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CHAPTER 1.01

Code Adoption

1.01.010 General.

The purpose of this code is to codify all of the existing ordinances of the Town of Georgetown, which are of a general and permanent nature and shall be called the Georgetown Municipal Code, and may be referred to simply as the Code. The subject matter of the Code shall be the existing ordinances of a general and permanent nature of the Town of Georgetown. One (1) copy of the entire Code shall be maintained in the office of the Town Clerk at all times for inspection by the public during normal business hours. Copies of the Code shall be made available by the Town Clerk for purchase by interested members of the public at reasonable cost. (Ord. 319 §1, 1981; Ord. 2 §1, 2003)

1.01.020 Clerk to keep copies of Code.

The Town Clerk shall keep copies of this Code on file in the office of the Town Clerk available for public inspection and for distribution to the public for such reasonable charge therefor as the Selectmen may establish from time to time. It shall be the express duty of the Town Clerk to insert in the Code all amendments or ordinances which indicate the intention of the Town Board of Selectmen to make the same a part thereof, when the same have been printed or reprinted, and to extract from the Code all such provisions which may from time to time be repealed by the Board of Selectmen. A copy or copies of the official Code of the Town of Georgetown in printed form shall, when certified as true copies by the Town Clerk, be received without further proof and as competent evidence in all courts or other legally established tribunals as the ordinances of a permanent and general nature for the Town of Georgetown. (Ord. 319 §6, 1981; Ord. 2 §1, 2003)

1.01.030 Amendments.

Any additions or amendments to the official Code of the Town of Georgetown when passed in such form as to indicate the intention of the Board of Selectmen to make the same a part hereof, shall be deemed to be incorporated into the Code, and any reference to the official Code of the Town of Georgetown shall be understood as including said additions and/or amendments. (Ord. 319 §3, 1981; Ord. 2 §1, 2003)

1.01.040 Penalty for altering copies of this Code.

It shall be unlawful for any person, firm or corporation to change, amend, alter or tamper with, by additions or deletions, any part or portion of the Code, or to insert or delete pages or portions thereof, in any manner whatsoever which will cause the law of the Town of Georgetown to be misrepresented thereby; provided, however, that this Section shall not apply to additions, revisions or amendments duly passed and adopted by the Board of Selectmen, or to the editing or correction by the Town Attorney and/or Town Clerk of typographical, grammatical, formatting or similar nonsubstantive errors that may be discovered or occur from time to time within the Code. Any person, firm or corporation violating this Section shall be subject to the penalty provided in the penalty section of the official Code. (Ord. 319 §7, 1981; Ord. 2 §1, 2003)

CHAPTER 1.04

General Provisions

1.04.010 Definitions.

(a) Generally.

- (1) The singular number includes the plural.
- (2) Words used in the present include the future.
- (3) Words used in the masculine gender comprehend as well the feminine and neuter.

(4) Words prohibiting anything being done, except in accordance with a license or permit or authority from a board or officer, shall be construed as giving such board or officer power to license or permit or authorize such thing to be done.

(b) Time.

- (1) The word *day* means any twenty-four-hour period from midnight to midnight.
- (2) The word *month* means a calendar month unless otherwise expressed.

(3) The word *quarter* means any three-month period day of March, June, September and December.

- (4) The word *year* means any one (1) calendar year unless otherwise expressed.

(c) The term *knowingly* imports only a knowledge that the facts exist which brings the act or omission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.

(d) The terms *land*, *real estate* and *real property* include lands, tenements, hereditaments, water rights, possessory rights and claims.

(e) The word *municipality* means the Town of Georgetown.

(f) The terms *neglect*, *negligence* and *negligently* import a want of such attention to the nature or probable consequences of the act or omission as a prudent person ordinarily bestows in acting in his or her own concern.

(g) The word *oath* includes *affirmation*, and the word *swear* includes the word *affirm*. Every mode of oral statement under oath or affirmation is embraced in the term *testify* and every written one in the term *depose*.

(h) The term *official time*, whenever used, means standard time or daylight saving time as may be in current use within the municipality.

(i) The word *owner*, applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

(j) The word *person* includes bodies politic and corporate, partnerships, associations and corporations.

(k) The term *personal property* includes every description of money, goods, chattels, effect, evidence of rights in action, 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.

