1, 2017; Ord. O-96-4 § 1, 1996; Ord. O-73-90 § 1, 1973; Ord. O-72-107 § 12 (part), 1972; Ord. O-72-25 § 1, 1972).

1.16.020 Penalties designated.
A. Whenever in any section of this code, or of any other ordinance, rule or regulation of the City of Lakewood, with the exception of Title 10 of the Code entitled "Vehicles and Traffic," or unless otherwise stated by a specific ordinance, the doing of any act is required, prohibited or
declared to be unlawful, any person who pleads guilty or nolo contendere, or who is convicted of a violation of any such section shall, for each offense, be fined in a sum of not more than two thousand six hundred fifty dollars ($2,650) or shall be imprisoned for a term of not more than three hundred sixty-five (365) days, or shall be both so fined and imprisoned. As part of such sentence, the court may order restitution as set forth herein to any victim for actual damage or loss caused by the offense to which a defendant pled guilty, nolo contendere, or was convicted. The presiding judge may suspend all or part of a sentence or fine of any defendant, and/or place him on probation for a period not to exceed one (1) year.

1. The limitation on municipal court fines set forth in Subsection 1.16.020(A) shall be adjusted for inflation on January 1, 2014, and on January 1 of each year thereafter. Inflation means the annual percentage change in the United States Department of Labor, bureau of labor statistics, consumer price index for Denver-Boulder, all items, all urban consumers, or its successor index.

B. Any person who is convicted of any act prohibited or declared to be unlawful by any section of Title 10 of this code shall be subject to the following penalties, which are based on the classification of each offense as set forth in Title 10.

Class Maximum Sentence

1. There are no Class 1 traffic offenses contained in Title 10 of this code
2. 365 days imprisonment or $1000 fine, or both
3. $400 fine, no imprisonment
4. $200 fine, no imprisonment

C. Any child who is convicted of any act prohibited by any ordinance, rule or regulation of the City of Lakewood, with the exception of Title 10 of the Code entitled, "Vehicles and Traffic," or unless otherwise stated by a specific ordinance, shall be subject to any penalty or sanction described in Subsection 1.16.020A except imprisonment. This chapter shall not apply to any child under ten (10) years of age. Any child who fails to comply with a lawful order of the Municipal Court, including an order to pay a fine or restitution, may be confined to a juvenile detention facility operated or contracted by the Department of Human Services. Any confinement of a child for contempt of Municipal Court shall not exceed forty-eight (48) hours. The court may require in-home detention for a child who fails to comply with a lawful order of the Municipal Court. The in-home detention shall not exceed ten (10) days’ time and shall be monitored by a designee of the court. The court may order the costs associated with the in-home detention to be paid by the child.

D. A defendant who has been granted probation may be required to make restitution to any aggrieved party for actual damage or loss caused by the offense to which the defendant plead guilty, nolo contendere, or was convicted.

E. Restitution.

1. If the court finds that the adult defendant has damaged the personal or real property of a victim, that the victim’s personal property has been lost, or that personal injury has been caused to a victim as a result of the adult defendant’s ordinance violation, the court may enter a sentencing order requiring the defendant to make restitution for actual damages done to persons or property.

2. Such order shall require payment of insurers and other persons or entities succeeding to the rights of the victim through subrogation or otherwise, if appropriate. Restitution shall be ordered in a reasonable amount to be paid in a reasonable manner, as determined by the court.
3. The Municipal Court is additionally granted the same authority to order restitution, as set forth in § 18-1.3-603, C.R.S., for a violation of any ordinance with the exception of Title 10 of the Code entitled "Vehicles and Traffic."

4. The court shall base its order for restitution upon information presented to the court by the prosecuting attorney, who shall compile such information through victim impact statements or other means to determine the amount of restitution and the identities of the victims. Further, the prosecuting attorney shall present this information to the court prior to the order of conviction or within ninety-one (91) days, if it is not available prior to the order of conviction. The court may extend this date if it finds that there are extenuating circumstances affecting the prosecuting attorney’s ability to determine restitution.

5. Any restitution or damages ordered under this Chapter 1.16 shall be independent of any restitution or funds provided to a witness or victim under the provisions of Chapter 1.17.

F. 1. If facts are presented to the court upon application of the city attorney or the probation division from which it reasonably appears that the conditions of probation have been violated by any person on probation, the court shall issue a warrant for the arrest of the person and require that person to be brought before the court to show cause why the probation should not be revoked.

2. At or prior to the commencement of the probation revocation hearing, the court shall advise the probationer of his rights pursuant to the Colorado Municipal Court Rules of Procedure as applicable to the probationer the charges against him, the possible penalties therefor, and shall require the probationer to plead guilty or not guilty. There shall be no right to a trial by jury in proceedings for revocation of probation. If the probationer is in custody, the court may admit such probationer to bail conditioned upon his appearance before the court on a day certain. Such bail may be continued from time to time until final order of the court. If the probationer remains in custody and unable to post bond, the hearing shall be held within fifteen (15) days after the filing of the complaint, unless a continuance is granted by the court at the instance or request of the probationer, or for other good cause found by the court justifying the continuance.

G. 1. At the probation revocation hearing, the prosecution has the burden of establishing by a preponderance of the evidence the violation of a condition of probation; except that the commission of a criminal offense must be established beyond a reasonable doubt unless the probationer has been convicted thereof in a criminal proceeding. When, in a revocation hearing, the alleged violation of a condition is the probationer's failure to pay probation fees, court costs, or restitution, evidence of the failure to pay shall constitute prima facie evidence of a violation. The court may, when it appears that the alleged violation of conditions of probation consists of an offense with which the probationer is charged in a criminal proceeding then pending, continue the probation revocation hearing until the termination of the criminal proceeding. Any evidence having probative value shall be received regardless of its admissibility under the exclusionary rules of evidence if the defendant is accorded a fair opportunity to rebut hearsay evidence.

If at the probation revocation hearing the presiding judge determines that such probationer is not guilty of a violation of the conditions of probation, the presiding judge shall enter an order in accordance therewith and forthwith order the probationer’s release, if in custody. If the presiding judge determines that the violation of the conditions of such probation has been committed, the presiding judge shall either revoke or continue the probation within five (5) days after the hearing. If probation is revoked and no sentence has been previously imposed, the court may impose any sentence which might originally have been imposed. If probation is revoked and sentence has been previously imposed, the court may vacate the suspension of sentence and reinstate the
sentence originally imposed. Any person who has been admitted to probation and against whom proceedings for the revocation of probation have not been commenced within the term of probation shall be conclusively presumed to have satisfied the sentence or fine imposed. Upon a specific court finding that a defendant has not fully complied with a court order or that the defendant has failed to appear during the period of probation or the period of a suspended or stayed sentence, the court may extend such period not to exceed one (1) year. (Ord. O-2019-24 § 4, 2019; Ord. O-2017-16 § 2, 2017; Ord. O-2014-3 § 1, 2014).

1.16.030 Aiding and abetting.
Every person who commits, attempts to commit, conspires to commit, or aids or abets a commission of any act declared to be in violation of this code or of any other ordinance of this municipality, whether individually, or in connection with one or more persons, as a principal or accomplice, is guilty of such offense and subject to penalty or penalties therefor; and every person who fraudulently or willfully induces, causes, coerces, requires or directs another to violate any provision of this code or any other ordinance of this municipality is likewise guilty of such offense and subject to the penalties therefor. Such penalties shall be applicable to any child only as set forth in Section 1.16.020©. (Ord. O-82-54 § 2, 1982; Ord. O-74-72 § 2, 1974; Ord. O-73-90 § 3, 1973; Ord. O-72-107 § 12 (part), 1972; Ord. O-72-25 § 3, 1972).

1.16.035 Liability of corporations.
A corporation is guilty of an offense if the conduct constituting the offense is engaged in, authorized, solicited, requested, commanded or knowingly tolerated by the board of directors or by a managerial agent acting within the scope of his employment or in behalf of the corporation. As used in this section, “agent” means any director, officer or employee of a corporation, or any other person who is authorized to act in behalf of the corporation, and “high managerial agent” means an officer of a corporation or any other agent in a position of authority with respect to the formulation of corporate policy or the supervision in a managerial capacity of subordinate employees. (Ord. O-93-24 § 15, 1993; Ord. O-77-107 § 2, 1977; Ord. O-74-1 § 1 (part), 1974).

