

Title 1

GENERAL PROVISIONS

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1.01 - Code Adoption

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1.01.010 Adoption.

Pursuant to the provisions of Sections 31-16-201 through 31-16-208 of the Colorado Revised Statutes, as amended, there is adopted the “Kremmling Municipal Code” as published by Book Publishing Company, Seattle, Washington. (Ord. 368 §1, 1992)

1.01.020 Title - Citation - Reference.

This Code shall be known as the “Kremmling Municipal Code” and it shall be sufficient to refer to said Code as this “Kremmling Municipal Code” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any portion thereof as an addition to, amendment to, correction or repeal of the “Kremmling Municipal Code.” Further reference may be had to the titles, chapters, sections and subsections of the “Kremmling Municipal Code” and such references shall apply to that numbered title, chapter, section or subsection as it appears in the Code. (Ord. 368 §2, 1992)

1.01.030 Ordinances passed prior to adoption of the Code.

The last ordinance included in the original Code is Ordinance No. 359, passed December 2, 1991. The following ordinances, passed subsequent to Ordinance No. 359, but prior to the adoption of this Code, are adopted and made a part of this Code: Ordinances 360, 361, 362, 363, 364, 365, 366 and 367. (Ord. 368 §3, 1992)

1.01.040 Codification authority.

This Code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the Town of Kremmling, Colorado, codified pursuant to the provision of Sections 31-16-210 through 31-16-208 of the Colorado Revised Statutes. (Ord. 368 §4, 1992)

1.01.050 Reference applies to all amendments.

Whenever a reference is made to this Code as the “Kremmling Municipal Code” or to any portion thereof, or to any ordinance of the Town of Kremmling, Colorado, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 368 §5, 1992)

1.01.060 Title, chapter and section headings.

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 368 §6, 1992)

1.01.070 Reference to specific ordinances.

The provisions of this Code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the Code, but such reference shall be construed to apply to the corresponding provision contained within the Code. (Ord. 368 §7, 1992)

1.01.080 Effect of Code on past actions and obligations.

Neither the adoption of this Code nor the repeal of amendments of any ordinance or part or portion of any ordinance of the Town of Kremmling shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 368 §8, 1992)

1.01.090 Penalty sections of the Code.

The following sections of the Code adopted by the ordinance codified in this chapter are penalty sections, and said penalty sections are hereinafter set forth in full and reenacted according to Section 31-16-204 of the Colorado Revised Statutes. (Ord. 368 §9, 1992)

1.01.100 General Penalty.

A. It is unlawful and an offense for any person, as defined in Kremmling Municipal Code Section 1.04.010, to violate, disobey, omit, neglect, refuse or fail to comply with or resist the enforcement of any provision of this Code, and where no specific penalty is provided therefor, upon conviction of violation of any provision of this Code, shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or imprisonment for a term not exceeding one (1) year, or by both such fine and imprisonment.

B. Every day any violation of this Code continues shall constitute a separate offense.

(Ord. 535 §1, 2008; Ord. 368 §10, 1992)

1.04 - General Provisions

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1.04.010 Definitions.

The following definitions shall be observed in the interpretation and construction of this Code unless expressly provided otherwise in any chapter, article or section of this Code, or unless inconsistent with the manifest intent of any provision of this Code, or unless the context clearly requires otherwise:

“Board” means Board of Trustee, consisting of one mayor and six trustees of the Town of Kremmling, Colorado.

“Code” means the Code of the Town of Kremmling, Colorado.

“County” means the county of Grand, Colorado.

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

“Owner” as applied to land or building, owner includes any part owner, joint owners, tenants in common or joint tenants of the whole or of a part of such building or land.

“Person” means a natural person, a joint venture, a joint-stock company, a partnership, association, firm, club, company, corporation, business, trust, organization or any other legal entity and the manager, lessee, agent, servant, officer or employee of any of them.

“State” means the State of Colorado.

