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CHAPTER 1 General Provisions

ARTICLE I Code

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

Upon adoption by the Board of Trustees, this published code, known as the *Blue River Municipal Code*, is hereby declared to be and shall hereafter constitute the official Code of the Town. This primary Code has been promulgated by the Town of Blue River, Colorado, as a codification of all the ordinances of the Town of Blue River of a general and permanent nature through Ordinance No. 06-01, 2006, 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. This Code is hereby published by authority of the Board of Trustees and shall be kept up to date as provided in Section 1-3-80 of this Chapter. One (1) copy of said Code is now on file in the office of the Town Clerk and may be inspected during regular business hours. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this Code by title in any legal document.

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

This Code constitutes a compilation, revision and codification of all the ordinances of the Town of Blue River, Colorado, of a general and permanent nature, and shall be known as the *Blue River Town Code*.

Sec. 1-1-30. Code supersedes prior ordinances.

This Code shall supersede all other municipal codes consisting of compilations of general and permanent ordinances and parts of ordinances passed by the Board of Trustees.

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

Secondary codes may be adopted by reference, as provided by state law.

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

All existing ordinances and portions of ordinances of a general and permanent nature which are inconsistent with any ordinance included in the adoption of this Code are hereby repealed to the extent of any inconsistency therein as of the effective date of the ordinance adopting this Code, except as hereinafter provided.

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 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.

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

- (a) All general ordinances of the Town passed prior to the adoption of this Code are hereby repealed, except such as are included in this Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances, which are not hereby repealed:
- (1) Tax levy ordinances.
 - (2) Appropriation ordinances.
 - (3) Ordinances relating to boundaries and annexing territory to or excluding territory from the Town.
 - (4) Franchise ordinances and other ordinances granting special rights to persons or corporations.
 - (5) Contract ordinances and ordinances authorizing the execution of a contract for purchase of beneficial use of water by the Town or the issuance of warrants.
 - (6) Ordinances approving or authorizing specific contracts with the State, with other governmental bodies or with others.
 - (7) Salary ordinances.
 - (8) Ordinances establishing, creating, opening, dedicating, naming, renaming, vacating or closing streets, alleys or other public places.
 - (9) Ordinances establishing the grades or lines of specific streets, sidewalks and other public ways.
 - (10) Ordinances creating specific sewer and paving districts and other local improvement districts ordinances;
 - (11) Bond ordinances authorizing the issuance of general obligation or specific local improvement district bonds;
 - (12) Ordinances making special assessments for local improvement districts and authorizing refunds from specific local improvement district bond proceeds.
 - (13) Ordinances dedicating or accepting any specific plat or subdivision.
 - (14) Ordinances relating to elections.
 - (15) Ordinances relating to the transfer or acceptance of real estate by or from the Town or authorizing a specific lease, sale or purchase of property.
 - (16) Ordinances amending the Official Zoning Map; and
 - (17) All special ordinances.

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.

- (b) No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities, shall be repealed by virtue of the adoption of this Code or by virtue of the preceding Section, excepting as the Code may contain provisions for such matters, in which case this Code shall be considered as amending such ordinance in respect to such provisions only.

(Prior codes 1-2-1, 1-2-2; Ord. 06-01 §1, 2006)

Sec. 1-1-80. Changes in previously adopted ordinances.

In compiling and preparing the ordinances of the Town for adoption and revision as part of this Code, certain grammatical changes and other 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 this Code as if the ordinances so changed had been previously formally amended to read as such.

ARTICLE II Definitions and Usage

Sec. 1-2-10. Definitions.

Whenever the following words, phrases or terms are used in this Code, they shall have such meanings herein ascribed to them, 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:

Agent means a person acting on behalf of another.

Board or *Board of Trustees*, unless otherwise indicated, means the Board of Trustees of the Town of Blue River.

Chief of Police includes the law enforcement officer employed by the Town or the Summit County Sheriff, pursuant to contract between the Town and the County.

Code means the Municipal Code of Blue River, Colorado, as published and subsequently amended, unless the context requires otherwise.

County means the County of Summit, Colorado.

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

Employees. Whenever reference is made in this Code to a Town employee by title only, this shall be construed as though followed by the words, "of the Town of Blue River."

Fee means a sum of money charged by the Town for the carrying on of a business, profession or occupation.

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.

License means the permission granted for the carrying on of a business, profession or occupation.

May is permissive.

Mayor means the Mayor of the Town.

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.

Nuisance means anything offensive or obnoxious to the health and welfare of the inhabitants of the Town; or any act or thing repugnant to, creating a hazard to, or having a detrimental effect on the property of another person or the community. (See also Section 7-1-10 of this Code.)

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, as applied to a building or land, means any person who occupies the whole or any part of such building or land, whether alone or with others.

Offense means any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

Officers. Whenever reference is made in this Code to a Town officer by title only, this shall be construed as though followed by the words "of the Town of Blue River."

Operator means the person who is in charge of any operation, business or profession.

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.

