



CHAPTER 1: GENERAL PROVISIONS

ARTICLE 1: GENERAL PROVISIONS

1-1-1	The Code.....	6
1-1-2	Definitions.....	6
1-1-3	Rules of Construction	6
1-1-4	Section Titles.....	7
1-1-5	Amendments To This Code	7
1-1-6	Severability	7
1-1-7	Savings Clause.....	8
1-1-8	Altering Code.....	8
1-1-9	General Penalty.....	8
1-1-10	Repeal	8
1-1-11	Administrative Enforcement.....	8



See Ord. #17-2011 Adopted Sept. 26, 2011

CHAPTER 1: GENERAL PROVISIONS

ARTICLE 1: GENERAL PROVISIONS

1-1-1 The Code

The provisions embraced in this and the following chapters, articles and sections shall constitute and be designated as the code of the Town of Grand Lake, Colorado, and may be so cited. This code may also be cited as the Grand Lake municipal code.

1-1-2 Definitions

- (A) Board. The board of trustees, consisting of one mayor and six trustees of the Town of Grand Lake, Colorado.
- (B) Code. The code of the Town of Grand Lake, Colorado.
- (C) County. The County of Grand, Colorado.
- (D) Law. Denotes applicable federal law, the Constitution and statutes of the State of Colorado, the ordinances of the Town of Grand Lake, Colorado, this code and, when appropriate, any and all rules and regulations which may be promulgated there under.
- (E) Owner. As applied to land or building, includes any part owner, joint owners, tenants in common or joint tenants of the whole or of a part of such building or land.
- (F) Person. 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.
- (G) State. The State of Colorado.
- (H) Town. The Town of Grand Lake, Colorado, or the area within the corporate limits of the Town of Grand Lake, Colorado, and such territory outside the Town over which the Town has jurisdiction or control by virtue of any constitutional or statutory provision.

1-1-3 Rules of Construction

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 a 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 imparting the singular shall include the plural and any word imparting 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 tenses.
- (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 Grand Lake, Colorado.

1-1-4 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.

1-1-5 Amendments To This Code

- (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 herein. 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 Grand Lake, 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 heretofore existing in the code is to be added, the following language shall be used:
“That _____ of the code of the Town of Grand Lake, Colorado, 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.

1-1-6 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 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 circumstance, is held invalid, then the remainder of this code and the application thereof to other persons shall not be affected thereby.

1-1-7 Savings Clause

The repeal of any ordinance or part thereof 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 thereof 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.

1-1-8 Altering Code

It shall be unlawful for any person to change or amend by additions or deletions, any part or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the Town of Grand Lake to be misrepresented thereby.

1-1-9 General Penalty

(A) It shall be unlawful for any person 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 therefore, the violation of any provision of this code shall be punished by a fine not exceeding two thousand six hundred fifty dollars (\$2650.00), or imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment.

(B) Every day any violation of this code continues shall constitute a separate offense.

1-1-10 Repeal

All ordinances and parts of ordinances of a general and permanent nature adopted by the Town of Grand Lake, Colorado before the effective date of this code, are hereby repealed provided; HOWEVER, that any ordinances establishing salaries, establishing any contract right, authorizing the issuance of any bonds or evidence of indebtedness of the Town of Grand Lake, relating to the annual appropriation of the annual tax levy, granting any franchise, annexing territory to the Town of Grand Lake, naming streets or alleys, creating or assessing any local improvement district, or authorizing the sale, purchase, vacation or lease of property by the Town of Grand Lake, shall NOT be considered to be ordinances of a general and permanent nature and the same are not hereby repealed.

1-1-11 Administrative Enforcement

(A) Purpose – The purpose of this Article is to encourage prompt compliance with the Grand Lake Municipal Code and prompt payment for violations thereof. This Article provides



for an administrative enforcement process for handling the specified violation and sets the penalties to be imposed for violations of those specified issues.

(B) Classification of Municipal Codes subject to the administrative enforcement process

