

CHAPTER 1
General Provisions

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ARTICLE I

Code

Sec. 1-1. Adoption of Code.

The published code known as the *Green Mountain Falls Municipal Code*, 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 Green Mountain Falls as a codification of all the ordinances of the Town of Green Mountain Falls, Colorado, of a general and permanent nature through Ordinance No. 92-04, 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. (Ord. 92-04 §1)

Sec. 1-2. Title and scope.

This Code constitutes a compilation, revision and codification of all the ordinances of the Town of Green Mountain Falls, Colorado, of a general and permanent nature, and shall be known as the *Green Mountain Falls Municipal Code*. (Ord. 92-04 §1)

Sec. 1-3. Purpose.

The Board of Trustees finds, determines and declares that the ordinance codified in this Chapter is necessary for the general health, safety and welfare of the community. (Ord. 92-04 §1)

Sec. 1-4. Adoption of codes by reference.

Codes may be adopted by reference, as provided by state law. (Ord. 92-04 §1)

Sec. 1-5. Matters not affected by repeal.

The repeal of ordinances and parts of ordinances of a permanent and general nature by Section 1-44 of this Code 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incurred or any contract, right or obligation established prior to the time said ordinances and parts of ordinances are repealed. (Ord. 92-04 §1)

Sec. 1-6. Repeal of ordinances not contained in Code.

All ordinances and portions of ordinances of a general and permanent nature adopted by the Board of Trustees are included herein. Any ordinances or portions of ordinances not included in this Code which are inconsistent with the provisions of this Code are specifically repealed. (Ord. 92-04 §1)

Sec. 1-7. 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 the 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, 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 bonds.

(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 any water, sewer, utility or proprietary fee, unless otherwise specifically set forth in this Code.

(19) Appropriating money.

(20) Levying a temporary tax or fixing a temporary tax rate.

(21) Relating to salaries.

(22) Amending the Official Zoning Map. (Ord. 92-04 §1)

Sec. 1-8. 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 Board of Trustees that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such. (Ord. 92-04 §1)

Sec. 1-9. Effective date.

This Code shall become effective on the date the ordinance codified in this Chapter, adopting this Code as the Green Mountain Falls Municipal Code, becomes effective. (Ord. 92-04 §1)

Secs. 1-10--1-20. Reserved.

ARTICLE II

Definitions, Usage and Interpretation

Sec. 1-21. Definitions.

In the construction of the Code and of all ordinances of the Town, the following definitions and rules of construction shall be observed, unless it shall be otherwise expressly provided in any section or ordinances, or unless inconsistent with the manifest intent of the ordinance:

(1) *Board of Trustees* means the Board of Trustees of the Town of Green Mountain Falls.

(2) *Code* means the Code of the Town of Green Mountain Falls, as published and subsequently amended, unless the context requires otherwise.

(3) *Computation of time* means the time within which an act is to be done, excluding the first and including the last day; but if the time for an act to be done shall fall on Sunday or a legal holiday, the act shall be done upon the day following such Sunday or legal holiday.

(4) *County* means the County of El Paso, Colorado.

(5) *C.R.S.* means Colorado Revised Statutes.

(6) *Day* refers to the period of time between any midnight and the midnight following.

(7) *Daytime* and *nighttime*. *Daytime* is the period of time between sunrise and sunset. *Nighttime* is the period of time between sunset and sunrise.

(8) *In the Town* shall mean and include all territory over which the Town now has, or shall hereafter acquire, the jurisdiction for the exercise of its police powers or other regulatory powers.

(9) *Law* denotes applicable federal law, the constitution and statutes of the State, the ordinances of the Town and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

(10) *May* is permissive.

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

(12) *Month* shall mean a calendar month.

(13) *Oath* shall be construed to include an affirmation 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*.

(14) *Ordinance* means a law of the Town; provided that a temporary or special law, administrative action, order or directive may be in the form of a resolution.

(15) *Owner*, when applied to a building or land, shall include 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.

(16) *Person* shall include a firm, partnership, corporation, association or other organization acting as a group or unit as well as an individual.

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

(18) *Property* shall include real, tangible and intangible personal property.

(19) *Public way* shall include any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

(20) *Real property* shall include lands, tenements and hereditaments.

(21) *Shall* is mandatory.

(22) *Sidewalk* means the portion of the street between the curb line and the adjacent property line, intended for the use of pedestrians.

(23) *State* shall be construed to mean the State of Colorado.

(24) *Street* means and includes any public way, highway, street, avenue, boulevard, parkway, alley or other public

thoroughfare, and each of such words shall include all of them.

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

(26) *Town* means the Town of Green Mountain Falls, Colorado.

(27) *Written* includes printed, typewritten, mimeographed or multigraphed.

(28) *Year* shall mean a calendar year, unless otherwise expressed. (Prior code 1-1-2; Ord. 92-04 §1)

Sec. 1-22. Usage of terms.

(a) 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.

(b) When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent. (Prior code 1-1-2; Ord. 92-04 §1)

Sec. 1-23. Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the Town:

(1) *Gender*. Every word in any ordinance importing the masculine gender shall extend to and be applied to females as well as males, and associations and bodies corporate as well as individuals shall be included.

(2) Singular and plural. The singular number includes the plural and the plural includes the singular.

(3) Tenses. Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable.

(4) Use of words and phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. (Prior code 1-1-2; Ord. 92-04 §1)

Secs. 1-24–1-40. Reserved.