1.16.036 Liability of an individual for corporate conduct.
A person is criminally liable for conduct constituting an offense which he performs or causes to occur in the name of or on behalf of a corporation to the same extent as if such conduct were performed or caused by him in his own name or behalf. (Ord. O-74-1 § 1 (part), 1974).

1.16.037 Administrative processing fee.
An administrative processing fee, in an amount set by the Presiding Judge, shall be imposed against every person charged with a violation of this code or any other ordinance of this city who is eligible to pay his fine via U.S. mail or other process and elects to do so or chooses to pay his fine to the clerk of the court without first appearing before a Presiding Judge. This administrative processing fee shall be paid by the defendant in addition to the fine imposed for the ordinance violation. Only one such administrative processing fee shall be assessed per each summons and complaint, except a processing fee shall be assessed for each parking violation charged on a summons and complaint. (Ord. O-2019-24 § 4, 2019; Ord. O-93-68 § 1, 1993; Ord. O-91-21 § 1, 1991; Ord. O-87-66 § 1, 1987).
1.16.040  Court costs and fines.
Upon the rendition of judgment against any defendant for violation of any provision of this code or of any other ordinance of this city, the Presiding Judge shall make an order and enter the same upon his docket.

A. When the court imposes a sentence, enters a judgment, or issues an order that obligates the defendant to pay a monetary amount, the court may direct as follows:
   1. That the defendant pay the entire monetary amount at the time sentence is pronounced;
   2. That the defendant pay the entire monetary amount at some designated later date;
   3. That the defendant pay as directed by the court or the court’s designated official:
      a. At a future date certain in its entirety;
      b. By periodic payments which may include payments at intervals, referred to in this section as a “payment plan;” or
      c. By other payment arrangement as determined by the court or the court’s designated official;
   4. When the defendant is sentenced to a period of probation as well as payment of a monetary amount, the payment of the monetary amount shall be made a condition of probation.

B. The court’s designated official shall report to the court on any failure to pay.

C. When the court imposes a sentence, enters a judgment, or issues an order that obligates a defendant to pay any monetary amount, the court shall instruct the defendant as follows:
   1. If at any time the defendant is unable to pay the monetary amount due, the defendant must contact the court’s designated official or appear before the court to explain why he or she is unable to pay the monetary amount;
   2. If the defendant lacks the present ability to pay the monetary amount due without undue hardship to the defendant or the defendant’s dependents, the court shall not jail the defendant for failure to pay; and
   3. If the defendant has the ability to pay the monetary amount as directed by the court or the court’s designee but willfully fails to pay, the defendant may be imprisoned for failure to comply with the court’s lawful order to pay pursuant to the terms of this section.

D. Incarceration for failure to pay is prohibited absent provision of the following procedural protections:
   1. When a defendant is unable to pay a monetary amount due without undue hardship to himself or herself or his or her dependents, the court shall not imprison the defendant for his or her failure to pay;
   2. Except in a case of a corporation, if the defendant failed to pay a monetary amount due and the record indicates that the defendant has willfully failed to pay that monetary amount, the court, when appropriate, may consider a motion to impose part or all of a suspended sentence, may consider a motion to revoke probation, or may institute proceedings for contempt of court. When instituting contempt of court proceedings, the court, shall provide all procedural protections mandated in Rule 107 of Colorado Rules of Civil Procedure or Rule 407 of Colorado Rules of County Court Civil Procedure.
   3. The court shall not find the defendant in contempt of court, nor impose a suspended sentence, nor revoke probation, nor order the defendant to jail for failure to pay unless the court has made findings on the record, after providing notice to the defendant and a hearing, that the defendant has the ability to comply with the court's order to pay a monetary amount due without undue hardship to the defendant or the defendant’s dependents and that the defendant has not made a good faith effort to comply with the order. If the defendant fails to
appear at the hearing referenced herein after receiving notice, the court may issue a warrant for his or her arrest for failure to appear.

4. The court shall not accept a defendant’s guilty plea for contempt of court for failure to pay or failure to comply with the court’s order to pay a monetary amount unless the court has made finding on the record that the defendant has the ability to comply with the court’s order to pay a monetary amount due without undue hardship to the defendant or the defendant’s dependents and that the defendant has not made a good faith effort to comply with the order; and

5. The court shall not issue a warrant for failure to pay money, failure to appear to pay money, or failure to appear at any post-senting court appearance wherein the defendant was required to appear if he or she failed to pay a monetary amount; however, a court may issue an arrest warrant or incarcerate a defendant related to his or her failure to pay a monetary amount only through the procedures described in paragraphs (1) to (4) of this subsection (D).

E. For the purposes of this section, a defendant or defendant’s dependents are considered to suffer undue hardship if he, she, or they would be deprived of money needed for basic living necessitates, such as food, shelter, clothing, necessary medical expenses, or child support. In determining whether a defendant is able to comply with an order to pay a monetary amount without undue hardship to the defendant or the defendant’s dependents, the court shall consider the following:

1. Whether the defendant is experiencing homelessness;
2. The defendant’s present employment, income, and expenses;
3. The defendant’s outstanding debts and liabilities, both secured and unsecured;
4. Whether the defendant has qualified for and is receiving any form of public assistance, including food stamps, temporary assistance for needy families, medicaid, or supplemental security income benefits;
5. The availability and convertibility, without undue hardship to the defendant or the defendant’s dependents of any real or personal property owned by the defendant;
6. Whether the defendant resides in public housing;
7. Whether the defendant’s family income is less than two hundred percent of the federal poverty line, adjusted for family size, and
8. Any other circumstance that would impair the defendant’s ability to pay.

F. If the court finds a defendant in contempt of court for willful failure to pay, the court may direct that the defendant be imprisoned until the monetary payment ordered by the court is made if the conviction is for a municipal offense which is punishable by a possible jail sentence. In any event, the jail sentence shall not exceed fifteen (15) days. When a sentence of imprisonment and a monetary amount was imposed, the aggregate of the period and the term of the sentence shall not exceed the maximum term of imprisonment authorized for the offense.

There shall be no imprisonment for failure to pay a fine, a penalty, costs, or other court fees imposed for traffic infractions or in those cases in which the possible sentence does not provide for imprisonment. Any failure to pay such amounts for traffic infractions shall be governed by Chapter 10.76 of this code.

G. In the case of a child, the penalties imposed by this section shall be applicable only to a child who is convicted of any act prohibited or declared to be unlawful by any section of Title 10 of the Lakewood Municipal Code. Any other violation of any provision of the Lakewood Municipal Code or of any other ordinance of the City of Lakewood by a child shall be subject to the provisions of Section 1.16.020C and Section 1.16.050 of the Lakewood Municipal Code. (Ord. O-2019-24 § 4, 2019; Ord. O-2017-16 § 3, 2017; Ord. O-2003-11 §§ 1, 2, 3, 2003; Ord. O-2003-6 §§ 1, 2, 3, 2003; Ord. O-96-44 §§ 6, 7,
1.16.040


1.16.050 Juveniles.

A. The Presiding Judge, upon the conviction of a child for any violation of any provision of the code or any other ordinance, other than a violation of any of the provisions of Title 10, "Vehicles and Traffic," of the Lakewood Municipal Code may, if the evidence warrants, place the child on probation and as one condition of said probation order the child to attend a counseling program, to be administered by the court. The Presiding Judge shall have the authority to establish such programs to be administered under his authority for the purpose of assisting and counseling children convicted of violating any provision of this code or any other municipal ordinance.

B. Court records of proceedings concerning a juvenile charged with violation of the Lakewood Municipal Code or any other ordinance, other than Title 10, "Vehicles and Traffic," shall be identified as juvenile records and shall be open to inspection without a court order as allowed by the Colorado Children's Code, Title 19, C.R.S. A juvenile probation officer's records and all other reports of social and clinical studies, whether or not part of the court file, shall not be open to inspection except as allowed by the Colorado Children's Code, Title 19, C.R.S.

C. The Presiding Judge may order the general public to be excluded from any hearing, trial or other proceeding involving a child charged with any violation of the Lakewood Municipal Code or any other ordinance, other than Title 10, "Vehicles and Traffic," on its own motion or the motion of any party, and if the interest of the child so requires, and in such case only such persons shall be admitted, including persons whom the parents or guardian wish to be present, as to have a direct interest in the case or in the proceeding before the court.

