

## CHAPTER 1

### General Provisions

<b>Article I</b>	<b>Code</b>	
	Sec. 1-1	Adoption of Code
	Sec. 1-2	Purpose
	Sec. 1-3	Title and scope
	Sec. 1-4	Adoption of codes by reference
	Sec. 1-5	Repeal of ordinances not contained in Code
	Sec. 1-6	Matters not affected by repeal
	Sec. 1-7	Ordinances saved from repeal
	Sec. 1-8	Changes in previously adopted ordinances
<b>Article II</b>	<b>Definitions and Usage</b>	
	Sec. 1-21	Definitions
	Sec. 1-22	Computation of time
	Sec. 1-23	Title of office
	Sec. 1-24	Usage of terms
	Sec. 1-25	Grammatical interpretation
<b>Article III</b>	<b>General</b>	
	Sec. 1-41	Titles and headings not part of Code
	Sec. 1-42	Authorized acts by agents, representatives
	Sec. 1-43	Reasonable notice
	Sec. 1-44	Purpose of ordinances
	Sec. 1-45	Repeal of ordinances
	Sec. 1-46	Style of ordinances
	Sec. 1-47	Reading required
	Sec. 1-48	Adoption and effective date
	Sec. 1-49	Town office
	Sec. 1-50	Amendments to Code
	Sec. 1-51	Supplementation of Code
	Sec. 1-52	Examination of Code
	Sec. 1-53	Copy of Code on file
	Sec. 1-54	Sale of Code books
	Sec. 1-55	Altering or tampering with Code; penalties for violation
	Sec. 1-56	Severability
<b>Article IV</b>	<b>General Penalty</b>	
	Sec. 1-71	Violations
	Sec. 1-72	General penalty for violation
	Sec. 1-73	Application of penalties to juveniles
	Sec. 1-74	Fines and penalties; plea of guilty or nolo contendere
	Sec. 1-75	Penalty for violations of ordinances adopted after adoption of Code
	Sec. 1-76	Interpretation of unlawful acts
<b>Article V</b>	<b>Inspections</b>	
	Sec. 1-91	Entry
	Sec. 1-92	Authority to enter premises under emergency
<b>Article VI</b>	<b>Seal</b>	
	Sec. 1-111	Corporate seal

**ARTICLE I**

**Code**

**Sec. 1-1. Adoption of Code.**

The published code known as the Bow Mar 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 Bow Mar, Colorado, as a codification of all the ordinances of the Town of Bow Mar of a general and permanent nature through Ordinance No. 194 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. 194 §1, 1995)

**Sec. 1-2. 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. 194 §1, 1995)

**Sec. 1-3. Title and scope.**

This Code shall be known as the Bow Mar Municipal Code. This Code constitutes the adoption, compilation, revision and codification of all the ordinances of the Town of Bow Mar, of a general and permanent nature. (Ord. 194 §1, 1995)

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

Secondary codes may be adopted by reference, as provided by state law. (Ord. 194 §1, 1995)

**Sec. 1-5. 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 as of the effective date of the ordinance adopting this Code, except as hereinafter provided. (Ord. 194 §1, 1995)

**Sec. 1-6. Matters not affected by repeal.**

The repeal of ordinances and parts of ordinances of a permanent and general nature by Section 1-5 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. (Ord. 194 §1, 1995)

**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 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, 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) Authorizing or relating to specific issuances of general obligation or special revenue bonds.

(5) Creating specific sewer and paving districts and other improvement districts.

(6) Authorizing the issuance of specific improvement district bonds.

(7) Making special assessments for improvement districts and authorizing refunds from specific improvement district bond proceeds.

(8) Annexing territory to or excluding territory from the Town.

(9) Dedicating or accepting any specific plat or subdivision.

(10) Calling or providing for a specific election.

(11) Authorizing specific contracts for purchase of beneficial use of water by the Town.

(12) Approving or authorizing specific contracts with the State, with other governmental bodies or with others.

(13) Authorizing a specific lease, sale or purchase of property.

(14) Granting rights-of-way or other rights and privileges to specific railroad companies or other public carriers.

(15) Granting a specific gas company or other public utility the right or privilege of constructing lines in the streets or of otherwise using the streets.

(16) Granting a franchise to a specific public utility company or establishing rights for or otherwise regulating a specific public utility company.

