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ARTICLE 1

Code

Sec. 1-1-10. Adoption of Code.

The published code known as the *Minturn Municipal Code*, published by Colorado Code Publishing Company, of which one (1) copy is now on file in the office of the Town Clerk and may be inspected during regular business hours, is enacted and adopted by reference as a primary code and incorporated herein as if set out at length. This primary code has been promulgated by the Town of Minturn, Colorado, as a codification of all the ordinances of the Town of Minturn of a general and permanent nature through Ordinance No. 15-2008 for the purpose of providing an up-to-date code of ordinances, properly organized and indexed, in published form for the use of the citizens and officers of the Town. (Prior code 1-1; Ord. 15-2008 §1)

Sec. 1-1-20. Title and scope.

This Code constitutes the adoption, compilation, revision and codification of all the ordinances of the Town of Minturn of a general and permanent nature. All ordinances of a general and permanent nature are included herein. Any ordinances not included in this Code which are inconsistent with the provisions of this Code are specifically repealed. This Code shall be known as the *Minturn Municipal Code*. (Prior code 1-2)

Sec. 1-1-30. Purpose.

The Town Council finds, determines and declares that this Chapter is necessary for the general health, safety and welfare of the community. (Prior code 1-3)

Sec. 1-1-40. Adoption of secondary codes by reference.

Secondary codes may be adopted by reference, as provided by state law. (Ord. 15-2008 §1)

Sec. 1-1-50. Repeal of ordinances not contained in Code.

All ordinances and parts of ordinances of a general and permanent nature which are inconsistent with any ordinance included in the adoption of this Code to the extent of such inconsistency are hereby repealed as of the effective date of the adopting ordinance, except as hereinafter provided. (Prior code 1-4)

Sec. 1-1-60. Matters not affected by repeal.

The repeal of ordinances and parts of ordinances of a permanent and general nature by Section 1-1-50 above shall not affect any offense committed or act done, any penalty or forfeiture incurred or any contract, right or obligation established prior to the time said ordinances and parts of ordinances are repealed. (Prior code 1-5)

Sec. 1-1-70. Ordinances saved from repeal.

The continuance in effect of temporary and/or special ordinances and parts of ordinances, although omitted from this Code, shall not be affected by such omission therefrom, and the adoption of this Code shall not repeal or amend any such ordinance or part of any such ordinance. Among the ordinances not repealed or amended by the adoption of this Code are ordinances:

- (1) Creating, accepting, establishing, locating, relocating, opening, dedicating, vacating or closing specific streets, alleys and other public ways.
- (2) Naming or changing the names of specific streets and other public ways.
- (3) Establishing the grades of specific streets and other public ways.
- (4) Establishing the grades or lines of specific sidewalks.
- (5) Authorizing or relating to specific issuances of general obligation or special revenue bonds or other evidences of indebtedness.
- (6) Creating specific sewer and paving districts and other local improvement districts.
- (7) Authorizing the issuance of specific local improvement district bonds.
- (8) Making special assessments for local improvement districts and authorizing refunds from specific local improvement district bond proceeds.
- (9) Annexing territory to or excluding territory from the Town.
- (10) Dedicating or accepting any specific plat or subdivision.
- (11) Calling or providing for a specific election.
- (12) Authorizing specific contracts for purchase of beneficial use of water by the Town.
- (13) Approving or authorizing specific contracts with the State, with other governmental bodies or with others.
- (14) Authorizing a specific lease, sale or purchase of property.
- (15) Granting rights-of-way or other rights and privileges to specific railroad companies or other public carriers.
- (16) Granting a specific gas company or other public utility the right or privilege of constructing lines in the streets and alleys or of otherwise using the streets and alleys.
- (17) Granting a franchise to a specific public utility company or establishing rights for or otherwise regulating a specific public utility company.

(18) Setting rates, tolls and charges for water, sewer, any utility or proprietary fee, unless otherwise specifically set forth in this Code.

(19) Appropriating money, levying taxes, making appropriations or adopting a budget.

(20) Relating to salaries.