D. 1. The municipal court may, when the court determines that it is in the best interests of the juvenile, join the juvenile's parent or guardian and the person with whom the juvenile resides, if other than the juvenile's parent or guardian, as a respondent to the action and shall issue a subpoena or summons requiring the parent or guardian and the person with whom the juvenile resides, if other than the juvenile's parent or guardian, to appear with the juvenile at all proceedings under the Lakewood Municipal Code involving the juvenile.

2. If the parent or guardian of any juvenile cannot be found, the court, in its discretion may proceed with the case without the presence of such parent or guardian. This subsection (D) shall not apply to any person whose parental rights have been terminated pursuant to the provisions of the Colorado Children's Code or the parent of an emancipated minor.

3. For the purposes of this section, "parent" is defined in Section 19-1-103 (82), C.R.S. For the purposes of this section, "emancipated minor" shall have the same meaning as set forth in Section 19-1-103 (45), C.R.S.

4. Every parent or guardian whose juvenile is the subject of a juvenile proceeding under the provisions of the Lakewood Municipal Code shall attend any such proceeding.

5. A summons issued under this subsection may be served in the same manner as the summons in a civil action or by mailing it to the juvenile's last-known address by certified mail with return receipt requested not less than five (5) days prior to the time the juvenile is requested to appear in court. Service by mail is complete upon return of the receipt signed by the juvenile, his or her parent, guardian, legal custodian, physical custodian, or spousal equivalent as defined in Section 19-1-103 (101), C.R.S.

6. Service upon the parent, guardian, legal custodian, or physical custodian who has physical care of a juvenile of a summons that contains wording commanding said parent, guardian, legal custodian, or physical custodian to produce the juvenile in court shall
constitute valid service compelling the attendance of both the juvenile and said parent, guardian, legal custodian, or physical custodian in court. In addition, service of a summons as described herein shall compel said parent, guardian, legal custodian, or physical custodian either to make all necessary arrangements to ensure that the juvenile is available to appear before the court or to appear in court and show good cause for the juvenile’s failure to appear.

E. The municipal court shall relinquish jurisdiction over any juvenile upon an order for such relinquishment duly entered by a District or Juvenile Court of the State of Colorado having jurisdiction over such child; as evidenced by a certified copy of such order filed with the municipal court.

F. In addition to any of the provisions specified in this section, any sentence imposed pursuant to this section may require the juvenile's parent, guardian, or legal custodian to perform certain acts, so long as the parent, guardian, or legal custodian is a party to the proceedings, and the parent, guardian, or legal custodian has received notice of the hearing. The court may require:

1. The juvenile or both the juvenile and his or her parent, guardian, or legal custodian to perform volunteer service in the community designed to contribute to the rehabilitation of the juvenile or to contribute to the ability of the parent, guardian, or legal custodian to provide proper parental care and supervision of the juvenile;

2. The parent, guardian or legal custodian of a juvenile or both the parent, guardian, or legal custodian and the juvenile to attend a parental responsibility training program. The court may make reasonable orders requiring proof of completion of such training course within a certain time period.

3. The juvenile or both the juvenile and his or her parent, guardian or legal custodian may be ordered to perform services for the victim, designed to contribute to the rehabilitation of the juvenile, if the victim consents in writing to such services. However, the value of the services required to be rendered by the parent, guardian, or legal custodian of the juvenile under this subsection shall not exceed the damages as set forth in Section 13-21-107, C.R.S., for any one ordinance violation.

4. a. After a hearing at which the guardian or legal custodian is present, the court may order the guardian or legal custodian of the juvenile to make restitution pursuant to the terms and conditions set forth in this section; except that the liability of the guardian or legal custodian of the juvenile under this subsection shall not exceed the damages as set forth in Section 13-21-107, C.R.S., for any one ordinance violation. If the custodian of the juvenile has made diligent, good faith efforts to prevent or discourage the juvenile from engaging in delinquent activity, the court shall absolve the guardian or legal custodian of liability for restitution under this subsection.

b. After a hearing at which the parent is present, the court may order the juvenile's parent to make restitution in a reasonable amount pursuant to the terms and conditions set forth in this subsection; except that the liability of the parent under this section shall not exceed five thousand dollars ($5,000) for any one ordinance violation. If the court finds, after a hearing, that the juvenile’s parent has made diligent, good faith efforts to prevent or discourage the juvenile from engaging in delinquent activity, the court shall absolve the parent of liability for restitution under this subsection. As used in this subsection, "parent" has the same meaning as in Title 19 of the Colorado Revised Statutes.

5. a. Restitution – Juvenile. If the court finds that a juvenile has damaged the personal or real property of a victim, that the victim's personal property has been lost, or that personal injury has been caused to a victim as a result of the juvenile's ordinance violation, the court may enter a sentencing order requiring the juvenile to make restitution for actual damages done to persons or property; except that the court shall not order restitution if it finds that
monetary payment or payment in kind would cause serious hardship or injustice to the juvenile.

b. Such order shall require payment of insurers and other persons or entities succeeding to the rights of the victim through subrogation or otherwise, if appropriate. Restitution shall be ordered in a reasonable amount to be paid in a reasonable manner, as determined by the court.

6. Any restitution or damages ordered under this Chapter 1.16 shall be independent of any restitution or funds provided to a witness or victim under the provisions of Chapter 1.17.


1.16.060 Deferred prosecution.

A. In any case, the court may, prior to trial or entry of a plea of guilty or nolo contendere and with the consent of the defendant and the City Attorney, order the prosecution of the offense to be deferred for a period not to exceed one year. During that time the court may place the defendant under the supervision of the probation division and conditions may be imposed pursuant to a written stipulation signed by the defendant, his attorney of record, and the City Attorney, under which the defendant obligates himself to adhere to such stipulation. Restitution to the victim of the defendant may be imposed as a condition of the deferred prosecution.

B. Upon the defendant’s satisfactory completion of the deferred prosecution, the charge against the defendant shall be dismissed with prejudice. If conditions of the deferred prosecution are violated, the defendant shall be tried for the offense for which he is charged. The violation of conditions of supervision shall be determined by a hearing before the court which granted the deferred prosecution. The burden of proof in such hearing shall be upon the City Attorney to show by a preponderance of the evidence that a violation has in fact occurred; except that the commission of a criminal offense must be established beyond a reasonable doubt unless the defendant has been convicted thereof in a criminal proceeding. However, if the alleged violation is the failure to pay supervision fees, court costs, or restitution, evidence of the failure to pay shall constitute prima facie evidence of a violation. The presiding judge at the hearing may temper the rules of evidence in the exercise of sound judicial discretion.

C. Upon consenting to a deferred prosecution as provided in this section, the defendant shall execute a written waiver of his right to a speedy trial. Consent to a deferred prosecution under this section shall not be construed as an admission of guilt, nor shall such consent be admitted in evidence in a trial for the offense for which he is charged. (Ord. O-89-86 § 7, 1989).

1.16.070 Deferred judgment and sentencing.

A. Whenever any person enters a plea of guilty or nolo contendere to the violation of any ordinance of the city, or of any rule or regulation promulgated thereunder, the court accepting the plea has the power, upon the written request of the City Attorney, together with the written consent of the defendant and his attorney of record, to continue the case for a period not to exceed one year from the date of entry of such plea for the purpose of entering judgment and sentence upon such plea of nolo contendere or guilty. During such time, the court may place the defendant under the supervision of the probation division.

B. Prior to entry of a plea of nolo contendere or guilty to be followed by deferred judgment and sentencing, the City Attorney is authorized to enter into a written stipulation, to be signed by the defendant, his attorney of record, and the City Attorney, under which the defendant
obligates himself to adhere to such stipulation. The stipulation may require the defendant to pay restitution to the victim of the defendant and/or perform community or charitable work service projects or make donations thereto as conditions of the deferred judgment and sentence. Upon full compliance with such conditions by the defendant, the plea of nolo contendere or guilty previously entered shall be withdrawn and the action against the defendant dismissed with prejudice. Such stipulation shall specifically provide that, upon a breach by the defendant of any such condition regulating the conduct of the defendant, the court shall enter judgment and impose sentence upon such plea of nolo contendere or guilty. Whether a breach of any condition has occurred shall be determined by the court without a jury upon application of the City Attorney or the probation division at any time within the term of the deferred judgment or within thirty days thereafter. Reasonable notice of hearing shall be given to the defendant or his attorney of record. Such a hearing may be held after the last day of the deferred judgment if application for the hearing is made by the City Attorney or the probation division within the term of the deferred judgment or within thirty days thereafter. The burden of proof in such hearing shall be upon the City Attorney to show by a preponderance of the evidence that breach of a condition has in fact occurred; except that the commission of a criminal offense must be established beyond a reasonable doubt unless the defendant has been convicted thereof in a criminal proceeding. If the alleged breach of a condition is failure to pay supervision fees, court costs, or restitution, evidence of the failure to pay shall constitute prima facie evidence of a violation. The procedural safeguards required in a probation revocation hearing shall apply.