(l) The word *property* includes both real and personal property.

(m) The words *public thoroughfare* include streets, alleys, lanes, courts, boulevards, public ways, public square, public places and sidewalks.

(n) The word *shall* is mandatory; *may* is discretionary.

(o) The word *signature* includes any name, mark or sign written with the intent to authenticate any instrument of writing.

(p) The word *tenant* or *occupant*, applied to a building or land, includes any person who occupies the whole or any part of such building or land, whether alone or with others.

(q) The word *Town* means the Town of Georgetown, Colorado, or the area within its territorial limits, and such territory outside of the Town over which the Town has jurisdiction or control by virtue of any constitutional or statutory provision.

(r) The word *willfully*, when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, injure another or acquire an advantage.

(s) The word *writing* includes printing, writing and typewriting. (Ord. 290 §6, 1980; Ord. 2 §1, 2003)

1.04.020 Construction of intent to defraud and agents' liability.

In the construction of this Code and all ordinances amendatory thereof or supplementary thereto, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the legislative body or repugnant to the context:

(1) Intent to defraud. Whenever, by any of the provisions of this Code, an intent to defraud is required in order to constitute an offense, it is sufficient if an intent appears to defraud any person, association or body politic or any combination of persons.

(2) Liability of employers and agents. When the provisions contained in this Code prohibit the commission or omission of an act, not only the person actually doing the prohibited thing or omitting the directed act, but also the employer and all other persons concerned of aiding or abetting the person shall be guilty of the offense described and liable for the penalty associated therewith. (Ord. 290 §3, 1980; Ord. 2 §1, 2003)

1.04.030 Titles not limiting.

The title of any ordinance or section of this official Code shall be deemed in no way to restrict, qualify or limit the effect of the provisions set forth and contained in such ordinance or section. (Ord. 290 §4, 1980)

1.04.040 Severability.

Should any portion of this Code be declared by any court of competent jurisdiction to be unconstitutional or void, such adjudication shall in no way affect the remaining portion of this Code. (Ord. 290 §5, 1980)

1.04.050 Enforcing officers' powers.

(a) Whenever in this Code or by municipal regulation it is provided that something must be done or performed to the approval of, or subject to the review and/or direction of, a particular municipal officer or employee, such officer or employee shall have only such power and authority to determine whether the standards, rules or requirements established by such ordinance or regulation have been complied with and shall not be construed or intended to give such officer or employee discretionary powers to alter or waive such ordinance or regulation.

(b) Whenever in this Code or by municipal regulation an act is required to be performed by a certain municipal officer or employee, and the same is such that it may be done as well by a designated subordinate or agent as by the principal officer or employee, such requirement shall be construed to include all such acts performed by an authorized subordinate or agent. (Ord. 290 §7, 1980; Ord. 512 §1, 2000; Ord. 2 §1, 2003)

1.04.060 Effect of repealing ordinances.

The repeal of ordinances as provided shall not affect any right which has accrued, any duty imposed, any penalty incurred nor any action or proceedings as commenced under or by virtue of the ordinances repealed, nor the tenure of office of any person holding office at the time when they take effect; nor shall the repeal of any ordinance thereby have the effect of reviving any ordinance theretofore repealed or superseded. (Ord. 290 §2, 1980)

CHAPTER 1.08**Town Seal****1.08.010 Description; established.**

A seal, the impression of which is as follows: in the center the word "SEAL" and around the outer edge the words "GEORGETOWN, C. C. C., COL., INCORPORATED JANUARY 10, 1868," shall be and is established and declared to be the seal of the Town. (Ord. 17 §1)

1.08.020 Earlier attestations.

All attestations made to papers issued under the authority of and attested by the seal of the Town, prior to the date of the passage of the ordinance codified in this Chapter, the impression of which seal differs from that described in Section 1.08.010, are declared to have been, and now to be, the attestation of the seal of the Town. (Ord. 17 §2)

1.08.030 Custodian.

The Town Clerk shall be the custodian of the seal. (Ord. 17 §3)

CHAPTER 1.12

Town Map

1.12.010 Reserved.

CHAPTER 1.16

Ordinances

1.16.010 Enactment procedure.

Except for emergency ordinances, the following procedure for enactment of ordinances shall be followed:

(1) The ordinance shall be introduced at any regular or special meeting of the Board of Selectmen by any member thereof.