(21) Amending the Official Zoning Map. (Prior code 1-6)

Sec. 1-1-80. Code supersedes prior ordinances.

This Code shall supersede all other general and permanent ordinances and parts of ordinances passed by the Town Council, except such ordinances as are expressly saved from repeal or continued in force and effect, as shall herein be set forth by reference. (Prior code 1-7)

Sec. 1-1-90. Changes in previously adopted ordinances.

In compiling and preparing the ordinances of the Town for adoption and revision as part of the Code, certain grammatical changes and other minor changes were made in one (1) or more of said ordinances. It is the intention of the Town Council that all such changes be adopted as part of this Code as if the ordinances so changed had been previously formally amended to read as such. (Prior code 1-8)

ARTICLE 2

Definitions and Usage

Sec. 1-2-10. Definitions.

The following words and phrases, whenever used in the ordinances of the Town and/or any codification of the same, shall be construed as defined in this Section, unless a different meaning is intended from the context or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

Code means the *Minturn Municipal Code* as published and subsequently amended, unless the context requires otherwise.

County means the County of Eagle, Colorado.

C.R.S. means Colorado Revised Statutes, including all amendments thereto.

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

May is permissive.

Misdemeanor means and is to be construed as meaning violation and is not intended to mean crime or criminal conduct.

Month means a calendar month.

Must and *shall* are both mandatory.

Oath shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words *swear* and *sworn* shall be equivalent to the words *affirm* and *affirmed*.

Occupant means any person who occupies the whole or any part of a building or land, either alone or with others.

Ordinance means a permanent law of the Town; provided that a temporary or special law, administrative action, order or directive, or declaration of intent, may be in the form of a resolution.

Owner, as applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land.

Person includes any individual, corporation, firm, partnership, association, organization or other group acting as a unit. It also includes any executor, administrator, trustee, receiver or other representative appointed by law. Whenever the word *person* is used in any section prescribing a penalty or fine, it shall include the partners or members of any partnership or corporation, and, as to corporations, the officers, agents or members thereof who are responsible for the violation.

Personal property includes money, goods, chattels, things in action and evidences of debt.

Preceding and *following* mean next before and next after, respectively.

Property includes real and personal property.

Public way includes any street, alley, boulevard, parkway, highway, sidewalk, bike path, or other public thoroughfare.

Real property includes lands, tenements and hereditaments.

Sidewalk means that portion of a street between the curblines and the adjacent property line intended for the use of pedestrians.

State means the State of Colorado.

Street includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in the Town which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this State.

Tenant, applied to a building or land, includes any person who occupies all or a part of such building or land, whether alone or with others.

Town means the Town of Minturn, Colorado, or the area within the territorial limits of the Town of Minturn, and such territory outside of the Town over which the Town has jurisdiction or control by virtue of any constitutional or statutory provision.

Town Council means the Town Council, consisting of one (1) Mayor and six (6) Councilmembers, of the Town of Minturn. *All its members* or *all Councilmembers* means the total number on the Council entitled to vote in any particular circumstances upon any question, as provided by the general laws of the State.

Written or *in writing* includes printed, typewritten, mimeographed, multigraphed, any representation of words, letters, symbols or figures, or otherwise reproduced in permanent visible form.

Year means a calendar year. (Prior code 1-21; Ord. 15-2008 §1)

Sec. 1-2-20. Computation of time.

The time within which an act is to be done shall be computed by excluding the first and including the last day; but if the time for an act to be done shall fall on Saturday, Sunday or a legal holiday, the act shall be done upon the next regular business day following such Saturday, Sunday or legal holiday. (Prior code 1-22)

Sec. 1-2-30. Title of office.

Use of the title of any officer, employee, department, board, commission or office means that officer, employee, office, department, board or commission of the Town, or his or her designated representative, unless otherwise specifically designated. (Prior code 1-23)

Sec. 1-2-40. Usage of terms.

All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such peculiar and appropriate meaning. (Prior code 1-24)

Sec. 1-2-50. Grammatical interpretation.