C. When a defendant signs a stipulation by which it is provided that judgment and sentence shall be deferred for a time certain, he thereby waives all right to a speedy trial or sentencing as provided by ordinance or rule. (Ord. O-93-24 § 16, 1993; Ord. O-89-86 § 8, 1989).

1.16.080 Protection order against defendant.
A. The Presiding Judge is empowered to issue a protection order against any person charged with a violation of any of the provisions of Title 9 of the Lakewood Municipal Code, pertaining to domestic violence as defined hereafter or any person charged with a violation of Section 9.20.010 pertaining to assault, which protection order shall remain in effect from the time that the person is advised of his or her rights at arraignment or the person’s first appearance before the court and informed of such order until final disposition of the action. Such protection order shall restrain the person charged from harassing, molesting, intimidating, retaliating against, or tampering with any witness to or victim of the acts charged. The protection order issued pursuant to this section shall be on a standardized form prescribed by the judicial department and a copy shall be provided to the protected parties.

B. At the time of arraignment or the person’s first appearance before the court, the court shall inform the defendant of any protection order issued pursuant to this section and shall inform the defendant that a violation of such protection order is punishable as the crime of violation of protection order. The court shall state the terms of the protection order issued pursuant to the section, including any additional provisions added pursuant to subsection (C) of this section, to the defendant on the record and the court shall further require the defendant to acknowledge the protection order as a condition of any bond for the release of the defendant. The prosecuting attorney shall, in such domestic violence cases or assault cases, notify the alleged victim, and the complainant, and the protected person of the order if such persons are not present at the time the protection order is issued.

C. Nothing in this section shall preclude the defendant from applying to the court at any time for modification or dismissal of the protection order issued pursuant to this section or the city attorney from applying to the court at any time for further orders, additional provisions
under the protection order, or modification or dismissal of the same, as set forth in subsection (E) of this section. Upon motion of the city attorney, or on the court’s own motion to protect the alleged victim or witness, the court may, in cases involving domestic violence as defined hereinafter or a violation of Section 9.20.010 pertaining to assault, enter any of the following orders against the defendant:

1. An order to vacate or stay away from the home of the alleged victim or witness and to stay away from any other location where the alleged victim or witness is likely to be found;
2. An order to refrain from contact or direct or indirect communication with the alleged victim or witness;
3. An order prohibiting possession or control of firearms or other weapons;
4. An order prohibiting possession or consumption of alcohol or controlled substances; and
5. Any other order the court deems appropriate to protect the safety of the alleged victim or witness.

D. Any person failing to comply with a protection order issued pursuant to this section commits the crime of violation of a protection order as set forth in Title 18, C.R.S. and Section 9.20.050 of the Lakewood Municipal Code.

E. The defendant or the prosecuting attorney may request a hearing before the court to modify the terms of a protection order issued pursuant to his section. Upon such a request, the court shall set a hearing and shall send notice of the hearing to the defendant and the alleged victim. At the hearing, the court shall review the terms of the protection order and any further orders entered and shall consider the modifications, if any, requested by the defendant or the prosecuting attorney. The court on its own motion may modify the terms of the protection order.

F. The duties of the peace officers enforcing such orders issued pursuant to this section shall be in accordance with Section 18-6-803.5, C.R.S. and any rules adopted by the Colorado Supreme Court pursuant to said section.

G. "Domestic violence" means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. "Domestic violence" also includes any other crime against a person or against property, including an animal, or any municipal ordinance violation against a person or against property, including an animal, when used as a method of coercion, control, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.

H. “Intimate relationship” means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time.

I. “Until final disposition of the action” means until the case is dismissed, until the defendant is acquitted, or until the defendant completes his or her sentence. Any defendant sentenced to probation or incarceration shall be deemed to have completed his or her sentence upon discharge from probation or incarceration, as the case may be.


1.16.090 Identity theft victims.

A. 1. A person whose identifying information has been mistakenly associated with an arrest, summons, summons and complaint, or conviction is a victim of identity theft for the purposes of this section.
2. If a criminal charge is not pending, a victim of identity theft may, with notice to the municipal prosecutor, petition the municipal court with jurisdiction over the arrest, summons, summons and complaint, or conviction to judicially determine the person’s factual innocence.
Alternatively, the municipal court, on its own motion, may make such a determination in the case. If a criminal charge is pending, the municipal prosecutor may request the court to make such a determination. A judicial determination of factual innocence made pursuant to this section may be determined, with or without a hearing, upon declarations, affidavits, or police reports or upon any other relevant material, reliable information submitted by the parties and records of the court.

3. If the municipal court determines that there is no reasonable cause to believe that a victim of identity theft committed the offense for which the victim’s identity has been mistakenly associated with an arrest, summons, summons and complaint, or conviction, the municipal court shall find the victim factually innocent of that offense. If the victim is found factually innocent, the court shall issue an order certifying this determination.

B. After the municipal court has determined that a person is factually innocent, the court may order the name and associated identifying information contained in court records files, or a criminal justice record to be labeled to show that the information is not accurate and does not reflect the perpetrator’s identity because the victim of identity theft was impersonated.

C. Any municipal court that has issued a determination of factual innocence pursuant to this section may at any time vacate that determination if the petition, or information submitted in support of the petition, contains a material misrepresentation or fraud. If the court vacates a determination of factual innocence, the court shall issue an order rescinding any orders made pursuant to this section.

D. For the purposes of this section:

1. “Biometric data” means data, such as fingerprints, voiceprints, or retina and iris prints that capture, represent, or enable the reproduction of the unique physical attributes of an individual.

2. “Identifying information” means information that, alone or in conjunction with other information, identifies an individual, including but not limited to such individual’s:
   a. Name;
   b. Address;
   c. Birth date;
   d. Telephone, social security, taxpayer identification, driver’s license, identification card, alien registration, government passport, or checking, savings, or deposit account number;
   e. Biometric data;
   f. Unique electronic identification device;
   g. Telecommunication identifying device;

3. “Telecommunication identifying device” means a number, code, or magnetic or electronic device that enables the holder to use telecommunications technology to access an account; obtain money, goods, or services; or transfer funds. (Ord. O-2006-21 § 1, 2006).
Chapter 1.17
LAKEWOOD VICTIM ASSISTANCE AND LAW ENFORCEMENT PROGRAM

Sections:
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1.17.020 Surcharge levied on criminal actions and traffic offenses.
1.17.030 Fund created.
1.17.040 Purpose.
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1.17.010 Definitions.

The following definitions shall apply to this chapter:

“Child” means an unmarried person who is under eighteen years of age. The term includes a stepchild or an adopted child.

“Compensable crime” means an intentional, knowing, reckless, or criminally negligent act of a person that results in residential property damage or damage to a motor vehicle which is not the result of a traffic accident or bodily injury or results in loss of or damage to eyeglasses, dentures, hearing aids, or other prosthetic or medically necessary devices or results in the need for mental health counseling and which is punishable as a crime in this state or as a violation of the Lakewood Municipal Code. This term includes federal offenses committed in the city.

“Economic loss” means economic detriment consisting only of allowable expense, net income, or replacement services loss. The term does not include noneconomic detriment.

“Injury” means actual bodily harm.

“Victim” means a person who suffers residential property damage or damage to a motor vehicle as a result of a compensable crime which was perpetrated or attempted against him within the City of Lakewood; is injured in this city as a result of a compensable crime perpetrated or attempted against him; is injured while not in the city as a result of a compensable crime that began in this city; or is injured in this city while attempting to assist a person against whom a compensable crime is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable man under the circumstances.