“Town” means the Town of Kremmling, Colorado, or the area within the corporate limits of the Town of Kremmling, Colorado, and such territory outside the Town over which the Town has jurisdiction or control by virtue of any constitutional or statutory provision. (Prior Code §1-1-2)

1.04.020 Construction, interpretation.

The following rules of construction shall apply to the interpretation and construction of this Code unless expressly provided otherwise in any chapter, article or section of this Code, or unless inconsistent with the manifest intent of this Code, or unless the context clearly requires otherwise:

- A. “Computation of Time.” In computing any period of time prescribed within this Code, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Sunday or legal holiday, in which event the period runs until the end of the next day which is not a Sunday or a legal holiday.

- B. "Gender." The use of any gender shall be interpreted to include any other gender.
- C. "Number." Any word importing the singular shall include the plural and any word importing the plural shall include the singular.
- D. "Tenses." Words used in the present tense include the past and future tenses. Words used in a future tense include the present and past tenses. Words used in the past tense include the future and the present tense.
- E. "Title of Office." The use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the Town of Kremmling, Colorado. (Prior Code §1-1-3)

1.04.030 Section titles.

The title of any chapter, article or section 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 any provision. (Prior Code §1-1-4)

1.04.040 Amendments.

- A. All ordinances adopted subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code. When subsequent ordinances repeal any chapter, article, section, subsection or any portion thereof, such repealed portions may be excluded from this Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances amending it are readopted as a new Code.
- B. Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to this Code in the following language: "That _____ of the Code of the Town of Kremmling, Colorado, is hereby amended to read as follows: ...". The new provisions shall then be set out in full. In the event of a new chapter, article or section not previously existing in the Code is to be added, the following language shall be used: "That the Code of the Town of Kremmling is hereby amended by adding _____, to be numbered _____, which shall read as follows: ...". The new provisions shall then be set out in full as desired.
- C. All sections, articles or chapters desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be. (Prior Code §1-1-5)

1.04.050 Severability.

The provisions of this Code are hereby declared to be severable and if any chapter, article, section, provision or part thereof is held to be unconstitutional or invalid, the remainder of this Code shall continue in full force and affect, it being the legislative intent that this Code would have been adopted even if such unconstitutional matter had not been included in it. It is further declared that if any provision or part of this Code, or the application of it to any person or circumstance, is held invalid, then the remainder of this Code and the application of it to the other persons shall not be affected thereby. (Prior Code §1-1-6)

1.04.060 Saving clause.

The repeal of any ordinance or part of it by the adoption of this Code shall not affect, deny, abridge or impair any right, action or cause of action accruing or arising under the ordinance or section so repealed, and such right, action or cause of action may be prosecuted to a final determination notwithstanding such repeal. No offense committed and no fine, forfeiture or penalty incurred before any ordinance or part of it is repealed by this Code, shall be affected, released or in any way discharged by such repeal; but the trial, conviction and punishment for any such offense and the recovery of fines, forfeitures and penalties shall be had in all respects as if the repealed provisions had remained in force. (Prior Code §1-1-7)

1.04.070 Altering Code.

It shall be unlawful for any person to change or amend by additions or deletions, any part or portion of this Code, or to insert or delete pages or portions of it, or to alter or tamper with this Code in any manner whatsoever which will cause the law of the Town to be misrepresented. (Prior Code §1-1-8)

1.08 - Official Plat

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1.08.010 Adopted.

The plat of the Town of Kremmling, Grand County, Colorado, dated April 23, 1962, prepared from the survey of Robert Scarrow, and certified by him together with all notations, bearing and distances appearing thereon, is adopted as the official plat of the Town and incorporated as fully as if set out in this section. (Prior Code §14-3-1)

1.08.020 Purpose.

It is the purpose and intent of this chapter that the official plat referred to in Section 1.08.010 shall supplement all existing plats as filed, insofar as the same are in conformity with the property lines and construction as such actually exist; provide a corrected plat of the Town showing property lines, construction and streets as such actually exist; provide for the orderly arrangement of streets; protect property values; provide for the vacation and/or dedication of streets and right-of-way necessary; provided, however, that all utility easements, whether existing by dedication, right of franchise or right of use, shall remain in full force and effect; provide a point of reference for all future surveys. (Prior Code §14-3-3)

1.08.030 Basis for subdivisions.

The official plat shall be the basis for any subdivision or resubdivision in the Town after the effective date of the ordinance codified in this section. (Prior Code §14-3-3)

