

CHAPTER 1
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ARTICLE I

Code

Sec. 1-1. Adoption of Code.

The published code known as the Snowmass Village Municipal Code, of which one (1) copy is now on file in the office of the Town 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 Town of Snowmass Village, Colorado, as a codification of all the ordinances of the Town of Snowmass Village of a general and permanent nature through Ordinance No. 4-1994 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 officials of the Town. (Ord. 4-1994 §1)

Sec. 1-2. Purpose.

The Town Council finds, determines and declares that the ordinances codified in this Chapter are necessary for the general health, safety and welfare of the community. (Ord. 4-1994 §1)

Sec. 1-3. Title and scope.

This Code shall be known as the Snowmass Village Municipal Code. This Code constitutes the adoption, compilation, revision and codification of all the ordinances of the Town of Snowmass Village of a general and permanent nature. (Ord. 4-1994 §1)

Sec. 1-4. Repeal of ordinances not contained in Code.

All existing ordinances and portions of ordinances of a general and permanent nature

which are in conflict with any ordinance included in the adoption of this Code are hereby repealed as of the effective date of the ordinance adopting this Code, except as hereinafter provided. (Ord. 4-1994 §1)

Sec. 1-5. Matters not affected by repeal.

The repeal of ordinances and parts of ordinances of a permanent and general nature by Section 1-4 above 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incurred or any contract, right or obligation established prior to the time said ordinances and parts of ordinances are repealed.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. 4-1994 §1)

Sec. 1-6. Ordinances saved from repeal.

The continuance in effect of temporary and/or special ordinances and parts of ordinances, although omitted from this Code, shall not be affected by such omission therefrom, and the adoption of 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 Among the ordinances not repealed or amended by the adoption of this Code are ordinances: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) Creating, opening, dedicating, vacating or closing specific streets, alleys and other public ways.
- (2) Naming or changing the names of specific streets and other public ways.
- (3) Establishing the grades of specific streets and other public ways.
- (4) Establishing the grades or lines of specific sidewalks.
- (5) Authorizing or relating to specific issuances of general obligation or revenue bonds.

(6) Annexing territory to or excluding territory from the Town.

(7) Dedicating or accepting any specific plat or subdivision.

(8) Calling or providing for a specific election.

(9) Approving or authorizing specific contracts with the State, with other governmental bodies or with others.

(10) Authorizing a specific lease, sale or purchase of property.

(11) Granting a specific public utility or cable system the right or privilege of constructing lines in the streets and alleys or of otherwise using the streets and alleys.

(12) Granting a franchise to a specific public utility or cable system or establishing rights for or otherwise regulating a specific public utility or cable system.

(13) Appropriating money.

(14) Levying a temporary tax or fixing a temporary tax rate.

(15) Enacting or amending the Official Zoning Map or approving specific planned unit development plans, specialty planned area plans or special review uses. (Ord. 4-1994 §1)

Sec. 1-7. 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 existing ordinances. It is the intention of the Town Council 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. 4-1994 §1)

Secs. 1-8—1-20. Reserved.

ARTICLE II

Definitions and Usage

Sec. 1-21. Definitions.

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

Accessory building means a subordinate building, the use of which is customarily incidental to that of the principal building or to the principal use of the land and which is located on the same lot or parcel with the principal building or use. Accessory buildings shall not be provided with a kitchen or bath facilities sufficient to render them suitable for permanent residential occupancy. An *accessory building* may include a garage, carport or storage facility.

Accessory employee unit (AEU) means an area attached to or within a single-family dwelling unit, or above or below an accessory garage, and on a lot zoned for a one-family dwelling. The AEU shall be occupied by an AEU employee, and shall be subject to the provisions contained in this Code. An AEU shall have a separate exterior entrance and shall contain a kitchen, a bathroom and sleeping facilities.

Accessory use is one that is naturally and normally incidental to, subordinate to and devoted exclusively to the principal use of the premises and does not change the basic character thereof, as determined by the principal use. *Accessory uses* may include employee units, manager's unit and parking.

Alley means a driving surface intended for limited public use and which connects to one (1) or more public streets.

Antenna means a structure or device for the reception and/or transmission of aerial or satellite signals, including television signals, AM radio signals, FM radio signals, telemetry signals, data communication signals or any other reception or transmission signals using free air space as a medium, whether for commercial or private use.

Arterial street means any street which provides direct year-round connection to another jurisdiction, or which links such roads, and are intended or used primarily for free-flowing traffic movement. Traffic velocity is generally greatest on arterial streets, due primarily to roadway design.

Association means a group of owners, formed to further the common interests of some or all of the owners of property which are members of the association.

Awning means a movable shelter which projects from a structure.

Basement means any floor of a building located in a manner that at least fifty percent (50%) of its floor to ceiling height for each wall is below grade as defined herein. The percent calculated shall be based on wall area for each wall.