The following grammatical rules shall apply to this Code and to Town ordinances unless it is apparent from the context that a different construction is intended:

- (1) Any gender includes the other genders.
- (2) The singular number includes the plural and the plural includes the singular.
- (3) Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable.
- (4) Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.

(5) The words *or* and *and* may be read interchangeably in situations where the context requires it. (Prior code 1-25; Ord. 15-2008 §1)

ARTICLE 3

General

Sec. 1-3-10. Titles and headings not part of ordinances.

Chapter and article titles, headings and titles of sections and other divisions in this Code or in supplements made to this Code are inserted in the Code, may be inserted in supplements to this Code for the convenience of persons using the Code, and are not part of this Code. (Prior code 1-41; Ord. 15-2008 §1)

Sec. 1-3-20. Authorized acts by agents, representatives.

When an act is required by an ordinance, the same being such that it may be done as well by an agent, designee or representative as by the principal, such requirement shall be construed to include all such acts when performed by any authorized agent, designee or representative. (Prior code 1-42; Ord. 15-2008 §1)

Sec. 1-3-30. Prohibited 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. (Prior code 1-43)

Sec. 1-3-40. Purpose of Code.

The provisions of this Code and all proceedings under it are to be construed with a view to effect its objectives and to promote justice. (Prior code 1-44)

Sec. 1-3-50. Repeal of ordinances.

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby. (Prior code 1-45)

Sec. 1-3-60. Amendments to Code.

Ordinances and parts of ordinances of a permanent and general nature, passed or adopted after the adoption of this Code, may be passed or adopted either in the form of amendments to this Code adopted by this Code or without specific reference to the Code. However, in either case, all such ordinances and parts of ordinances shall be deemed amendments to the Code, and all of the substantive, permanent and general parts of said ordinances and changes made thereby in this Code shall be inserted and made in this Code as provided in Section 1-3-80 below. (Prior code 1-47; Ord. 15-2008 §1)

Sec. 1-3-70. Examination of Code.

The Mayor and Town Clerk shall carefully examine at least one (1) copy of this Code adopted by this ordinance to see that it is a true and correct copy of the Code. Similarly, after each supplement has been prepared, printed and inserted in the Code, the Mayor and Town Clerk shall carefully examine at least one (1) copy of this Code as supplemented. The copy of this Code as originally adopted or amended shall constitute the permanent and general ordinances of the Town and shall be so accepted by the courts of law, administrative tribunals and all others concerned. (Prior code 1-49)

Sec. 1-3-80. Supplementation of Code.

(a) The Town Clerk shall cause supplementation of this Code to be prepared and printed from time to time as he or she may see fit. All substantive, permanent and general parts of ordinances passed by the Town Council or adopted by initiative and referendum, and all amendments and changes in ordinances or other measures included in this Code prior to the supplementation and since the previous supplementation, shall be included.

(b) It shall be the duty of the Town Clerk, or someone authorized and directed by the Town Clerk, to keep up to date the copy of the book containing this Code required to be filed in the office of the Town Clerk for the use of the public. (Prior code 1-50)

Sec. 1-3-90. Sale of Code books.

Copies of this Code book may be purchased from the Town Clerk upon the payment of a fee to be set by resolution of the Town Council. (Prior code 1-51)

Sec. 1-3-100. Copy of Code on file.

At least one (1) copy of this Code shall be kept in the office of the Town Clerk at all times, and such Code may be inspected by any interested person at any time during regular office hours, but may not be removed from the Town Clerk's office except upon proper order of a court of law. One (1) copy of each such code may be kept in the office of the chief enforcement officer thereof. (Prior code 1-48)

Sec. 1-3-110. Altering or tampering with Code; penalties for violation.

Any person who shall alter, change or amend this Code, except in the manner prescribed in this Article, or who shall alter or tamper with this Code in any manner so as to cause the ordinances of the Town to be misrepresented thereby shall, upon conviction thereof, be punishable as provided by Section 1-4-20 of this Chapter. (Prior code 1-52)

Sec. 1-3-120. Severability.

