

**A BILL FOR AN ORDINANCE**

**ORDINANCE NO. 12**

**SERIES OF 2018**

**INTRODUCED BY: COUNCILMEMBER DOUGHERTY**

**AN ORDINANCE AMENDING CHAPTER 1 OF THE GREENWOOD  
VILLAGE MUNICIPAL CODE**

WHEREAS, in 2011, the Greenwood Village City Council adopted by reference and enacted a new municipal code; and

WHEREAS, at that time, a periodic review of each chapter was determined to be in order so that amendments could be made to fix errors and omissions that were discovered as the new code was implemented; and

WHEREAS, Chapter 1 has been reviewed by staff and the city attorney and areas of correction have been identified.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENWOOD VILLAGE, COLORADO, ORDAINS:

Section 1. Section 1-1-10 of the Greenwood Village Municipal Code is hereby amended to read as follows:

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

The published code known as the *Greenwood Village Municipal Code*, of which one (1) copy is now on file in the office of the City 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 City of Greenwood Village, Colorado, as a codification of all the ordinances of the City of Greenwood Village of a general and permanent nature through Ordinance No. 32, 2011, 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 City.

Section 2. Section 1-1-50 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 1-1-50. - Ordinances not contained in Code.

- (a) Upon the effective date of this 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are inconsistent with any ordinance included in the adoption of this Code are, to the extent of the inconsistency, repealed.

(b) Temporary or special ordinances and portions of such ordinances, although omitted from this Code, shall not be affected by such omission. The adoption of this Code shall not repeal or amend any temporary or special ordinances. Among the ordinances not repealed or amended by the adoption of this Code are those ordinances:

- (1) Creating, opening, dedicating, naming, renaming, vacationing or closing specific streets, alleys and other public ways;
- (2) Establishing the grades or lines of specific streets, sidewalks and other public ways;
- (3) Creating local improvement districts;
- (4) Authorizing the issuance of general obligation or specific local improvement district bonds;
- (5) Making special assessments for local improvement districts and authorizing refunds from specific local improvement district bond proceeds;
- (6) Annexing territory to or excluding territory from the City;
- (7) Dedicating or accepting any specific plat or subdivision;
- (8) Calling an election;
- (9) Authorizing specific contracts for purchase of beneficial use of water by the City;
- (10) Approving or authorizing specific contracts with the State, with other governmental bodies or with others;
- (11) Authorizing a specific lease, sale or purchase of property;
- (12) Granting rights-of-way or other rights and privileges to specific railroad companies or other public carriers;
- (13) 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;
- (14) Granting a franchise to a specific public utility company or establishing rights for or otherwise regulating a specific public utility company;
- (15) Appropriating money;
- (16) Levying a temporary tax or fixing a temporary tax rate;
- (17) Relating to salaries; and
- (18) Amending the Official Zoning Map.

Section 3. Section 1-2-10 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 1-2-10. - Definitions.

For purposes of this Code, the following terms shall have the following meanings:

*Charter* means the Home Rule Charter of the City of Greenwood Village, Colorado, adopted July 30, 1968, as amended, copies of which are on file in the office of the City Clerk.

*City* means the City of Greenwood Village, Colorado, or the area within the territorial limits of the City of Greenwood Village, Colorado, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision. *City* shall extend to and include its several officers, agents and employees.

*City Council* means the City Council of the City of Greenwood Village.

*City Manager* means the City Manager of the City, or the City Manager's authorized representative.

*Code* means the Greenwood Village 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, as amended.

*Day* means the period of time between any midnight and the midnight following.

*Finance Director* means the Finance Director of the City or such other person designated by the City. *Finance Director* shall also include such person's designee.

*Land, real estate and real property* means and includes lands, tenements, hereditaments, water rights, possessory rights and claims.

*Law* means applicable federal law, the Constitution and statutes of the State of Colorado, the ordinances of the City and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

*Legal holiday* means New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, the Friday after Thanksgiving Day, Christmas Eve Day and Christmas Day.

*May* is discretionary.

*Month* means a calendar month.

*Oath*, "affirmation," "swear," and "affirm" all mean a statement attesting to the truth of that which is stated or written.

*Owner*, applied to a building, land, motorized vehicle, animal or other real or personal property, means and 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 any individual, firm, partnership, joint venture, corporation, estate or trust, receiver, trustee, assignee, lessee or any person acting in a fiduciary or representative capacity, whether appointed by the court or otherwise, or any

group or combination acting as a unit, and includes the plural as well as the singular number.