(2) The ordinance shall be read in full or, in cases where copies of the ordinance are available to the Board and to those persons in attendance at said meeting, said ordinance may be read by title only.

(3) After the first reading of the ordinance, inclusive of any amendments made thereto, the same shall be approved or rejected by a vote of the Board.

(4) If the ordinance is approved on first reading, it shall be published in full in a newspaper of general circulation within the Town and posted at Town Hall and other designated posting locations.

(5) The ordinance shall be introduced before the Board of Selectmen a second time for public hearing and final adoption at a regular or special meeting conducted not earlier than seven (7) days after first publication and posting of the ordinance. The ordinance may be amended by vote of the Board. Upon the conclusion of the public hearing, the Board may approve, reject or take such other action on the ordinance as it deems appropriate.

(6) All ordinances of a general or permanent nature, and those imposing any fine, penalty or forfeiture, shall be recorded in a book kept for that purpose by the Town Clerk, and shall be

authenticated by the signature of the Police Judge and the Town Clerk as soon as may be done after adoption. All ordinances shall be identified by number and year of adoption.

(7) Except as otherwise provided in this Chapter, all ordinances shall not take effect and be in force before thirty (30) days after they have been published in a newspaper of general circulation within the Town. Publication of an ordinance after final adoption may be by title only if such publication occurs in the same newspaper of general circulation within the Town that published the ordinance in full after its first reading and initial adoption, and such publication by title shall contain the date of the initial publication and reprint in full any section, subsection or paragraph of the ordinance which was amended following the initial publication. The Town Clerk shall obtain and certify proof of every ordinance publication. Notwithstanding the foregoing, publication of any ordinance after final adoption may be in full at the discretion of the Board of Selectmen. All ordinances shall also be posted in full as soon as may be reasonably done after final adoption, and in no event later than thirty (30) days therefrom.

(8) The posting of an ordinance shall consist of posting the entire ordinance for not less than two (2) continuous days at Town Hall and at such other designated posting places as established from time to time by the Board of Selectmen. (Ord. 265 §1, 1977; Ord. 2 §1, 2003)

1.16.020 Codes adopted by reference.

Standard codes, promulgated by the federal government, the state or an agency of either of them, by any municipality within the State or by a recognized trade or professional organizations, or amendments or revisions thereof, may be adopted by reference; provided that the ordinance adopting any said code shall advise that copies are available for inspection at the office of the Town Clerk; and provided further that any penalty clause in any code may be adopted only if set forth in full in the adopting ordinance. (Ord. 265 §2, 1977)

1.16.030 Emergency enactment procedure.

Emergency ordinances necessary for the preservation of public property or the public health, safety and welfare shall only be adopted at a regular or special meeting of the Board of Selectmen, and only upon the affirmative vote of five (5) members of the Board, excluding the Police Judge. The facts and reasons showing the urgency and need for the adoption of an ordinance as an emergency measure shall be set forth in the ordinance itself. An emergency ordinance may be introduced and adopted at a single meeting of the Board of Selectmen without prior publication and/or public hearing, and shall take effect immediately upon adoption. The Town Clerk shall post and publish in a newspaper of general circulation within the Town all emergency ordinances as soon as may reasonably be done after the adoption of same, and in no event later than thirty (30) days therefrom. (Ord. 265 §3, 1977; Ord. 2 §1, 2003)

1.16.040 Requirement of majority vote of entire membership of Board of Selectmen; recording of votes; Rule of Necessity.

(a) Ordinances, resolutions or orders for the appropriation of money, the adoption or amendment of the Town budget, or the entering into a contract shall require the affirmative vote of a majority (four [4] members) of the membership of the Board of Selectmen. Unless otherwise specifically provided, all other measures or actions may be taken or approved by a majority vote of a quorum of the membership of the Board.

(b) On the adoption of an ordinance, resolution or order for the appropriation of money, the adoption or amendment of the Town budget, or the entering into a contract, the yeas and nays of all members of the Board of Selectmen voting thereon shall be called out and recorded by the Town Clerk.