The provisions of this Code are declared to be severable, and if any sections, section, subsection or provision or part thereof shall be held unconstitutional or invalid the remainder of this Code shall continue in full force and effect, it being the legislative intent that this Code would have been adopted even if such unconstitutional matter had not been included therein. It is further declared that, if any provision or part of this Code, or the application thereof to any person or circumstances, is held

invalid, the remainder of this Code and the application thereof to other persons shall not be affected thereby. (Prior code 1-46)

ARTICLE 4

General Penalty

Sec. 1-4-10. Violation.

It is a violation of this Code for any person to do any act which is forbidden or declared to be unlawful or to fail to do or perform any act required in this Code. (Ord. 15-2008 §1)

Sec. 1-4-20. General penalty for violation.

Any person violating any provisions or failing to comply with any of the mandatory requirements of the ordinances of the Town shall be guilty of a misdemeanor. Unless otherwise specifically provided, any person convicted of a violation of any such ordinance shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding one, (1) year, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the Town is committed, continued or permitted by any such person, and he or she may be punished accordingly. (Prior code 1-72; Ord. 15-2008 §1)

Sec. 1-4-30. Minors.

Any provision of this Article to the contrary notwithstanding, any person who is convicted of a violation of this Code, and who has not attained the age of eighteen (18) years at the time of such conviction, shall not be imprisoned or subject to public work as punishment therefor, provided that a child under the age of eighteen (18) years may be confined as provided in Section 13-10-113, C.R.S. (Prior code 1-73)

Sec. 1-4-40. Public work.

In lieu of the penalties provided in Section 1-4-20 above, the Municipal Judge may require any person convicted of any offense to engage in public work for the Town or for any charity, the terms and conditions thereof to be set forth by the Municipal Judge. (Prior code 1-71)

Sec. 1-4-50. Penalty for violation of ordinances adopted after adoption of Code.

Any person who violates any provision of any ordinance of a permanent and general nature passed or adopted after adoption of this Code, either before or after it has been inserted in this Code by a supplement, shall, upon conviction thereof, be punishable as provided by Section 1-4-20 above unless another penalty is specifically provided for the violation. (Ord. 15-2008 §1)

Sec. 1-4-60. Interpretation of unlawful acts.

Whenever in this Code any act or omission is made unlawful, it is also unlawful to cause, allow, permit, aid, abet or suffer such unlawful act or omission. Concealing or in any manner aiding in the concealing of any unlawful act or omission is similarly unlawful. (Ord. 15-2008 §1)

ARTICLE 5

Inspections

Sec. 1-5-10. Right of entry.

Any authorized official of the Town is authorized to enter any structure or premises at reasonable times to inspect, subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the authorized official is authorized to pursue recourse as provided by law, including the right to seek assistance from any court of competent jurisdiction to obtain such entry. (Ord. 5, 2009 §1)

Sec. 1-5-20. Reserved.

Sec. 1-5-30. Authority to enter premises under emergency.

Law enforcement officers certified with the State, members of the Fire Department, other fire departments operating under a mutual assistance agreement or automatic aid agreement with the Town, certified emergency medical technicians and paramedics during the course of employment with a governmental agency are hereby granted the authority to enter private residences within the Town without invitation from the occupant of the residence at any time such persons have reasonable grounds to believe a medical emergency is in progress within the subject premises and the occupant of such premises is incapable of consenting to the entry because of such medical emergency. (Ord. 15-2008 §1)

Sec. 1-5-40. Announcement of purpose and authority to enter premises.

Unauthorized entry pursuant to Section 1-5-30 above shall be permissible only after the individuals seeking entry have announced both their purpose and authority in a loud and conspicuous voice and have waited a reasonable period of time for the occupant to respond before making entry. (Ord. 15-2008 §1)

ARTICLE 6

Seal

Sec. 1-6-10. Corporate seal.

A seal, the impression of which shall contain in the center the word "Seal" and around the outer edge the words "Town of Minturn, Colorado," shall be and hereby is declared to be the Seal of the Town. (Ord. 15-2008 §1)