Owner, as applied to a building, land, motorized vehicle, animal or other real or personal property, shall include any part owner, joint owner, tenant in common, joint tenant or lessee or any other person with a possessory interest in the whole or a part of such building, land, motor vehicle, animal or other real or personal property.

Person means natural person, any public or private corporation, company, firm, joint venture, joint stock company, partnership, association, business, trust, organization, club, government or any other group acting as a unit, or the manager, lessee, agent, servant, officer or employee of any of them.

Personal property shall include every description of money, goods, chattels, effects, evidence of rights in action, evidences of debt and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

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

Property includes real and personal property.

Real property includes lands, tenements and hereditaments.

Retailer, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

Shall and *must* are both mandatory.

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

State means the State of Colorado.

Street means any approved roadway used for vehicular traffic.

Tenant and occupant, as applied to a building or land, shall include any person who occupies the whole or any part of such buildings or land, whether alone or with others.

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

Wholesaler and wholesale dealer, unless otherwise specifically defined, relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale.

Written or in writing may mean printed, typewritten, photocopied, mimeographed, multi-graphed and any other mode of representing words and letters in permanent visible form, but when the written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person or, in case he or she is unable to write, by his or her proper mark.

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

Except as provided by applicable state law, 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.

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

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the Town, or his or her designated representative.

Sec. 1-2-40. 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 in law shall be construed and understood according to such peculiar and appropriate meaning.
- (b) The word *ordinance* contained in the ordinances of the Town has been changed in the content of this Code to "Article," "Chapter," "Section" and/or "subsection," or words of like import, for organizational and clarification purposes only. Such changes to the Town's ordinances are not meant to amend passage and effective dates of such original ordinances.

(Prior code 1-3-1; Ord. 06-01 §1, 2006)

Sec. 1-2-50. Grammatical interpretation.

- (a) The following grammatical rules shall apply to this Code and to Town ordinances:
 - (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.

- (b) These rules of construction shall not be applied to any section of this Code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto.

(Prior code 1-3-1; Ord. 06-01 §1, 2006)

ARTICLE III General

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

Chapter and Article titles, headings, numbers and titles of sections and other divisions in this Code or in supplements made to this Code are inserted in this Code, may be inserted in supplements to this Code for the convenience of persons using this Code, and are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Sec. 1-3-20. Authorized acts.

When this Code requires an act to be done which may as well be done by an agent, designee or representative as by the principal, such requirement shall be construed to include all such acts performed when done by an authorized agent, designee or representative.

Sec. 1-3-30. Prohibited acts.

Whenever in this Code or any Town ordinance any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

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

The provisions of this Code, and all proceedings under them, are to be construed with a view to effect their objectives and to promote justice.

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

- (a) No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment is mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.
- (b) This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.
- (c) Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the Town herein repealed, and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to

accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Town under any ordinance or provision thereof in force at the time of the adoption of this Code.

(Prior code 1-2-3)

Sec. 1-3-60. Publication of ordinances.

All ordinances, as soon as possible after their passage, shall be recorded in a book kept for that purpose and authenticated by the signature of the Mayor and Town Clerk. All ordinances of a general or permanent nature, and those imposing any fine or forfeiture, shall be published in a newspaper published within 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 and safety and containing the reasons making the same necessary in a separate section. The excepted ordinances shall take effect upon their final passage and adoption and the approval and signature of the Mayor, if they are adopted by an affirmative vote of three-fourths (¾) of the members of the Board of Trustees.

Sec. 1-3-70. Amendments to Code.

Any ordinance or part of an ordinance of a permanent and general nature, which amends this Code and is passed or adopted after the adoption of this Code, shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Code. All such amendments or revisions by ordinance shall be deemed amendments to this Code, all of the substantive, permanent and general parts of said ordinances and changes made thereby shall be immediately forwarded to the codifiers and said ordinance material shall be prepared for insertion in its proper place in each copy of this Code, as provided in Section 1-3-80 hereof. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the Code.

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

- (a) The Board of Trustees shall cause supplementation of this 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 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 one (1) certified copy of the book containing this Code required to be filed in the office of the Town Clerk for the use of the public.

(Ord. 06-01 §1, 2006)

Sec. 1-3-90. Examination 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 this Code. Similarly, after each supplement has been prepared, printed and inserted in this Code, the Mayor and Town Clerk shall carefully examine at least one (1) copy of this Code as supplemented. The Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of the State as the ordinances of the Town of general and permanent effect, except the excluded ordinances enumerated in Section 1-1-70 above.

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

At least one (1) copy of this Code so certified and sealed most recently 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.

Sec. 1-3-110. 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 Board of Trustees.

Sec. 1-3-120. Severability.

The provisions of this Code are declared to be severable, and if any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Code or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. 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. The Board of Trustees hereby declares that this Code would have been adopted even if such unconstitutional matter had not been included therein.

ARTICLE IV General Penalty

Sec. 1-4-10. 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.