(c) In the event that vacancies, but not absences, on the Board of Selectmen, inclusive of a vacancy in the office of Police Judge, cause the number of sitting Board members to fall below four (4), then the number of members necessary to constitute a quorum shall be reduced by one (1) so that business may be transacted until one (1) or more of such vacancies are filled. Likewise, in the event that there are three (3) or more vacancies existing at a given time in the office of Selectmen, or where legally disqualifying conflicts of interest prohibit three (3) or more Selectmen from voting on a matter as described in subsection (a) above, then the number of votes necessary to approve an ordinance, resolution or order for the appropriation of money, the adoption or amendment to the Town budget or the entering into a contract shall be reduced to three (3). (Ord. 265 §4, 1977; Ord. 2 §1, 2003)

CHAPTER 1.20

Wards

1.20.010 Boundaries.

The following three (3) wards are designated for voting purposes for Town elections:

(1) Ward I. The area commencing and extending from the southern boundary of the town limits north to the centerline of 9th Street, and extending to the western boundary of the Town limits and east to the centerline of Taos Street, and then north to the centerline of 10th Street, and extending to the eastern boundary of the Town limits.

(2) Ward II. The area commencing and extending north from the northern boundary line of Ward I to the centerline of 17th Street, and extending east and west to the eastern and western Town boundary limits.

(3) The area commencing and extending north from the centerline of 17th Street to the northern boundary of the Town limits, and extending east and west to the eastern and western Town boundary limits. (Ord. 277 §1, 1978; Ord. 521, 2000; Ord. 2 §1, 2003)

CHAPTER 1.24

General Penalty

1.24.010 Applicability.

This Chapter shall apply to every prosecution or proceeding which may result in a fine or imprisonment for a violation of a provision of this Code, or any code, ordinance, regulation or rule adopted thereunder. (Ord. 497 §1, 1999)

1.24.020 Definitions.

The following words and terms shall mean as follows unless the context clearly calls for a different meaning.

Code means the Georgetown Municipal Code.

Criminal provision means an ordinance or regulation whose violation can result in imprisonment.

Criminal violation means any violation of the Georgetown Municipal Code which is punishable by imprisonment.

Juvenile or minor means a person under eighteen (18) years of age.

Noncriminal violation means any violation of the Georgetown Municipal Code which is not punishable by imprisonment.

Person means any individual, firm, partnership, corporation or association. (Ord. 497 §1, 1999)

1.24.030 Requirements for liability; strict liability.

Unless a specific culpable mental state is set forth in a given ordinance with respect to a material element of an offense or violation, the minimum requirement for liability under this Code shall be the performance by a person of prohibited conduct, which includes a voluntary act or the omission to perform an act which he or she is capable of performing. (Ord. 497 §1, 1999)

1.24.040 General prohibition and penalties; no imprisonment for noncriminal violations.

(a) No person shall violate any provision of this Code, nor shall any person, with intent to promote or facilitate the commission of an offense, aid, abet or advise another person in planning or committing a violation of the Code.

(b) Except where otherwise provided for by specific provision, all violations of this Code shall be deemed to be noncriminal and shall not be punished by imprisonment.

(c) Except in cases where a different punishment is specifically prescribed, any person who violates any provision of this Code shall be punished as follows:

(1) Violations of any criminal provision of the Code shall be punished by a fine in an amount not to exceed one thousand dollars (\$1,000.00), or by a term of imprisonment not to exceed one (1) year, or both such fine and imprisonment.

(2) Violations of any noncriminal provision of the Code or any noncriminal ordinance shall be punished by a fine in an amount not to exceed one thousand dollars (\$1,000.00).

(d) Each person shall be guilty of a separate offense for each and every day, or portion thereof, which any violation of any provision of the Code or an ordinance is committed, continued or permitted by such person, and such person shall be punished accordingly. (Ord. 497 §1, 1999; Ord. 2 §1, 2003)

1.24.050 Presumption of responsibility.

(a) Owner and occupant of premises. Both the owner and occupant of any premises on which a plainly observable violation of any law takes place shall be deemed prima facie responsible for that violation and shall be subject to its penalty.

(b) Owner of material. The owner of any material or personal property which is kept, placed or left anywhere so as to violate any law shall be deemed prima facie responsible for that violation and shall be subject to its penalty.