1. Municipal Codes subject to the Tier 1 administrative enforcement process are:

- (a) CHAPTER 4:ARTICLE 3: SALES AND TAX USE
- (b) CHAPTER 6:ARTICLE 2: SIGN CODE (1st violation only)
- (c) CHAPTER 6:ARTICLE 3: REGULATIONS, ANIMAL DRAWN VEHICLES (1st violation only)
- (d) CHAPTER 6:ARTICLE 4: BUSINESS LICENSES
- (e) 7-2-1 Storage of Flammable Liquids
- (f) 7-2-3 Abandoned Containers, Wells or Cisterns
- (g) CHAPTER 7:ARTICLE 4: NUISANCE, DEFINITION AND ABATEMENT
- (h) CHAPTER 7:ARTICLE 6: NUISANCE OFFENSES,
 - excluding 7-6-10 Noise-Making Devices to Attract Children
 - 7-6-11 Handbills, Posters, and Placards
 - 7-6-12 Waste Disposal
 - 7-6-15 Camping on Public Property Prohibited
- (i) CHAPTER 11:ARTICLE 4: BOARDWALKS, SIDEWALKS, AND COMMUNITY GREENWAYS (1st violation)
- (j) CHAPTER 12:ARTICLE 2: ARTICLE 1:ZONING REGULATIONS (1st violation only),
 - excluding 12-2-31(B)4 Nightly Rental Conditional Use Permits
- (k) CHAPTER 12:ARTICLE 7: DESIGN REVIEW STANDARDS
- (l) CHAPTER 13: URBAN FORESTRY MANAGEMENT

2. Municipal Codes subject to the Tier 2 administrative enforcement process are:

- (a) CHAPTER 6:ARTICLE 2: SIGN CODE
 - (2nd or subsequent violations and hazardous signs)
- (b) CHAPTER 6:ARTICLE 3: REGULATIONS, ANIMAL DRAWN VEHICLES (2nd or subsequent violations)
- (c) 7-3-4 Obstruction of Public Rights of Way
- (d) 7-3-5 Streets, Streams, and Water Supply
- (e) 7-3-6 Littering
- (f) 7-3-7 Lug Wheels Prohibited



- (g) 7-3-8 Pesticide and Fertilizer Use Regulations
- (h) 7-6-10 Noise-Making Devices to Attract Children
- (i) 7-6-11 Handbills, Posters, and Placards
- (j) 7-6-12 Waste Disposal
- (k) CHAPTER 9:ARTICLE 1: BUILDING REGULATIONS
- (l) CHAPTER 9:ARTICLE 2:GRADING, EXCAVATION, AND FILL PERMITS
- (m) CHAPTER 11:ARTICLE 4: BOARDWALKS, SIDEWALKS, AND COMMUNITY GREENWAYS (2nd or subsequent violations)
- (n) CHAPTER 12:ARTICLE 2: ARTICLE 1:ZONING REGULATIONS (2nd or subsequent violations),
excluding 12-2-31(B)4 Nightly Rental Conditional Use Permits

3. Municipal Codes subject to the Tier 3 administrative enforcement process are:

- (a) CHAPTER 6:ARTICLE 1: PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS
- (b) 7-1-28 Open Fires Prohibited
- (c) 7-2-2 Broken Glass, Nails, Dangerous Substance on Streets and Sidewalks
- (d) 7-2-10 Use of Wheeled and Tracked Vehicles on Boardwalk
- (e) 7-6-15 Camping on Public Property Prohibited
- (f) CHAPTER 7:ARTICLE 9: BOATING REGULATIONS
- (g) CHAPTER 10:ARTICLE 1:WATER REGULATIONS
- (h) CHAPTER 10:ARTICLE 3: WATER SUPPLY PROTECTION DISTRICT

(C) Definition

1. For the purposes of this Section, the following terms shall be defined as listed below:
 - (a) Administrative Hearing Officer – the person with exclusive authority to hear appeals from administrative enforcement citations issued under the authority of this Section
 - (b) Applicable Sections –those Sections in the Grand Lake Municipal Code listed above for which the administrative enforcement process is to be utilized
 - (c) Clerk – the Clerk for the Town of Grand Lake, Colorado
 - (d) Code Officer – the Town Manager or his designee who is charged with enforcing the provisions of the Grand Lake Municipal Code
 - (e) Municipal Court – the Municipal Court of Grand Lake, Colorado
 - (f) Responsible party – the person or entity charged with violating the Municipal Code



1. in a case of property subject to an administrative enforcement process, the person who has possession or control of that property or premise, whether as owner, occupant, or tenant
 2. in the case of a motor vehicle, the owner or operator of that vehicle.
- (g) Town – the Town of Grand Lake, Colorado