ARTICLE III

General

Sec. 1-41. Titles and headings not part of ordinance.

The title of any section or subsection of this Code shall not be deemed to in any way restrict, qualify or limit the effect of the provisions set forth and contained in such section or subsection. Chapter and Article titles, headings and titles of sections and other divisions in the Code or in subsequent supplements may be inserted in supplements to the Code for the convenience of persons using the Code, and are not part of the ordinances. (Prior code 1-1-2; Ord. 92-04 §1)

Sec. 1-42. Authorized acts.

When an ordinance requires an act to be done which may as well be done by an

agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent. (Prior code 1-1-2)

Sec. 1-43. Prohibited acts.

Whenever in Town ordinances 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. 92-04 §1)

Sec. 1-44. Repeal shall not 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. 92-04 §1)

Sec. 1-45. Publication of ordinances.

All ordinances, as soon as may be possible after their passage, shall be recorded in a book kept for that purpose and authenticated by the signature of the Mayor or the Town Clerk. All ordinances of a general or permanent nature and those imposing any fine, penalty or forfeiture shall be published in a newspaper of general circulation in the Town. Such ordinances shall not take effect until thirty (30) days after such publication, except for ordinances calling for special elections or necessary for the immediate preservation of the public peace, health or safety, which shall be set forth in a separate section. (Prior code 2-2-2)

Sec. 1-46. Severability.

The provisions of this Code are hereby declared to be severable, and if any section, 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 1-1-4)

Sec. 1-47. Amendments.

Any additions or amendments to this Code shall be adopted as ordinances as required by state law, and when passed in such form as to indicate the intention to make the same a part thereof, shall be incorporated into this Code so that reference to it as *Green Mountain Falls Municipal Code* shall be understood as including such additions or amendments. (Prior code 1-1-3)

Sec. 1-48. Certification of Code.

The Mayor and Town Clerk shall carefully examine at least one (1) copy of the Code adopted by this ordinance to see that it is a true and correct copy of the Code. The copy of the Code as originally adopted or amended, certified and sealed 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. (Ord. 92-04 §1)

Sec. 1-49. Supplementation of Code.

(a) The Board of Trustees shall cause supplementation of the Code to be prepared and printed from time to time as it may see fit. All substantive, permanent and general parts of ordinances passed by the Board of Trustees or adopted by initiative and referendum, and all amendments and changes in temporary and special ordinances or other measures included in the 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 one (1) certified copy of the book containing the Code required to be filed in the office of the Town Clerk for the use of the public. (Ord. 92-04 §1)

Sec. 1-50. Sale of Code books.

Copies of the Code book may be purchased from the Town Clerk upon the payment of a fee to be set by resolution of the Board of Trustees. (Ord. 92-04 §1)

Sec. 1-51. 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 the 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 1-72. (Ord. 92-04 §1)

Secs. 1-52–1-70. Reserved.

ARTICLE IV

General Penalty

Sec. 1-71. Violations.

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. 92-04 §1)

Sec. 1-72. General penalty, continuing violations.

Any person who shall violate or fail to comply with any provision of any Chapter of this Code for which a different penalty is not specifically provided shall, upon conviction thereof, be punishable by a fine not exceeding one thousand dollars (\$1,000.00), except as hereinafter provided in Section 1-73, and in addition, such person, shall pay all costs and expenses in the case, including attorney fees. Each day such violation continues shall be considered a separate offense. (Ord. 92-04 §1)

Sec. 1-73. Application of penalties to juveniles.

Every person who, at the time of commission of the offense, was at least ten (10) but not yet eighteen (18) years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to, a violation of any provision of this Chapter, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation or count. Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge. Nothing in this Section

shall be construed to prohibit incarceration in an appropriate facility, at the time of charging, of a juvenile violating any section of this Code. (Ord. 92-04 §1)

Sec. 1-74. Penalty for violations of ordinances adopted after adoption of Code.

Any person who shall violate 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 the Code by a supplement, shall, upon conviction thereof, be punishable as provided by Section 1-72, unless another penalty is specifically provided for the violation. (Ord. 92-04 §1)

Secs. 1-75–1-90. Reserved.

ARTICLE V

Inspections

Sec. 1-91. Entry.

Whenever necessary to make an inspection to enforce any ordinance, or whenever there is probable cause to believe that there exists an ordinance violation in any building or upon any premises within the jurisdiction of the Town, any public inspector of the Town may, upon presentation of proper credentials and upon obtaining permission of the occupant, or if unoccupied, the owner, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him or her by ordinance. In the event the occupant, or if unoccupied, the owner, refuses entry to such building or premises, or the public inspector is unable to obtain permission of such occupant or

owner to enter such building or premises, the public inspector is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. 92-04 §1)

Sec. 1-92. Authority to enter premises under emergency.

Law enforcement officers certified with the State, members of the Green Mountain Falls 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 or occupants of the residence at any time such person has reasonable grounds to believe a medical emergency is in progress within the subject premises and the occupant or occupants of such premises are incapable of consenting to the entry because of such medical emergency. (Ord. 92-04 §1)

Secs. 1-93--1-110. Reserved.

ARTICLE VI

Seal

Sec. 1-111. 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 Green Mountain Falls, Colorado," shall be and hereby is declared to be the Seal of the Town. (Ord. 92-04 §1)

Secs. 1-112--1-130. Reserved.