(c) Responsibility nonexclusive. The presumptive responsibility of persons under Subsections (a) and (b) of this Section shall not relieve any other person of actual responsibility for any violation. (Ord. 497 §1, 1999)

1.24.060 Failure to pay fine; insufficient funds checks.

(a) Any person who in a criminal action has been sentenced to a fine under this Code and who fails to make full and timely payment of the fine upon demand may be taken into custody upon court order and imprisoned for a period not to exceed fifteen (15) days or until the fine is completely paid, whichever occurs first. Each hour of confinement shall count as the payment of one dollar (\$1.00) of the fine. The Municipal Court Judge may stay imprisonment if the person in default promises to pay the fine in installments fixed by the Court. If such person then defaults on the payment of any installments, the stay of imprisonment shall be immediately lifted and the person imprisoned.

(b) Any person who has been found guilty or liable for a noncriminal violation and against whom judgment has been rendered under this Code, and who falls to make full and timely payment of the judgment upon demand, shall be subject to any proceeding for satisfaction available under Colorado law, including, but not limited to, garnishment of funds and denial of renewal of driver's license pursuant to Section 42-4-1709(7)(a), C.R.S. Moreover, the Town Clerk may cause a delinquent judgment, inclusive of costs, to be certified to the Treasurer for Clear Creek County, to be collected and paid over in the same manner as real property taxes.

(c) Any person who submits payment for a fine by personal or other check which cannot be processed for payment to the Town due to insufficient funds or other cause shall be assessed and required to reimburse and/or pay to the Town as additional court costs any bank fees, penalties or charges incurred by the Town arising from the failure of the check to be honored for payment. (Ord. 497 §1, 1999; Ord. 2 §1, 2003)

1.24.070 Work during imprisonment.

Any person imprisoned under the terms of this Chapter may be required to perform up to eight (8) hours of reasonable work per day for the benefit of the Town. (Ord. 497 §1, 1999)

1.24.080 Application of penalties to juveniles; subpoena of parents, etc.

A juvenile shall be subject to the penalties set forth in this Chapter for criminal violations of the Code subject to the following limitations:

(1) A juvenile shall not be confined in a jail, lockup or other place used for the confinement of adults, but may be held in a juvenile detention facility operated by or under contract with the Department of Human Services, or a temporary holding facility operated by or under contract with the Town for the care of juveniles.

(2) In imposing penalties for a violation of probation conditions or for contempt of court in connection with a violation or alleged violation of the Code, including a failure to comply with a lawful order of the Court, the Municipal Court may order confinement of a juvenile for up to forty-eight (48) hours in a juvenile detention facility operated by or under contract with the Department of Human Services pursuant to Section 19-2-508, C.R.S.

(3) A juvenile may not be sentenced to a term of confinement in excess of ten (10) days for a violation of the Code, and the Municipal Court does not have authority to order a sentenced juvenile confined in a juvenile facility operated or contracted by the Department of Human Services.

(4) Upon the request of the Municipal Court Judge, the Town Prosecutor or a defendant, the Clerk of the Municipal Court shall issue a subpoena for the appearance, at any and all stages of the Court's proceedings, of the parent, guardian or lawful guardian of any juvenile who is charged with a municipal offense. A failure to comply with a subpoena without good cause may subject a person to contempt proceedings.

(5) Whenever a juvenile receives a summons or penalty assessment notice for any violation of the Code, the Clerk of the Municipal Court shall notify the juvenile's parent or legal guardian. A failure to provide such notice shall not in any way diminish or limit the jurisdiction of the Court over the juvenile or the Code violation. (Ord. 497 §1, 1999)

1.24.090 Additional remedies.

In addition to the penalties provided in this Chapter, any condition caused or permitted to exist in violation of any law or ordinance shall be deemed a public nuisance and may be abated as such, and each day that such condition continues shall be regarded as a new and separate violation. Moreover, in any case of a failure to comply with the requirements of any law or ordinance, the Town may initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such noncompliance. (Ord. 497 §1, 1999)

1.24.100 Limitations.

All actions for the recovery of any fine and prosecutions for the commission of any offense made punishable by imprisonment under this Code shall be barred one (1) year after the commission of the offense for which a fine or penalty is sought to be recovered or imposed. (Ord. 497 §1, 1999)