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

*Police officer* means a peace officer whose authority shall include the enforcement of all laws of the State of Colorado and who shall be certified by the peace officers' standards and training board pursuant to state statute. Police officers shall have the authority to enforce the provisions of this Code and the City Charter and shall have the authority granted to them pursuant to the Colorado Revised Statutes. Police officers shall be sworn members of the Police Department.

*Property* means and includes both real and personal property unless the context clearly indicates otherwise.

*Real property* includes lands, tenements and hereditaments.

*Shall* and *must* are both mandatory.

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

*State* means the State of Colorado.

*Street* or *public thoroughfare*, unless otherwise defined elsewhere in this Code, means and includes all streets, alleys, lanes, courts, boulevards, parkways, public ways, public squares and public sidewalks.

*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.

*Trail* or *Trails* means routes or paths which have been specifically prepared or designed for public recreational functions and may be either paved or unpaved.

*Week* means seven (7) days; however, publication in a newspaper of any notice or matter indicating to be for a stated number of weeks means one (1) insertion in each week, unless specifically stated to be for each day of the week or for more than one (1) day in each week; and all publications heretofore made in accordance with the terms of this Subsection are validated.

*Weekday* means any day Monday through Friday which is not a legal holiday.

*Written* or *in writing* means a tangible or electronic record of a communication or representation, including handwriting, typewriting, printing, photostating, photography, and electronic communications.

*Year* means a calendar year.

Section 4. Section 1-4-10 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 1-4-40. - Penalty assessment.

- (a) When a person is provided the opportunity to pay a penalty assessment in lieu of appearing pursuant to a summons and complaint, the police officer shall issue a penalty assessment notice in the form of a summons and complaint. The penalty assessment notice shall contain the following information:
  - (1) The identification of the alleged offender;
  - (2) Specification of the offense and the applicable fine associated with such offense;
  - (3) A statement indicating that the offender must either pay the fine indicated on the summons and complaint or appear to answer the charge as set forth in the summons and complaint; and
  - (4) A waiver of the right to a hearing on the offense specified on the summons and complaint.
- (b) If the person issued a penalty assessment notice chooses to acknowledge his or her guilt, he or she may pay the specified fine to the Municipal Court. If the offender chooses not to acknowledge his or her guilt, he or she shall appear as required in the notice.

Section 5. Section 1-4-60 of the Greenwood Village Municipal Code is hereby amended to read as follows:

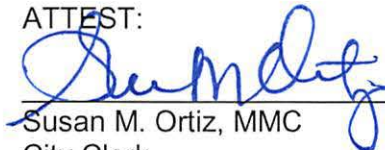
Sec. 1-4-60. – Cumulative remedies.

- (a) All remedies set forth in this Code are cumulative, and the exercise of one (1) shall not be deemed to prevent the exercise of another, nor to bar or abate any prosecution or petition for injunction under this Code.
- (b) Whenever any act or condition is declared in this Code to be or constitutes a nuisance or provides a cause of action for injunction or other civil remedy, in addition to the penalties provided in Section 1-4-20, an action for abatement, injunction or other civil remedy may be brought against such violator.
- (c) When work or activity for which a permit or license is required by this Code or any code adopted by this Code is commenced without first having acquired such permit or license, the specified fee shall be doubled; however, the payment of such double fee shall not relieve any person from fully complying with all the requirements of this Code or any codes adopted by this Code, nor from any other prescribed penalties. Payment of such double fee or any unpaid portion thereof may be compelled by civil action in any court of competent jurisdiction. The acceptance of any portion less than the entire amount of such double fee by any officer or employee of the City shall not constitute a waiver or release of the balance thereof.

Section 6. Effective Date. This ordinance shall take effect six (6) days after publication following final passage.

INTRODUCED AND APPROVED ON FIRST READING ON THE 3rd DAY OF  
DECEMBER, 2018, AND ORDERED PUBLISHED IN THE VILLAGER.

ATTEST:

  
Susan M. Ortiz, MMC  
City Clerk



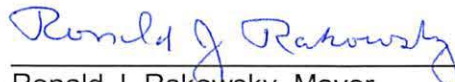
  
Ronald J. Rakowsky, Mayor

INTRODUCED AND APPROVED ON SECOND READING ON THE 7th DAY OF  
JANUARY, 2019, AND ORDERED PUBLISHED BY REFERENCE TO TITLE ONLY.

ATTEST:

  
Susan M. Ortiz, MMC  
City Clerk



  
Ronald J. Rakowsky, Mayor

EFFECTIVE: JANUARY 15, 2019