

## CHAPTER 1

### General Provisions

- Article 1 Code**  
Sec. 1-1-10 Adoption of Code  
Sec. 1-1-20 Title and scope  
Sec. 1-1-30 Repeal of ordinances not contained in Code  
Sec. 1-1-40 Matters not affected by repeal  
Sec. 1-1-50 Ordinances saved from repeal  
Sec. 1-1-60 Changes in previously adopted ordinances
- Article 2 Definitions and Usage**  
Sec. 1-2-10 Definitions  
Sec. 1-2-20 Computation of time  
Sec. 1-2-30 Title of office  
Sec. 1-2-40 Usage of terms  
Sec. 1-2-50 Grammatical interpretation
- Article 3 General**  
Sec. 1-3-10 Titles and headings not part of Code  
Sec. 1-3-20 Authorized acts  
Sec. 1-3-30 Prohibited acts  
Sec. 1-3-40 Severability
- Article 4 General Penalty**  
Sec. 1-4-10 Violations  
Sec. 1-4-20 General penalty for violation  
Sec. 1-4-30 Altering or tampering with Code; penalty  
Sec. 1-4-40 Penalty for violations of ordinances adopted after adoption of Code  
Sec. 1-4-50 Interpretation of unlawful acts
- Article 5 Inspections**  
Sec. 1-5-10 Entry  
Sec. 1-5-20 Authority to enter premises under emergency  
Sec. 1-5-30 Announcement of purpose and authority to enter premises
- Article 6 Seal**  
Sec. 1-6-10 Corporate seal

## ARTICLE 1

### Code

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

The *Foxfield Municipal Code*, of which one (1) copy is now on file in the office of the Town Clerk and may be inspected by appointment, is enacted and adopted by reference through Ordinance No. \_\_\_1, 2012. (Ord. 1 §1, 2012)

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

This Code constitutes a compilation, revision and codification of all the ordinances of the Town of Foxfield, Colorado, of a general and permanent nature, and shall be known as the *Foxfield Municipal Code*. (Ord. 1 §1, 2012)

#### **Sec. 1-1-30. 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of ordinances of a general and permanent nature which are inconsistent with any provision of this Code are hereby repealed to the extent of any inconsistency therein as of the effective date of the ordinance adopting this Code, except as hereinafter provided. (Ord. 1 §1, 2012)

#### **Sec. 1-1-40. 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incurred or any contract, right or obligation established prior to the time said ordinances and parts of ordinances are repealed. (Ord. 1 §1, 2012)

#### **Sec. 1-1-50. Ordinances saved from repeal.**

The continuance in effect of ordinances and parts of ordinances, not included in this Code, shall not be affected by the adoption of this Code, and 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) Authorizing the issuance of general obligation or specific local improvement district bonds.
- (2) Appropriating money.
- (3) Levying a temporary tax or fixing a temporary tax rate.
- (4) Relating to salaries.
- (5) Calling or providing for a specific election.

- (6) Creating, opening, dedicating, naming, renaming, vacating or closing specific streets, alleys and other public ways.
- (7) Establishing the grades or lines of specific streets, sidewalks and other public ways.
- (8) Creating specific sewer and paving districts and other local improvement districts.
- (9) Making special assessments for local improvement districts and authorizing refunds from specific local improvement district bond proceeds.
- (10) Annexing territory to or excluding territory from the Town.
- (11) Dedicating or accepting any specific plat or subdivision.
- (12) Authorizing specific contracts for purchase of beneficial use of water by the Town.
- (13) Approving or authorizing specific contracts with the State, with other governmental bodies or with others.
- (14) Authorizing a specific lease, sale or purchase of property.
- (15) Granting rights-of-way or other rights and privileges to specific railroad companies or other public carriers.
- (16) Granting a specific gas company or other public utility the right or privilege of constructing lines in the streets and alleys or of otherwise using the streets and alleys.
- (17) Granting a franchise to a specific public utility company or establishing rights for or otherwise regulating a specific public utility company.
- (18) Amending the Official Zoning Map. (Ord. 1 §1, 2012)

**Sec. 1-1-60. 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. (Ord. 1 §1, 2012)

## **ARTICLE 2**

### **Definitions and Usage**

**Sec. 1-2-10. Definitions.**

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

*Board of Trustees* means the Board of Trustees of the Town of Foxfield.