“Victim and Witness Assistance Program” means programs which provide to victims and witnesses of crimes which occurred within the city, assistance, service, and information, prior to, during, and after the prosecution of such crimes. (Ord. O-92-33 § 1 (part), 1992).
1.17.020 Surcharge levied on criminal actions and traffic offenses.
   A. A ten percent surcharge is levied on every fine and supervision fee imposed for a violation of the Lakewood Municipal Code resulting in a conviction, a judgment of liability by default, a deferred judgment and sentence, or a plea of guilty or nolo contendere, provided that the total of said fine and surcharge shall not exceed the maximum fine established for such violation under this code. This surcharge shall be paid to the clerk of the court, who shall deposit same in the Lakewood Victim Assistance and Law Enforcement Fund as established by this chapter.
   B. This surcharge shall be mandatory and be in addition to any other surcharge, fine, or cost imposed by the Lakewood Municipal Code or the court. The surcharge levied by this section may not be suspended or waived by the court unless the court determines that the defendant is indigent. All calculated surcharge amounts resulting in dollars and cents shall be rounded down to the nearest whole dollar. (Ord. O-93-68 § 5, 1993; Ord. O-92-33 § 1 (part), 1992).

1.17.030 Fund created.
   There is established a special fund of the City of Lakewood to be known as the Victim Assistance and Law Enforcement Fund. (Ord. O-92-33 § 1 (part), 1992).

1.17.040 Purpose.
   The Victim Assistance and Law Enforcement Fund shall be a special fund consisting of no revenue other than from the surcharge levied in criminal actions and traffic offenses as provided for by this chapter. The fund shall be used to assist victims of and witnesses to crimes occurring within the city, to help compensate such victims, and to fund the victim assistance law enforcement program. The City Council specifically finds and determines the creation of the Victim Assistance and Law Enforcement Fund is consistent with the city's powers as a home rule municipal corporation, and that exercise of said powers in the manner set forth herein is in furtherance of the public health, safety, and welfare. (Ord. O-92-33 § 1 (part), 1992).

1.17.050 Disbursement of funds.
   A. Not more than seventy-five percent nor less than seventy percent of the moneys collected by means of the surcharge imposed by this chapter shall be used to fund the Victim and Witness Assistance Program.
   B. Not more than twenty-five percent nor less than twenty percent of the moneys collected by means of the surcharge imposed by this chapter shall be used for compensation awards granted directly to victims of and witnesses to compensable crimes.
   C. Not more than five percent nor less than three percent of the moneys collected by means of the surcharge imposed by this chapter shall be used by the Police Department for the training of employees and volunteers concerning victim assistance matters. (Ord. O-2019-24 § 4, 2019; Ord. O-92-33 § 1 (part), 1992).

1.17.060 Creation of Victim Assistance Compensation Board.
   A. There is established a Victim Assistance Compensation Board. The Victim Assistance Compensation Board shall consist of five members appointed by City Council. The board shall consist of an employee of the Police Department, an employee of the Lakewood Municipal Court, one representative from a victim assistance program, and two residents of the city.
B. Members of the board shall serve for a term of three years, provided, however, that the initial appointments to the board shall consist of one appointment for a term of one year, two appointments of a term of two years, and two appointments of a term of three years. In the event a vacancy occurs in the board, the City Council shall make an appointment for the unexpired term. Any member of the board may be removed by the City Council for nonattendance or other cause.

C. The members of the board shall annually elect a chairman from their number who shall preside over all hearings and proceedings of the board. The chairman may designate a member of the authority to assume his duties in his absence. A quorum shall consist of three of the five members, and a decision of a majority of the members of the board shall control. A motion shall be adopted by not less than three affirmative votes. Any hearing may be continued to permit an absent member (or members) to participate in a decision. Any absent member may join in a decision of the board after he has considered the evidence adduced in any hearings or portions of hearings conducted during his absence.


1.17.070 Application for compensation.

A. A person who may be eligible for compensation under this chapter may apply to the board. In a case in which the person entitled to apply is a minor, the application may be made on his behalf by his parent or guardian. In a case the person entitled to apply is mentally incompetent, the application may be made on his behalf by his parent, conservator, or guardian or by any other individual authorized to administer his estate.

B. In order to be eligible for compensation, the applicant shall submit reports, from any physician who has treated or examined the victim at the time of or subsequent to the victim’s injury and shall submit a report or case number, if readily available, from the Lakewood Police Department or any other law enforcement agency which shall set forth the nature of the victim’s injury which is the result of a compensable crime. If, in the opinion of the board, reports on the previous medical history of the victim or a report on the examination of the injured victim would be of material aid to its determination, the board may require the applicant to provide such reports.

C. In order to be eligible for compensation for property damage, the applicant shall submit a report or case number, if reasonably available from the Police Department or any other law enforcement agency which shall set forth the nature of the property damage which is the result of a compensable crime.


1.17.080 Hearings.

A. The board, in its discretion, may conduct a hearing upon any application submitted to it.

B. The burden of proof is upon the applicant to show that the claim is reasonable and is compensable under the terms of this chapter. The standard of proof is by a preponderance of the evidence.

C. If a person has been convicted of an offense with respect to an act on which a claim is based, proof of that conviction shall be taken as conclusive evidence that the offense has been committed, unless an appeal or a proceeding with regard to it is pending. The fact that the identity of the assailant is unknown or that the assailant has not been prosecuted or convicted shall not raise a presumption that the claim is invalid.
D. Orders and decisions of the board are final.
E. In the performance of its functions, the board is authorized to make, rescind, and amend regulations prescribing the procedures to be followed in the filing of applications and in proceedings under this chapter. (Ord. O-92-33 § 1 (part), 1992).

1.17.090 Awarding compensation.
   A. A person is eligible for an award of compensation under this chapter if:
      1. The person is a victim of a compensable crime which was perpetrated on or after June 1, 1993, and which resulted in a loss;
      2. The appropriate law enforcement officials were notified of the perpetration of the crime allegedly causing the injury to the victim within seventy-two hours after its perpetration, unless the board finds good cause exists for the failure of notification;
      3. The applicant has cooperated fully with law enforcement officials in the apprehension and prosecution of the assailant or the board has found good cause exists for the failure to cooperate;
      4. The injury to the victim or the property damage was not substantially attributable to his wrongful act or substantial provocation of his assailant;
      5. The application for an award of compensation under this chapter is filed with the board within one year of the date of injury to the victim, within six months of the date of property damage, or within such further extension of time as the board, for good cause shown, allows; and
      6. The applicant is ineligible for compensation under the Colorado Crime Victim Compensation Act.
   B. The board may waive any of the requirements set forth in this section, or the limitations set forth in Section 1.17.100, or order a denial or reduction of an award, if in the interest of justice, it is so required.
   C. Upon a finding by the board that compensation should be awarded, the board shall submit a statement of award to the Chief of Police or his designee who shall remit payment in accordance with the statement of award. (Ord. O-92-33 § 1 (part), 1992).

1.17.100 Losses compensable.
Losses compensable under this chapter resulting from injury to a victim include:
   1. Reasonable medical and hospital expenses and expenses incurred for dentures, eyeglasses, hearing aids, or other prosthetic or medically necessary devices;
   2. Loss of earnings;
   3. Outpatient care;
   4. Homemaker and home health services;
   5. Mental health counseling.
   B. Losses compensable under this chapter resulting from property damage include:
      1. Repair or replacement of property damaged as a result of a compensable crime; or
      2. Payment of the deductible amount on a residential insurance policy.
   C. The victim's recovery shall not exceed five hundred ($500) dollars for each compensable property crime and shall not exceed five hundred ($500) dollars for each compensable crime which resulted in injury; but in no case shall a loss be compensable if the aggregate loss is less than twenty-five ($25) dollars.
1.17.110 Emergency awards.

The board may order an emergency award to the applicant pending a final decision on the claim if it appears to the board, prior to taking action upon the claim that undue hardship will result to the applicant if immediate payment is not made. The amount of such award shall not exceed five hundred ($500) dollars and shall be deducted from any final award made as a result of the claim. (Ord. O-2012-8 § 4, 2012; Ord. O-92-33 § 1 (part), 1992).

1.17.120 Fees.

No fee may be charged to the applicant by the board in any proceeding under this article. (Ord. O-92-33 § 1 (part), 1992).

1.17.130 Chief of Police custodian of fund—Disbursements.

The Chief of Police or his designee shall be the custodian of the fund, and all disbursements from the fund shall be paid by him upon written authorization of the board. (Ord. O-92-33 § 1 (part), 1992).
1.20.010 Procedures generally.