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

(18) Appropriating money.

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

(20) Relating to salaries.

(21) Amending the Official Zoning Map. (Ord. 194 §1, 1995)

**Sec. 1-8. 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 existing 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. (Ord. 194 §1, 1995)

**Secs. 1-9--1-20. Reserved.**

ARTICLE II

Definitions and Usage

Sec. 1-21. Definitions.

The following words and phrases, whenever used in the ordinances of the Town of Bow Mar 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:

(1) *Board of Trustees* means the Board of Trustees of the Town of Bow Mar.

(2) *Code* means the *Bow Mar Municipal Code* as published and subsequently amended, unless the context requires otherwise.

(3) *C.R.S.* means Colorado Revised Statutes, including all amendments thereto.

(4) *In the Town* means and includes all territory within the official corporate limits of the Town of Bow Mar, as such Town limits may be changed or modified from time to time.

(5) *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.

(6) *May* is permissive.

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

(8) *Month* means a calendar month.

(9) *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*.

(10) *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.

(11) *Owner*, applied to a building, land, motorized vehicle, animal or other real or personal property, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety or any other person with a possessory interest in the whole or a part of said building, land, motor vehicle, animal or other real or personal property.

(12) *Person* means natural person, joint venture, joint stock company, partnership, association, club, firm, company, corporation, business, trust or organization, or the manager, lessee, agent, servant, officer or employee of any of them.

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

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

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

(16) *Quorum*, when applied to Trustees, means at least four (4) of all elected Trustees then holding office.

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

(18) *Shall* and *must* are both mandatory.

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

(20) *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.

(21) *Tenant* and *occupant*, 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.

(22) *Town* means the Town of Bow Mar, Colorado, or the area within the territorial limits of the Town of Bow Mar, and such territory outside of the Town over which the Town has jurisdiction or control by virtue of any constitutional or statutory provision.

(23) *Written* includes printed, type-written, mimeographed or multigraphed, or otherwise reproduced in permanent visible form.

(24) *Year* means a calendar year. (Prior code I-2-1, I-2-2; Ord. 194 §1, 1995)

**Sec. 1-22. Computation of time.**

The time within which an act is required to be done pursuant to the requirements of this Code, excluding requirements for elections established by state law, 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 I-2-2; Ord. 194 §1, 1995)

**Sec. 1-23. 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. (Ord. 194 §1, 1995)

**Sec. 1-24. 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 I-2-2)

**Sec. 1-25. Grammatical interpretation.**

The following grammatical rules shall apply 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. (Ord. 194 §1, 1995)

**Secs. 1-26–1-40. Reserved.**

**ARTICLE III**

**General**

**Sec. 1-41. Titles and headings not part of Code.**

Chapter and article titles, headings, numbers and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code, may be inserted in supplements to the Code for the convenience of persons using the Code, and are not part of the Code. (Ord. 194 §1, 1995)

**Sec. 1-42. Authorized acts by agents, representatives.**

When an act is required by this Code or an ordinance, the same being such that it may be done as well by an agent or representative as by the principal, such requirement shall be construed to include all such acts performed by any authorized agent or representative. (Ord. 194 §1, 1995)

**Sec. 1-43. Reasonable notice.**

In all cases where any ordinance shall require any act to be done in a reasonable

time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice. (Prior code I-2-2)

**Sec. 1-44. Purpose of ordinances.**

The provisions of this Code, and all proceedings under it, are to be construed with a view to effect their objectives and to promote justice. (Ord. 194 §1, 1995)

**Sec. 1-45. 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. (Ord. 194 §1, 1995)

**Sec. 1-46. Style of ordinances.**

The names of the Trustees introducing and seconding each ordinance shall be appended to and be a part of said ordinance. No ordinance, except ordinances making appropriations, shall be introduced which contain more than one (1) subject, which subject shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. All ordinances shall be numbered in the numerical order in which they are passed. (Prior code II-4-1)

**Sec. 1-47. Reading required.**

Introduction, adoption, approval and publication of ordinances enacted by the Board of Trustees shall be in accordance with applicable state law. (Ord. 194 §1, 1995)