*Code* means the Foxfield Municipal Code as published and subsequently amended, unless the context requires otherwise.

*County* means the County of Arapahoe, Colorado.

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

*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.

*May* is permissive.

*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.

*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.

*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*, 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.

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

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

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

*Property* includes real and personal property.

*Real property* includes lands, tenements and hereditaments.

*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* 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.

*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.

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

*Written* or *in writing* includes printed, typewritten, electronic, mimeographed, multigraphed, any representation of words, letters, symbols or figures, or otherwise reproduced in visible form.

*Year* means a calendar year. (Ord. 1 §1, 2012)

#### **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 day 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. (Ord. 1 §1, 2012)

#### **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 designated representative. (Ord. 1 §1, 2012)

#### **Sec. 1-2-40. 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. (Ord. 1 §1, 2012)

#### **Sec. 1-2-50. Grammatical interpretation.**

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. (Ord. 1 §1, 2012)

## **ARTICLE 3**

### **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, may be inserted for the convenience of persons using this Code, and are not part of this Code. (Ord. 1 §1, 2012)

#### **Sec. 1-3-20. Authorized acts.**

When this Code requires an act to be done which may be done as well 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. (Ord. 1 §1, 2012)

#### **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. (Ord. 1 §1, 2012)

#### **Sec. 1-3-40. Severability.**

The provisions of this Code are declared to be severable, and, if any section, provision or part thereof shall be held unconstitutional or invalid, the remainder of this Code shall continue in full force and effect, it being the legislative intent that this Code would have been adopted even if such unconstitutional matter had not been included therein. It is further declared that, if any provision or part of this Code, or the application thereof to any person or circumstances, is held invalid, the remainder of this Code and the application thereof to other persons shall not be affected thereby. (Ord. 1 §1, 2012)

## **ARTICLE 4**

### **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. (Ord. 1 §1, 2012)

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

Any person who violates or fails to comply with any provision of this Code for which a different penalty is not specifically provided shall, upon conviction thereof, be punished by a fine not exceeding three hundred dollars (\$300.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment, except as hereinafter provided in Section 1-4-40. In addition, such person shall pay all costs and expenses in the case, including attorney fees. Each day such violation continues shall be considered a separate offense. (Ord. 1 §1, 2012)

**Sec. 1-4-30. Altering or tampering with Code; penalty.**

Any person who alters, changes or amends this Code, except in the manner prescribed in this Chapter, or who alters or tampers with this Code in any manner so as to cause the ordinances of the Town to be misrepresented thereby, shall, upon conviction thereof, be punished as provided by Section 1-4-20 hereof. (Ord. 1 §1, 2012)

**Sec. 1-4-40. 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 this Code by a supplement, shall, upon conviction thereof, be punishable as provided by Section 1-4-20 unless another penalty is specifically provided for the violation. (Ord. 1 §1, 2012)

**Sec. 1-4-50. 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. 1 §1, 2012)

**ARTICLE 5**

**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. (Ord. 1 §1, 2012)

**Sec. 1-5-20. Authority to enter premises under emergency.**

Law enforcement officers certified with the State, 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. (Ord. 1 §1, 2012)

**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. (Ord. 1 §1, 2012)

**ARTICLE 6**

**Seal**

**Sec. 1-6-10. Corporate seal.**

A seal, the impression of which is as follows:

(1) In the center the words "Incorporated 1994" and "12-15-94."

(2) Around the outer band the words "The Town of Foxfield" (top) and "Colorado" (bottom) shall be and is hereby declared and adopted to be the Corporate Seal of the Town of Foxfield, Colorado. (Ord. 4 §1, 1995; Ord. 1 §1, 2012)