Bedroom means any room for sleeping within a dwelling unit that contains closet

space and has access to bathroom facilities. Den, family or recreational rooms may be considered bedrooms if determined to meet the requirements above.

Building means any permanent structure built for the shelter or enclosure of persons, chattels or property of any kind, and not including advertising signs or fences.

Building setback means an open space other than a court, not in an alley or street, unoccupied and unobstructed by any buildings or above-grade related structures, except as otherwise provided in this Code.

Building setback, front means an area extending the full width of the lot or parcel the depth of which is measured by the least horizontal distance between the front lot line and that area defined as the building site or envelope.

Building setback, rear means an area extending the full width of the lot or parcel the depth of which is measured by the least horizontal distance between the rear lot line and that area defined as the building site or envelope.

Building setback, side means an area extending from the front lot line to the rear lot line, the width of which is measured by the least horizontal distance between the side lot line and that area defined as the building site or envelope.

Building site or envelope means an area of a lot or parcel within which a building or structure may be erected.

Business means any business, profession, occupation or activity engaged in by a person with the object of profit, gain, benefit or advantage, direct or indirect, which is conducted on premises within the Town.

Caretaker unit means an area attached to or within a one-family dwelling unit, or above or below an accessory garage, and on a lot zoned for one-family dwellings. It should be occupied by qualified employees, as defined within the Housing Department guidelines, senior citizens or disabled individuals, as defined by the rules and regulations of the Town, which may be adopted from time to time by the Town Council, and subject to the provisions contained in this Code. A caretaker unit shall contain a kitchen with refrigerator and sink, and cooking, sanitation and sleeping facilities. Cooking facilities shall not include only a hot plate and/or microwave oven. Sanitation facilities shall include a bath and/or shower.

Charter is the Home Rule Charter for the Town of Snowmass Village, Colorado.

Collector street means any street into which local streets feed and which connects directly with an arterial street.

Common open space is a parcel of land and area of water or a combination of land and water within a site designated in a planned unit development, specially planned area or subdivision, designed and intended primarily for the use or enjoyment of residents, occupants and owners of the development, condominium or subdivision.

Condominium plat means a survey description or map of a condominium interest in a structure for the purpose of title conveyance.

Condominium unit means an individual air space unit together with the interest in the common elements appurtenant to such unit as defined and recognized by the Colorado Condominium Ownership Act.

Condominiumization means the process by which condominium units are created in a property previously owned in total by one (1) individual, partnership, corporation, joint venture or other legal entity.

County means the County of Pitkin, Colorado.

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

Cul-de-sac means a local street terminating in a vehicular turnaround.

Day means any twenty-four-hour period from midnight to midnight.

Den means an area within a dwelling unit which shall be considered a bedroom when said area is comparable in size to other designated bedrooms in the dwelling unit and contains closet space.

Developer means the person undertaking any development activity as described below or condominiumization or creating time shares estates.

Development, unless otherwise defined, means any activity that generates population, traffic, visual impact, severe environmental impacts and/or the need for municipal or special district services not currently provided in a significant manner.

Development, major, for the purpose of determining the length of the development review period only, means any development which is of significant scale, size, nature or mix of land uses that it may require a lengthier review period because of the potential level of traffic, visual, environmental or community impacts. The Town Council shall determine whether the application will

qualify as a major development. Any development not considered major is considered a minor development for review purposes.

Development, minor means any development that is not major. Any development review related to a previously approved development that involves only minor modifications to the approved project and will not generate significant impact as described above shall be considered a minor development.

Disclosure statement means the statement prepared by the developer pursuant to Subsection 16-262(e) of this Code together with any amendments or supplements thereto.

Dormitory means any building or portion thereof intended or designated specifically for sleeping facilities for an individual or a group of more than four (4) unrelated individuals. A dormitory shall have sanitation facilities either within or in close proximity to sleeping areas. Accessory uses may include laundry and kitchen facilities located outside designated sleeping areas.

Dwelling, multiple-family, means a building containing three (3) or more dwelling units sharing vertical and/or horizontal party walls, but not including hotels or lodges, in which each dwelling unit is designed for and used as a dwelling exclusively by one (1) family and the guests of such family at one (1) time.

Dwelling, one-family, means a detached principal building containing only one (1) kitchen designated for and used as a dwelling unit exclusively by one (1) family and guests of such family at one (1) time.

Dwelling, single-family attached means a one-family dwelling unit in a structure containing three (3) or more units sharing one (1) or more vertical and no horizontal common walls, each of which is designed for and used as a dwelling exclusively by one (1) family and the guests of such family at one (1) time (also known as a *townhouse*).

Dwelling, two-family means a detached principal building containing no more than two (2) dwelling units sharing a common wall between both dwelling units or sharing a common ceiling or floor, in whole or in part, connecting the two (2) dwelling units, each of which is designed for and used as a dwelling unit exclusively by one (1) family and the guests of such family at one (1) time (also known as a *duplex*).