The following procedures are adopted to apply with respect to the public hearing and consideration of ordinances amending, supplementing, changing, modifying or repealing zone districts or zoning or rezoning land within any zone district of the city (sometimes referred to hereinafter as “such ordinance” or “such ordinances”). (Ord. O-82-107 § 2, 1982).

1.20.020 Legal protest, filing.

A protest against changes in regulations, or restriction or change in a zone district applicable to particular land, which protest is filed with the City Clerk at least twenty-four hours prior to the governing body’s vote on a change and is signed by the owners of twenty percent or more of the area of land which is subject to the proposed change or twenty percent or more of the area of land extending a radius of one hundred feet from the land which is subject to the proposed change, disregarding intervening public streets and alleys, shall not become effective except by favorable vote of two-thirds of all the members of the City Council.

The protest must be signed by the owners of twenty percent or more of the area of land which is subject to the proposed change or owners of twenty percent or more of the area of land extending a radius of one hundred feet from the land which is subject to the proposed change, disregarding intervening public streets and alleys. As proof of such ownership, the respective protestants shall attach to the petition sufficient evidence of ownership in the form of a legal description of their property or other recognized proof of location and ownership. (Ord. O-82-107 § 3, 1982).

1.20.030 Ordinances where no legal protest is filed.

A quorum of the City Council consisting of six or more members shall hold public hearing upon and consider the adoption of any such ordinances at the meeting for which such public hearing and consideration is duly scheduled, if no sufficient protest has been filed pursuant to Section 1.20.020 of the Lakewood Municipal Code; provided, however, that if four members of the City Council are absent at any meeting at which any such ordinance is considered and not passed (and abstention by the member of Council shall be considered an absence for the purposes hereof), and if upon a vote upon such ordinance at such meeting not fewer than four members of the City Council have voted in favor of passage of the ordinance (or against a motion to deny the same), then, upon the motion of any member of the City Council made before the adjournment of such meeting, such vote shall be rescinded without further vote upon the motion to rescind and consideration of such ordinance shall be tabled until the next regular meeting of the City Council at which not fewer than nine members of the Council are present (excluding any member or members abstaining), at which meeting a vote shall be taken upon a motion to adopt the ordinance.
1.20.030

At such subsequent meeting any member of the City Council who attended the public hearing upon such ordinance or who has thereafter listened to the tape recording of the public hearing upon the ordinance and who has read the record of the proceedings; (which for the purposes of this chapter shall include but not be limited to staff comments of the planning staff, the proposed ordinance, the resolution of the Planning Commission, any exhibits presented at the hearing, and the aerial photograph and zoning map presented at such hearing) shall be entitled to vote upon the adoption or denial of passage of such ordinance.

If any such ordinance is so tabled, and a vote is thereafter taken at a subsequent meeting as herein provided, such vote shall not be subject to further reconsideration, notwithstanding that one or more members of the City Council who were not in attendance at the public hearing have not voted upon the ordinance at such subsequent meeting. (Ord. O-82-107 § 4, 1982).

1.20.040 Ordinances where a legal protest is filed.

A quorum of the City Council consisting of six or more members may hold a public hearing upon any such ordinance at the meeting for which such public hearing and consideration is duly scheduled. If a sufficient protest is filed pursuant to Section 1.20.020 of the Lakewood Municipal Code, and if not fewer than nine members of the City Council are present at the meeting and stand ready to vote upon such ordinance at the conclusion of the public hearing and consideration of the ordinance thereafter, there shall be no reconsideration of the vote thereon if the ordinance is defeated either by the failure of eight members of Council to vote in favor of the adoption thereof or upon the affirmative vote of six members of Council to deny passage thereof.

If fewer than nine members of Council are present and stand ready to vote upon such ordinance at the conclusion of the public hearing and consideration thereof, the ordinance shall be tabled to the next regularly scheduled meeting of the City Council at which nine members shall be in attendance, and a vote shall be taken at such meeting upon a motion to adopt such ordinance.

At such subsequent meeting any member of the City Council who attended the public hearing upon such ordinance or who has thereafter listened to the tape recording of the public hearing upon the ordinance and who has read the record of the proceedings shall be entitled to vote upon the adoption or denial of passage of such ordinance.

The vote taken at such subsequent meeting shall not be subject to reconsideration, notwithstanding that one or more members of the City Council who were not in attendance at the public hearing have not voted upon the ordinance at such subsequent meeting. (Ord. O-82-107 § 5, 1982).

1.20.050 Protest filed-Tabling to determine sufficiency.

If a protest is filed pursuant to Section 1.20.020 of the Lakewood Municipal Code, and the sufficiency of such protest cannot be determined at or before the duly scheduled public hearing thereon, the hearing may nevertheless be held if six or more members of Council are present, but no vote shall be taken thereon following such hearing, and the same shall be tabled for a vote thereon at the next regularly scheduled meeting of the City Council, at which time the sufficiency of the protest shall be determined, and the proceedings of Council with respect thereto shall be as set forth in Section 1.20.030 or Section 1.20.040 of the Lakewood Municipal Code, whichever is determined to be applicable. If an ordinance is tabled to a subsequent meeting pursuant to the provisions of this section, any member of Council who
attended the public hearing and any member of Council who has thereafter listened to the tape recording of the public hearing and who has read the adoption of the proceedings shall be entitled to vote upon the adoption or denial of passage of such ordinance, and shall be deemed to have been in attendance at the time of consideration of the ordinance for the purpose of determining the number of members of Council in attendance under Section 1.20.030 or Section 1.20.040 of the Lakewood Municipal Code, whichever is applicable. (Ord. O-82-107 § 6, 1982).

1.20.060 Subsequent votes.

It is declared to be the policy of the City Council that there shall not be a subsequent vote of the City Council upon reconsideration of any such ordinance after a vote of the Council upon adoption or denial or passage of the same, except as provided in Section 1.20.030 or as provided in Chapter 2.25 of this code relating to referendum. (Ord. O-82-107 § 7, 1982).
Chapter 1.25
OFFICE OF ENVIRONMENTAL MANAGEMENT

Sections:
1.25.010 Establishment-Office of Environmental Management.
1.25.020 Appointment of officers and employees.
1.25.030 Duties of Environmental Manager.
1.25.040 Declaration of local disaster emergency.

1.25.010 Establishment-Office of Environmental Management.

1.25.020 Appointment of officers and employees.
The Environmental Manager shall be appointed by the Director of Public Works. The Environmental Manager may appoint staff members, salaried and volunteer, as authorized in the City budget. The final appointing authority for all employees within the Public Works Department shall be the City Manager. (Ord. O2019-24 § 4, 2019; Ord. O-2002-10 § 1, 2002; Ord. O-93-52 § 1 (part), 1993; Ord. O-93-24 § 19, 1993; Ord. O-80-41 § 1 (part), 1980).

1.25.030 Duties of Environmental Manager.
A. The Environmental Manager shall establish the Office of Environmental Management as the coordinating agency for all environmental activities including hazardous material incidents under Article 22 of Title 29 of the Colorado Revised Statutes. The Environmental Manager’s duties regarding hazardous materials shall include but not be limited to:
1. Develop and maintain plans and procedures for response and clean up of hazardous material spills within the city;
2. Act as the on-scene commander over all hazardous materials incidents within the city;
3. Coordinate the city’s investigation of hazardous material violations;
4. Administer the city’s hazardous material identification, transport, and disposal activities;
5. Assist the Police Department in enforcement of federal, state, and local environmental laws; and
6. Conduct environmental audits and environmental assessments of city-owned property.
B. Nothing in this chapter shall be construed to limit the power and authority of the Environmental Manager to enforce other ordinances of the city for which the Environmental Manager has been given enforcement power. (Ord. O-2002-10 § 1, 2002; Ord. O-93-52 § 1 (part), 1993; Ord. O-93-24 § 20, 1993; Ord. O-80-41 § 1 (part), 1980).