1.08.040 Other surveys to conform.

All surveys or resurveys after the effective date of the ordinance codified in this section shall be made in conformity with the official plat and from the reference point established in it. Field notes of all such new or resurveys shall be filed with the Town Clerk. (Prior Code §14-3-4)

1.08.050 Preliminary plats to be filed.

Preliminary plats of all subdivisions or resubdivisions made after the effective date of the ordinance codified in this section shall be filed with the Planning and Zoning commission for approval pursuant to Section 31-23-213, Colorado Revised Statutes, as amended. (Prior Code §14-3-5)

1.12 - Right of Entry

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1.12.010 Right of entry.

Whenever any officer or employee of the city is authorized to enter any building or premises for the purpose of making an inspection to enforce any ordinance, he may enter such building or premises at all reasonable times to inspect the same; provided, that he shall effect entry in the same manner provided in Section 1.12.020, except in emergency situations, or when consent of the person having charge or control of such building or premises has been otherwise obtained. (Ord. 350 §1, 1991)

1.12.020 Remedy at law.

If the building or premises to be inspected is occupied, the authorized officer or employee shall first present proper credentials and demand entry; and if such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and demand entry. If consent to such entry is not given, the authorized officer or employee shall have recourse to every remedy provided by law to secure entry. (Ord. 350 §2, 1991)

1.12.030 Refusal not a violation.

The ordinance codified in this chapter shall be controlling over any other ordinance or part of an ordinance on the same subject, whether adopted before or after the effective date of the ordinance codified in this chapter, unless such ordinance or part of an ordinance provides differently by an express reference to this chapter. Notwithstanding any other ordinance of this city, whether adopted before or after the effective date of the ordinance codified in this chapter, it shall not be a violation of ordinance to refuse or fail to consent to an entry for inspection. (Ord. 350 §3, 1991)

1.16 - General Penalty

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1.16.010 Violation declared, general penalty.

- A. Any person, as defined in Kremmling Municipal Code Section 1.04.010, violating, disobeying, omitting, neglecting, refusing or failing to comply with any provision of this Code, commits an offense, and upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or imprisonment for a term not exceeding one (1) year, or by both such fine and imprisonment.
- B. Every day any violation of this Code continues shall constitute a separate offense.
- C. Any person, as defined in Kremmling Municipal Code Section 1.04.010, who violates, disobeys, omits, neglects, refuses or fails to comply with or resist the enforcement of any provision of this Code, commits an offense, and where no specific penalty is provided therefor, the conviction of such violation of any provision of this Code shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or imprisonment for a term not exceeding one (1) year, or by both such fine and imprisonment.
- D. Upon conviction of any violation, the Court shall sentence the offender to pay such costs as provided in Kremmling Municipal Code Section 2.48.220.

(Ord. 535 §2, 2008; Prior Code §1-1-9)

1.16.020 Civil Infractions.

- A. The municipal code violations set forth below are civil infractions for which imprisonment is not a possible penalty and for which the sole penalty provided shall be a fine not to exceed \$500.00, or as may otherwise be imposed within the context of a specific section, subsection or ordinance, and for which a penalty assessment notice shall be issued.
 - 1. Section 9.20.020, Possession or Purchase by Minors of Cigarettes and Tobacco Products
- B. For any violation of any provision of this Code that is declared a civil infraction as set forth in subsection A above, no trial by jury shall be available, no arrest warrant shall be issued for failure to appear or to pay, no privilege against self-incrimination shall apply, the standard of proof shall be a preponderance of the evidence, and the conduct of all proceedings shall otherwise be in conformity with those generally applicable to civil matter.
- C. For any violation of any provision of this Code that is declared a civil infraction as set forth in subsection A above, the court may enter a judgment of liability by default against the defendant for failure to appear or to pay, and may assess such penalties, together with such court costs and surcharges, as are established by law. The Court may establish, by written order, rules and regulations for the administration of any violation declared a civil infraction, including but not limited to schedules establishing the amount of penalties payable without a court appearance, and schedules establishing discounts from those amounts for early payment of penalties. Such early payment discounts shall apply only to penalties paid within twenty days of issuance of the penalty assessment notice for the infraction.