**Sec. 1-48. Adoption and effective date.**

All ordinances shall be adopted by a majority of all Trustees, a simple majority of a quorum being insufficient. This vote shall be recorded by roll call. Following adoption by the Board of Trustees, the ordinance shall require the concurrence and signature of the Mayor (unless his or her veto is overridden as permitted by law). Thereafter, the ordinance must be published in full in a newspaper of general circulation in the Town. The ordinance shall thereafter become effective thirty (30) days after such publication. Emergency ordinances which are to become effective immediately for the immediate preservation of public health and safety may become effective upon the adoption of such ordinance by the Board of Trustees and signature by the Mayor, provided that at least three-fourths ( $\frac{3}{4}$ ) of all Trustees vote by roll call to adopt such ordinance and the reasons for the need for immediate effectiveness are set forth in the ordinance. (Prior code II-4-3; Ord. 194 §1, 1995)

**Sec. 1-49. Town office.**

The official office of the Town shall be at the home of the Clerk-Treasurer, unless otherwise designated by the Board of Trustees. A copy of this Code and all ordinances and resolutions of the Town shall be kept at the office of the Town and they shall be open to public inspection upon reasonable request. (Prior code II-8-1)

**Sec. 1-50. 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 the Code adopted with 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 the Code shall be inserted and made in the Code as provided in Section 1-54 hereof. (Ord. 194 §1, 1995)

**Sec. 1-51. Supplementation of Code.**

(a) The Town Clerk shall cause supplementation of the 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 Board of Trustees or adopted by initiative and referendum, and all amendments and changes in 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 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. 194 §1, 1995)

**Sec. 1-52. 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 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 the Code as supplemented. The copy of the 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. (Ord. 194 §1, 1995)

**Sec. 1-53. Copy of Code on file.**

At least one (1) copy of the 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. (Ord. 194 §1, 1995)

**Sec. 1-54. 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. 194 §1, 1995)

**Sec. 1-55. 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. 194 §1, 1995)

**Sec. 1-56. Severability.**

The provisions of this Code are declared to be severable, and if any section, provision or part thereof shall be held unconstitutional, invalid or unenforceable, 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, invalid or enforceable 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 I-4-1; Ord. 194 §1, 1995)

**Secs. 1-57--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. 194 §1, 1995)

**Sec. 1-72. General penalty for violation.**

Whenever in this Code any act is prohibited or declared to be unlawful, or the doing of any act is required and the failure to do such act is declared to be unlawful, and where no specific penalty is provided therefor, any adult person who shall be convicted of a violation of such provision of this Code can be punishable by a fine of not more than three hundred dollars (\$300.00), or by imprisonment in jail for not more than ninety (90) days, or by both such fine and imprisonment, except as hereinafter provided in Section 1-73. In addition, such person shall pay all court costs imposed by the court. Each day such violation continues shall be considered a separate offense. (Ord. 185 §I-5-1(part), 1992; Ord. 194 §1, 1995)

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

Any person who has not attained the age of eighteen (18) years at the time of conviction can be punished by a fine of not more than three hundred dollars (\$300.00) per violation or count. (Ord. 185 §I-5-1(part), 1992; Ord. 194 §1, 1995)

**Sec. 1-74. Fines and penalties; plea of guilty or nolo contendere.**

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. (Ord. 194 §1, 1995)

**Sec. 1-75. 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 or 1-73, unless another penalty is specifically provided for the violation. (Ord. 194 §1, 1995)

**Sec. 1-76. 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. 194 §1, 1995)

**Secs. 1-77-1-90. Reserved.**

**ARTICLE V**

**Inspections**

**Sec. 1-91. Entry.**

Whenever necessary to make an inspection to enforce any provision of this Code or 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 official 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 official is unable to obtain permission of such occupant or owner to enter such building or premises, the public official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. 194 §1, 1995)

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

Law enforcement officers, members of the Fire Department, other fire departments or law enforcement agencies 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. 194 §1, 1995)

**Secs. 1-93–1-110. Reserved.**

**ARTICLE VI**

**Seal**

**Sec. 1-111. Corporate seal.**

A seal, the impression of which is as follows, is hereby authorized and adopted as the corporate seal of the Town: In the center the words "Corporate Seal" and around the outer edge the words "Town of Bow Mar, Colorado." (Prior code II-5-1)

**Secs. 1-112–1-120. Reserved.**