1.25.040 Declaration of local disaster emergency.
The Mayor or City Manager, in his or her sole discretion, and upon advice of the Environmental Manager, may declare a local disaster emergency for the purpose of requesting timely aid in response to disaster emergencies from appropriate county, state, and federal agencies. For purposes of this section, a local “disaster emergency” is defined as a large-scale emergency, caused by natural or manmade disaster, which is beyond the capabilities of the City of Lakewood to adequately respond to using only city resources. (Ord. O-93-52 § 1 (part), 1993; Ord. O-93-24 § 21, 1993; Ord. O-81-29 § 1, 1981).
Chapter 1.26
FEES FOR CITY SERVICES

Sections:
1.26.010 Review fee-Annexation petition.
1.26.030 Review, use and administrative fee - Use of City-owned real property.

1.26.010 Review fee-Annexation petition.
Any person who presents a petition for annexation of land by the city shall pay a petition review fee in an amount to be established by City Council resolution. (Ord. O-85-126 § 2, 1985).

Any person who presents an application for City Council vacation of a right-of-way or an easement shall pay an application review fee in an amount to be established by City Council resolution. (Ord. O-85-126 § 3, 1985).

1.26.030 Review, use and administrative fee – Use of City-owned real property.
Any person who presents a request for City Council or administrative approval for the use, encroachment or encumbrance of City of Lakewood-owned real property shall pay an application, review, use, permit and/or administrative fee in an amount to be established by City Council by resolution. (Ord. O-201924 § 4, 2019; Ord. O-2002-20 § 1, 2002).
Chapter 1.27
OFFICE OF EMERGENCY MANAGEMENT

Sections:
1.27.010 Intent and purpose.
1.27.020 Definitions.
1.27.030 Organization and appointments.
1.27.040 Duties and responsibilities.
1.27.050 Emergency plan and management system.
1.27.060 Procedures.
1.27.070 Disaster and emergency response powers.
1.27.071 Enforcement of orders.
1.27.072 Authority to enter a property.
1.27.073 Location of governing body meetings and departments.
1.27.074 Mutual aid agreements.
1.27.075 Access to Reserve funds.
1.27.076 Report to City Council.
1.27.080 Compensation.
1.27.090 Conflicting ordinances, orders, rules and regulations suspended.
1.27.100 Applicability of state law in disaster situations.
1.27.110 Violation of regulations.
1.27.120 Penalty.
1.27.130 Liability.

1.27.010 Intent and purpose.
It is the intent of The City of Lakewood City Council to establish and maintain the disaster agency and services referred to in appropriate sections of the Colorado Disaster Emergency Act of 1992, part 21 of article 32 of title 24, C.R.S. 1992, as amended. It is the intent of this Chapter to establish an Office of Emergency Management as the coordinating agency for all disaster or extraordinary emergency events. This Chapter is the instrument through which the City Manager may exercise his authority and discharge the responsibilities vested in him by the City Charter and local ordinances. This Chapter shall not relieve any City of Lakewood department of its official responsibilities or authority given to it in the City Charter or by ordinance, nor shall it adversely affect the work of any volunteer agency for relief in a disaster or other emergency. (Ord. O201924 § 4, 2019; Ord. O-2002-9 § 1, 2002).

1.27.020 Definitions.
The following words and phrases shall have the following meanings for purposes of this Chapter 1.27:
A. “City Manager” means the City Manager of the City of Lakewood or that person’s designee.
B. “Disaster” means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property affecting the City of Lakewood, resulting from any natural cause or cause of human origin, including but not limited to fire, flood, earthquake, wind, storm, wave action, hazardous substance incident, oil spill or other water contamination requiring emergency action to avert danger or damage, volcanic activity, epidemic, air pollution, blight, drought, infestation, explosion, civil disturbance, act of terrorism, hostile military or paramilitary action, or a condition of riot, insurrection, or invasion. (Ord. O-2009-6 §1,2009); Ord.O-2002-9§1,2002).
1.27.030  Organization and appointments.
The City Manager is hereby authorized and directed to establish an organization for managing disasters and extraordinary emergency events utilizing to the fullest extent the services and resources of existing departments within the City of Lakewood. An Emergency Manager shall be appointed by the City Manager to ensure appropriate planning, management and coordination in all phases of emergency management including mitigation, preparedness, response and recovery. (Ord. O-2019-24 § 4, 2019; Ord. O-2002-9 § 1, 2002).

1.27.040  Duties and responsibilities.
The Office of Emergency Management shall be under the supervision of the Director of the Public Works Department. Said office shall be responsible for preparing and keeping current a comprehensive disaster plan delineating measures to be implemented by the City of Lakewood before, during and after a disaster or extraordinary emergency event. An emergency management system, including both incident support and incident management functions, shall be developed and tested to assure capability of managing natural, technological and manmade disasters and extraordinary emergency events. (Ord. O-2019-24 § 4, 2019; Ord. O-2002-9 § 1, 2002).

1.27.050  Emergency plan and management system.
An Emergency Plan shall be developed and maintained by the Office of Emergency Management subject to approval of the City Manager. The plan will identify department responsibilities, including requirements for maintenance of specific facility and department emergency procedures and critical resource information, in a current state of readiness at all times. It shall be the responsibility of all City of Lakewood departments to perform functions assigned within the plan using Incident Command System (ICS) management principles as defined in the Lakewood Emergency Plan and Management System. (Ord. O-2019-24 § 4, 2019; Ord. O-2002-9 § 1, 2002).

1.27.060  Procedures.
A. Proclamation: The City Manager shall have the power to declare by proclamation that a state of disaster exists. The proclamation of disaster shall be in writing and shall describe the nature of the disaster, the area threatened and the conditions which have brought it about. The City Manager shall ensure proper publication and dissemination of the proclamation and other information to the public. The City Manager shall file the proclamation with the City Clerk and City Council and forward a copy to the Colorado Division of Emergency Management, Department of Local Affairs or any successor agency.

B. Succession of Authority: If the City Manager is unavailable, the Director of the Mayor and City Manager’s Office, and if unavailable followed in order by the Chief of Police and then the Public Works Director shall have the same authority as is granted to the City Manager herein.

C. Effect of Proclamation: The issuance of a proclamation declaring a state of disaster shall automatically empower the City Manager to exercise any and all of the disaster and emergency powers and shall activate all relevant portions of the Emergency Plan and Management System.
D. Duration:
1. A state of disaster shall remain in effect until the City Manager declares by Proclamation that the threat of danger has passed or that the disaster conditions no longer exist. However, a state of disaster shall not be continued or renewed for a period in excess of seven (7) days unless a majority of the City Council members present, at a duly posted meeting when possible, approves a longer duration. This approval may be conveyed electronically, telephonically, or by facsimile if necessary.
2. Any Proclamation continuing or terminating a state of disaster or emergency shall be filed with the City Clerk and the City Council and a copy shall be forwarded to the Colorado Division of Emergency Management.
E. The Emergency Plan and Management System shall be activated upon issuance of a Proclamation that a state of disaster exists or by order of the City Manager.
F. In the event it is not reasonably possible to meet formally, the City Council may act without being in a formal meeting. In such an event, the City Manager shall poll individual Council members electronically, telephonically, by facsimile or by other methods. (Ord. O-2009-6 § 2, 2009; Ord. O-2002-9 § 1, 2002).

1.27.070 Disaster and emergency response powers.
A. During the existence of a state of disaster, the City Manager may promulgate such regulations as he/she deems necessary to protect life and property and preserve critical resources. These regulations shall be given widespread circulation and shall be disseminated to newspapers, radio and television media. These regulations may include, but shall not be limited to, powers granted by applicable state law.
B. During a state of disaster, the City Manager may exercise any and all powers granted by applicable state law and shall have the following powers to mitigate, respond to or recover from a disaster or its effects, including, but not limited to:
  1. an order establishing a curfew during such hours of the days or nights and affecting such categories of persons as may be designated;
  2. an order to direct and compel the evacuation of all or a part of the population from any stricken or threatened areas within the City of Lakewood if the City Manager deems this action is necessary for the preservation of life, property or critical resources and to prescribe routes, modes of transportation and destination in connection with any evacuation;
  3. an order controlling, restricting, allocating or regulating the use, sale, production or distribution of food, water, clothing, and other commodities, materials, goods, services and resources or requiring the continuation, termination, disconnection or suspension of natural gas, electric power, water, sewer or other public utilities;
  4. an order requiring the closing of businesses;
  5. an order closing any streets, alleys, sidewalks, public parks, public ways, buildings or other public or private places and establishing and controlling routes of transportation ingress or egress;
  6. subject to any applicable requirements for compensation, commandeer or use any private property if necessary to respond to or mitigate a disaster;
  7. expend funds, authorize the obtaining and acquisition of property, equipment, services, supplies and materials without compliance with procurement regulations or procedures;
8. suspend or modify the provisions of any ordinance or waive compliance with procedures and formalities, including notices, as may be prescribed by law if compliance thereof would in any way prevent, hinder or delay necessary action in responding to or mitigating a disaster;