(D) Authority

1. Any responsible party who violates an applicable section may be issued an administrative enforcement warning notice or citation.
2. Notwithstanding any other provision of the Grand Lake Municipal Code, a responsible party cited under the administrative enforcement process has only the appeal rights granted in this Section.
3. The administrative enforcement process shall be divided into 3 Tiers:
 - (a) Tier 1 violations shall follow the following process:
 1. The Code Officer shall issue the responsible party an administrative enforcement warning notice for the violation which gives the responsible party ten (10) days from the date of service of the warning notice to correct the violation.
 2. If the violation is not corrected within the ten (10) day warning period, the Tier 2 process will be followed.
 - (b) Tier 2 violations shall follow the following process:
 1. The Code Officer shall issue the responsible party an administrative enforcement citation for the violation which gives the responsible party ten (10) days from the date of service of the citation to correct the violation.
 2. If the violation is not corrected within ten (10) days of the issuance of the first citation, the Code Officer will issue a second administrative enforcement citation.
 3. If the violation is not corrected within ten (10) days of the issuance of the second citation, the Code Officer will issue a third administrative enforcement citation.
 4. After a third administrative enforcement citation is issued for a violation, the Town of Grand Lake may take whatever action is necessary to correct the violation.
 - (i) If the violation is directly related to a tract of land, the cost of correcting the violation, including inspection and other incidental costs in connection therewith in the amount of five percent (5%) of the costs, shall be assessed against the lot or lots or tracts of land from or abutting upon or upon which said violation occurred, and the owners thereof shall be assessed. Such assessment shall be a lien against each lot or tract of land until paid, and shall have priority over all other liens except general taxes and prior special assessments. In the case any such assessment is not paid within thirty (30) days, the Town Clerk shall then be and hereby is authorized to certify to the County Treasurer of Grand County the delinquent assessment, giving the name of the owner as appears of record, the number of the lot and block and the amount of



assessment, said certification to be the same in substance and in the same form as required for certification of property taxes, and the County Treasurer, upon the receipt of such certified list, is hereby authorized to place the same upon the tax list for the current year and to collect the special assessment in the same manner as other taxes are collected with ten percent (10%) penalty thereon; and all the laws of the State for the assessment and collection of the general taxes, including the laws for the sale of property for taxes and the redemption thereof, shall apply to and have full force and effect for the collection of all such assessments.

(ii) If the violation is not directly related to a tract of land, the cost of correcting the violation, including inspection and other incidental costs in connection therewith in the amount of five percent (5%) of the costs shall be assessed.

(iii) If this assessment is not paid within thirty (30) days, the Town Clerk may refer the collection of these costs by whatever manner is available to the Town including, but not limited to, a collection agency.

5. After the third administrative enforcement citation is issued, each day a violation exists or continues shall constitute a separate and distinct violation and an administrative enforcement citation can be written for each day.

(c) Tier 3 violations shall follow the Tier 2 process except the ten (10) day correction period between citations being issued is changed to a twenty-four (24) hour correction period between citations.

4. The administrative enforcement warning notice and the administrative enforcement citation may be served upon the responsible party by either personal service or first class mail to the address of record of the responsible party. Notice shall be deemed served at the earliest of the date of receipt or the fourth day after mailing of the administrative warning notice or administrative enforcement citation.

(a) The administrative enforcement warning notice may also be posted in a visible spot at the location of the violation. If the administrative enforcement warning notice is posted, then the date the notice is posted shall be deemed the date of service for that notice.

(E) Content of administrative warning notice and administrative citation.

1. Administrative enforcement warning notices shall list:

(a) Date, time, and location of the violation,

(b) Applicable Municipal Code number and description of the violation,

(c) How the responsible party can correct the violation and the ways to contact the Town if they have questions,

(d) That failure to correct the violation in the ten (10) day warning period will result in the issuance of an administrative enforcement citation,

2. Administrative enforcement warning notices shall list

(a) Date, time, and location of the violation,



- (b) Applicable Municipal Code number and description of the violation,
- (c) That the responsible party is required to correct the violation immediately and how to correct the violation,
- (d) that failure to correct the violation within ten (10) days will result in the issuance of another administrative enforcement citation,
- (e) contact information for the Town,
- (f) the name of the Code Officer issuing the citation,
- (g) the amount of the administrative fine imposed for that citation,
- (h) How the fine shall be paid, the time period for said payment, and the consequences for failure to pay the fine within the stated time frame,
- (i) The process for appealing the administrative enforcement citation,
- (j) any other possible civil or criminal actions the Town may pursue.

(F) Appeals of an administrative enforcement citation

1. A responsible party served with an administrative enforcement citation may file a notice of appeal within five (5) calendar days from the date of service of the citation. Failure to file the appeal in the stated time period shall bar any such appeal.
2. The notice of appeal shall be made in writing and shall be filed with the Grand Lake Municipal Clerk either in person, by facsimile transmission, by e-mail, or by mail.
3. As soon as practicable after receiving the written notice of appeal, the Grand Lake Municipal Clerk shall assign an Administrative Hearing Officer.
4. The Administrative Hearing Officer shall set a date, time, and location for the hearing. The date for the hearing shall be not more than twenty-one (21) days after the date of the citation. If the last allowable day for the hearing is a Saturday, Sunday, or legal holiday, the period shall be extended to the first day thereafter which is not a Saturday, Sunday, or legal holiday.
5. Written notice of the date, time, and location of the Administrative Hearing shall be personally served upon or sent by first class mail to the responsible party at least five (5) days prior to the date of the hearing.