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

Any person convicted in the Municipal Court of a violation of any provision of this Code for which a different penalty is not specifically provided may be punished by a fine not exceeding two thousand seven hundred dollars (\$2,700.00), as adjusted for inflation on January 1, 2018, and on January 1 of each year thereafter. In addition, such person shall pay all costs and expenses in the case. Each day such violation continues shall be considered a separate offense.

Sec. 1-4-30. Reserved.

Editor's note(s)—Ord. No. 16-03, § 2, adopted December 20, 2016, repealed § 1-4-30, which pertained to application of penalties to juveniles and derived from Ord. 06-01, § 1, adopted in 2006.

Sec. 1-4-40. Application of provisions.

- (a) The penalty provided in this Chapter shall be applicable to every section of this Code as though it were a part of each and every separate section. Any person convicted of a violation of any section of this Code where any duty is prescribed or obligation imposed, or where any action which is of a continuing nature is forbidden or is declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed on each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Town Code.

- (b) In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the prosecuting officer may elect under which to proceed; however, not more than one (1) recovery shall be had against the same person for the same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
- (c) Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply.

(Prior code 1-4-2)

Sec. 1-4-50. Altering or tampering with Code; penalty.

- (a) It shall be deemed unlawful for any person to alter, change, amend, replace, deface or tamper with in any way any section or any page of this Code in such a manner that the meaning of any phrase or order may be changed or omitted. Any person who shall alter or tamper with this Code in any manner shall, upon conviction thereof, be punishable as provided by Section 1-4-20 hereof.
- (b) Replacement pages may be inserted according to the official instructions when so authorized by the Board of Trustees. The Town Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Town Clerk. Any person having in his or her custody an official copy of this Code shall make every effort to maintain said Code in an up-to-date and efficient manner. He or she shall see to the immediate insertion of new or replacement pages when such are delivered to him or her or made available to him or her through the office of the Town Clerk. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the Town and shall be returned to the office of the Town Clerk when directed to do so by order of the Board of Trustees.

(Prior code 1-1-4; Ord. 06-01 §1, 2006)

Sec. 1-4-60. 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, shall, upon conviction thereof, be punishable as provided by Section 1-4-20 hereof unless another penalty is specifically provided for the violation; provided that any provision for imprisonment shall not be effective.

Sec. 1-4-70. 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.

ARTICLE V Inspections

Sec. 1-5-10. Entry.

Whenever necessary to make an inspection to enforce any provision of this Code or 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.

Sec. 1-5-20. 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.

Sec. 1-5-30. Announcement of purpose and authority to enter premises.

Unauthorized entry pursuant to Section 1-5-20 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.

ARTICLE VI 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 Blue River, Colorado," shall be and hereby is declared to be the Seal of the Town.

ARTICLE VII Disposition of Abandoned Property

Sec. 1-7-10. Definitions.

When used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

Abandoned property means any property which has been surrendered, relinquished, disclaimed, thrown away or forsaken with no evidence or indication of ownership thereon or which cannot, with reasonable effort, be traced to any owner.

Acquired property means property which has been turned over to the Town as abandoned, which the Town has no further use for, which has been found on property of the Town having no evidence or indication of ownership or which cannot, with reasonable effort, be traced to any owner.

Evidentiary property means any property required, used or held as evidence in any Municipal Court case and which is declared available for disposal by a Judge of the Municipal Court.

Sec. 1-7-20. Presale procedures.

- (a) Board informed of property. Whenever any abandoned, found, acquired or evidentiary property is in the possession of any Town employee or official, such employee or official shall, at the next regularly scheduled Town meeting, inform the Board of Trustees of the nature of the property, including its description and approximate value and the circumstances leading to its coming into possession of the Town.

- (b) Declaration of abandonment, acquisition, etc. The Board of Trustees may, at that meeting or any later meeting, declare the property abandoned, found, acquired or evidentiary property and subject to sale pursuant to this Chapter.
- (c) Sale date. After such declaration, the Town Clerk shall schedule a sale date, which shall be no less than sixty (60) days and no more than ninety (90) days after such declaration.
- (d) Notice of sale. At least forty-five (45) days before such sale date and again at least fifteen (15) days before such sale date, the Town Clerk shall cause notice of such sale to be printed in at least one (1) newspaper with local circulation. Such notice shall contain a description of the property to be sold, the date, time and place of the sale and such other information as the Board of Trustees may direct. Such notice shall also state that any person able to establish ownership of any of the property to be sold may do so and have such property returned to him or her, but only after paying the sum of twenty-five dollars (\$25.00) to the Town Clerk to pay for advertising, plus any other expenses, including storage and cartage, which the Town has incurred.

(Prior code 3-4-2)

Sec. 1-7-30. Sale of property.

If the owner's claim is not made prior to the sale date, the Town Clerk shall ask for bids for each item to be sold. Bids may be submitted in writing in advance but will not be opened until the time of sale. Payment must be in cash or certified funds, and the property will be sold to the highest bidder. Any property not bid upon may be kept or disposed of by the Town as the Board of Trustees sees fit. All sales shall be final. The Town will have no responsibility for guarantee of title to any property sold hereunder.