9. on behalf of the City of Lakewood, accept services, grants and loans, equipment, supplies, and materials whether from private, nonprofit or governmental sources;

10. temporarily suspend, limit, cancel, postpone, convene, schedule, or continue all meetings of the City Council, and any City of Lakewood committee, commission, board, authority or other City of Lakewood body as deemed appropriate by the City Manager and the Mayor and, if the Mayor is not available, then the Mayor Pro Tem and, if the Mayor Pro Tem is not available, then the City Council President;

11. if regular City of Lakewood forces are determined to be inadequate, then to acquire the services of such other personnel as are available, including citizen volunteers;

12. hire or contract for construction, engineering, architectural, building, electrical, plumbing, and/or other professional or construction services essential to continue the activities of the City of Lakewood without the advertising of bids or compliance with procurement requirements;

13. terminate or suspend any process, operation, machine, device or event that is or may negatively impact the health, safety and welfare of persons or property within the City of Lakewood;

14. delegate authority to such City of Lakewood officials and employees as the City Manager determines reasonably necessary or expedient; and

15. issue any and all other orders or undertake such other functions and activities as the City Manager reasonably believes is required to protect the health, safety, welfare of persons or property within the City of Lakewood or to otherwise preserve the public peace or abate, clean up, or mitigate the effects of a disaster. (Ord. 2019-24 § 4, 2019; Ord. O-2009-6 § 3, 2009; Ord. O-2002-9 § 1, 2002).

**1.27.071 Enforcement of orders.**

A. The members of the Police Department and such other law enforcement and peace officers as may be authorized by the City Manager are further authorized and directed to enforce the orders, rules and regulations made or issued pursuant to this chapter.

B. During the period of a disaster proclamation a person shall not:

1. enter or remain upon the premises of any establishment not open for business to the general public, unless such person is the owner or authorized agent of the establishment; or

2. violate any of the orders or regulations duly issued by the City Manager or authorized personnel pursuant to the Chapter; or

3. willfully obstruct or interfere with any duly authorized City of Lakewood agent, employee or volunteer in the enforcement or exercise of the provisions of the chapter, or of the undertaking of any activity pursuant to this chapter. (Ord. O-2019-24 § 4, 2019; Ord. O-2009-6 § 4, 2009).

**1.27.072 Authority to enter a property.**

During a state of disaster a City of Lakewood employee or agent authorized by the City Manager may enter onto private property if the employee or authorized agent has reasonable grounds to believe that there is an emergency and an immediate need for assistance for the protection of life or property, and that entering onto the private property will allow the person to take such steps to alleviate or minimize the emergency or disaster or to prevent or minimize danger to lives or property from the disaster. (Ord. O-2019-24 § 4, 2019; Ord. O-2009-6 § 4, 2009).
1.27.073 Location of governing body meetings and departments.
   A. Whenever a disaster makes it imprudent or significantly difficult to conduct the affairs
   of the City at its regular locations, the governing body may meet at any place, inside or outside
   the City limits. Any temporary meeting location for the governing body shall continue until a
   new location is established or until the governing body is able to return to its normal location.
   B. Whenever a disaster makes it imprudent or significantly difficult to conduct the affairs
   of any department of the City of Lakewood at its regular location, such department may
   conduct its business at any place, inside or outside the City of Lakewood limits and may
   remain at the temporary location until the department is able to return to its normal location.
   C. Any official act or meeting required to be performed at any regular location of the
   governing body or of its departments is valid when performed at any temporary location under
   this section.
   D. The provisions of this section shall apply to all executive, legislative and judicial
   branches, powers and functions conferred upon the City of Lakewood and its officers,

1.27.074 Mutual aid agreements.
   During a state of disaster, the City Manager may, on behalf of the City of Lakewood, enter
   into reciprocal aid, mutual aid, joint powers agreements, intergovernmental assistance
   agreements or other compacts or plans with other entities as appropriate for the protection of
   life and property. Such agreements may include the furnishing or exchange of supplies,
   equipment, facilities, personnel and/or services, and any other topics relevant to planning and

1.27.075 Access to Reserve funds.
   In the event of a declared local disaster, the City Manager shall have immediate access to
   the City of Lakewood reserve funds and the emergency funds mandated by the Taxpayer’s
   Bill of Rights (TABOR) as set forth in Article X, Section 20, Subsection (5) entitled Emergency
   Reserves, of the Colorado Constitution. Funds utilized pursuant to this Chapter shall be
   replenished no later than the conclusion of the following fiscal year, contingent upon the
   availability of funds and the necessity of further funding for disaster response or mitigation.

1.27.076 Report to City Council.
   At such time as a disaster proclamation shall be declared ended, the City Manager shall
   within a reasonably practicable time period submit a report to the City Council describing the
   nature of the disaster, the type of actions taken and funds expended pursuant to this

1.27.080 Compensation.
   Any compensation for property commandeered or otherwise used in response to a
   disaster or emergency shall be calculated as set forth in Colorado Disaster Emergency Act of

1.27.090 Conflicting ordinances, orders, rules and regulations suspended.
   Any orders, rules and regulations promulgated during a proclaimed state of disaster shall
   take precedence over existing ordinances, rules and regulations if a conflict arises. (Ord. O-
   2002-9 § 1, 2002).
1.27.100  Applicability of state law in disaster situations.
The implementation of the provisions of this Chapter during a proclaimed state of disaster shall be subject to applicable provisions of Title 24, Article 32, of the Colorado Revised Statutes, “Department of Local Affairs,” as amended. (Ord. O-2002-9 § 1, 2002).

1.27.110  Violation of regulations.
It shall be unlawful for any person to violate any of the provisions of this Chapter or of the regulations or plans issued pursuant to the authority contained in this Chapter, or to willfully obstruct, hinder or delay any person in the exercise of any duty or authority pursuant to the provisions of this Chapter. (Ord. O-2002-9 § 1, 2002).

1.27.120  Penalty.
Any person convicted of a violation of any section of this Chapter or of any regulations or plans issued pursuant to the authority contained herein shall be punished by a fine or by imprisonment or by both such fine and imprisonment pursuant to the provisions in Chapter 1.16 of the Lakewood Municipal Code. (Ord. O-2002-9 § 1, 2002).

1.27.130  Liability.
The officers, employees and agents of the City of Lakewood shall not be liable for actions they undertake under the terms of the Colorado Disaster Emergency Act of 1992 or this Ordinance. (Ord. O-2002-9 § 1, 2002).
Chapter 1.28
DESIGNATION OF NEWSPAPER FOR PUBLICATIONS

Sections:
1.28.010 Newspaper publication/official

1.28.010 Newspaper publication/official
The Denver Post, a newspaper of general circulation in the City of Lakewood, is hereby designated as the official newspaper for the publication of any ordinance, public hearing, or other matter requiring such public notice.

All ordinances requiring publication shall be published in the Denver Post, by reference to their assigned number and title. The notice shall advise that the title, the description, and the full text of these ordinances are available in electronic form on the city’s official website or in printed form in the City Clerk’s Office. The notice shall include instructions for obtaining the title and the full text of such ordinances in electronic and printed form; and the City Clerk shall publish the title and the full text of all such ordinances on the official website of the City of Lakewood.

In the event the publication of an ordinance by title and assigned number, or any public hearing or notice, or other matter requiring publication cannot be timely published in the Denver Post, then the City Clerk shall be authorized to publish said ordinance by title and assigned number, public hearing, public notice, or other matter in any newspaper of general circulation in the City of Lakewood that may, by said publication, provide for such timely publication.

The City Clerk shall also comply with any other publication requirements imposed by federal or state law as may be applicable to a particular type of ordinance, resolution, or public notice. (Ord. 2019-24 § 4, 2019; Ord O-2009-14 § 2, 3, 4, 5, 2009; Ord. O-2005-21 §§ 1, 2, 3, 4, 5, 2005; Ord. O-2005-20 §§ 1, 2, 3, 4, 5, 2005; Ord. O-83-175 § 1, 2, 1983).