(G) Administrative Hearing Officers

1. The administrative hearing officer must be an attorney licensed to practice law in the State of Colorado.
2. Any person designated to serve as an administrative hearing officer is subject to disqualification for bias, prejudice, or any other reason for which a judge may be disqualified in a court of law.

(H) Appeal Hearing Procedures

1. The Administrative Hearing is intended to be informal in nature. Formal rules of evidence and discovery do not apply.
2. The parties at the Administrative Hearing are the responsible party and the Town of Grand Lake.



3. Parties may be represented by legal counsel.
4. Each party may call and question witnesses, cross-examine witnesses, and present evidence in support of its case.
5. Each party may subpoena witnesses, documents, or other evidence where the attendance of the witness or the admission of evidence is deemed necessary to decide the issues at the hearing. All costs related to the subpoena shall be borne by the party requesting the subpoena. The form and process for issuing subpoenas shall be the same as for the Grand Lake Municipal Court.
6. The Administrative Hearing Officer shall have the authority to call and question witnesses, review and consider the relevancy of the evidence, and rule on evidentiary questions.
7. The sole issue to be decided by the Administrative Hearing Officer is whether the Code Officer exceeded his authority in issuing the Administrative Enforcement Citation. The Town bears the burden of proof to establish the existence of a violation of the Grand Lake Municipal Code. The Town's meeting this burden of proof shall be prima facie evidence that the Code Officer did not exceed his authority. The responsible party shall have the burden of rebutting such evidence.
8. Copies, photographs, and photocopies may be admitted into evidence or substituted in evidence in place of the original documents.
9. The standard of proof for the Administrative Hearing is a preponderance of evidence.
10. The decision of the Administrative Hearing Officer shall be known as a final administrative enforcement order and is effective immediately. The Administrative Hearing Officer cannot waive or reduce the penalties as set by this Section.
11. If the citation is upheld, the Administrative Hearing Officer shall assess an administrative cost of one hundred fifty dollars (\$150.00).
12. Any responsible party who fails to appear at their Administrative Hearing is deemed to waive their right to a hearing, provided that proper notice of the hearing has been provided. If the responsible party fails to appear, the Administrative Hearing Officer shall issue a final administrative enforcement order which shall be mailed to the responsible party by first class mail. In this case, the final administrative enforcement order shall become effective the date the order is mailed to the responsible party.
13. An appeal to the decision of the Administrative Hearing Officer is made to the Municipal Court of the Town of Grand Lake, Colorado.

(I) Failure to Comply

1. It is unlawful for a responsible party who has been served with a final administrative enforcement order to fail to comply with the order.

(J) Penalties

1. The penalties for administrative enforcement citations are as follows, are cumulative, and shall be in addition to all other remedies and penalties provided for by local ordinance or available at law:
 - (a) First citation for an offense – one hundred dollars (\$100.00)
2. Second citation for an offense – two hundred dollars (\$200.00)



- (a) Third or subsequent citation for an offense – three hundred dollars (\$300.00)
3. Payment of the fine shall not excuse the failure to correct the violations nor shall it bar further enforcement or corrective action by the Town.
 - (a) All fines assessed shall be payable to the Town of Grand Lake, Colorado.
4. Failure of a responsible party to pay the fine within the time specified on an administrative enforcement citation or on a final administrative enforcement order will result in a late fee consisting of a fifty dollar (\$50.00) fee, a twenty percent (20%) charge to defray the cost of collection, and interest at a rate of ten percent (10%) per annum on all unpaid amounts.
 - (a) The Town Clerk may refer the collection of unpaid fines by whatever manner is available to the Town.
 - (b) If the fine assessed for a citation is directly related to a tract of land, the amount of the fine(s) and late fee shall be assessed against the lot or lots or tracts of land from or abutting upon or upon which said violation occurred, and the owners thereof shall be assessed. Such assessment shall be a lien against each lot or tract of land until paid, and shall have priority over all other liens except general taxes and prior special assessments. In the case any such assessment is not paid within thirty (30) days, the Town Clerk shall then be and hereby is authorized to certify to the County Treasurer of Grand County the delinquent assessment, giving the name of the owner as appears of record, the number of the lot and block and the amount of assessment, said certification to be the same in substance and in the same form as required for certification of property taxes, and the County Treasurer, upon the receipt of such certified list, is hereby authorized to place the same upon the tax list for the current year and to collect the special assessment in the same manner as other taxes are collected with ten percent (10%) penalty thereon; and all the laws of the State for the assessment and collection of the general taxes, including the laws for the sale of property for taxes and the redemption thereof, shall apply to and have full force and effect for the collection of all such assessments.



BLANK PAGE