Dwelling unit means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, and is intended for occupancy by a family and its guests, independent of other families or guests. May also be referred to as *dwelling*.

Easement means the quantity of land set aside over which a liberty, privilege or advantage in land without profit exists distinct from the ownership of land, which is granted to the public or some particular person or part of the public.

Employee means any temporary or permanent employee of the Town.

Employee, AEU, for the purposes of determining occupancy of an AEU, shall mean a person employed within the County for a minimum of six (6) months a year.

Executive session is a meeting of the Town Council, Planning Commission or other permanent board or commission of the Town conducted under the procedures provided for in Article II, Chapter 2 of this Code at which a quorum is present and at which the general public, except those specifically requested to attend, are excluded.

Family means any individual, or two (2) or more persons related by blood or marriage or between whom there is a legally recognizable relationship, or a group of not more than four (4) unrelated adults occupying the same dwelling unit on a continuous basis for a period of time greater than one (1) month.

Fire Department is the Snowmass-Wildcat Fire Protection District.

Floor area means the sum of the horizontal area of a structure, measured as defined in Section 16-72 of this Code, and stated in square feet.

Floor area ratio (FAR) means a numerical statement of the floor area of a structure as it relates to the total area of a lot or parcel.

Grade means the ground surface elevation which existed prior to any construction or the addition of any fill in the area within the property lines of said lot or parcel. In those instances where excavation occurred prior to application for development review or building permit, *grade* shall be the surface of the ground existing on the date of application. In those instances where excavation

will occur after the date of application, *grade* shall be considered the finished ground elevation produced as a result of excavation, which in no case shall be considered higher than the grade which existed prior to excavation.

Grade, above, for the purpose of determining whether a building or structure is above grade, any building or structure which is within thirty (30) inches of grade at any point within five (5) feet measured horizontally from said structure shall be considered on grade. Any building or structure greater than thirty (30) inches above grade at any point within five (5) feet measured horizontally from said structure shall be considered above grade.

Gross parcel plat means a subdivision plat for the purpose of conveying a parcel of land within a planned unit development or subdivision to others with subsequent development of such parcel by the grantee, the dedication of property to the public for open space or other public uses, the dedication of existing rights-of-way, the reservation of property for future or contingent dedication for open space of other public uses, and the preparation of a legal boundary or boundaries for such parcel for reference use in the planned unit development or subdivision approval process.

Home occupation shall mean an occupation or profession which is conducted within a dwelling unit or on the premises thereof and is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

Hotels, lodges and suites mean a building or portion thereof containing rooms, areas or separate spaces intended for temporary occupancy by guests typically by the day or week, each of which shall contain sanitation facilities but none of which contain a kitchen. Lock-off rooms, which may contain sanitation facilities but none of which contain a kitchen, shall individually be defined as a *hotel room*. Accessory use facilities, which shall be located outside said areas, may include associated office space, laundry facilities used by the occupants, a lobby, and similar service/support facilities, each of which shall not constitute commercial uses.

Illumination, direct means light produced by an unshielded light source which is effectively visible as a part of the sign. An unshielded light source is one that is directly visible from any angle.

Illumination, indirect means lighting which illuminated the front of a sign or an object, where the source of the light, e.g. bulb, etc., is effectively recessed into or shielded by a non-transparent covering so the source of the light cannot be seen except from a general position directly in front of the light source.

Illumination, internal means lighting by means of a light source within an object, e.g. sign, having a translucent background and which silhouettes opaque letters or designs, or lighting within or behind letters or designs which are themselves made of translucent or opaque material.

Interval estate means a combination of: (a) an estate for years terminating on a specific date, during which years the title to a time shared unit circulates among owners in accordance with a fixed schedule, vesting in each such interval owner in turn for a period

of time established by said schedule, with the series thus established recurring annually until the arrival of the specified date; and (b) a vested future interest in the same unit, consisting of an undivided interest in the remainder in fee simple, the magnitude of the future interest having been established by the time of the creation of the interval estate either by the time share project instruments or by the deed conveying the interval estate. The estate for years shall not be deemed to merge with the future interest, but neither the estate for years nor the future interests shall be conveyed or encumbered separately from the other. *Interval estate* also means an estate for years as described above where the remainder estate, as defined either by the time share project instruments or by the deed conveying the interval estate, is retained by the developer or his or her successors in interest.

Joint authority, when purporting to give authority to three (3) or more officers or other persons, shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

Kitchen means an area designated or intended for cooking, which contains at least a sink and cooking facilities which include a range and/or countertop burners and/or a microwave oven.

Kitchen, AEU means an area designated for cooking, which minimally contains a twelve-cubic-foot refrigerator, a six-gallon capacity sink, a stove with four (4) cooking surface burners or elements and an oven, and an area for food storage.

Land, real estate and real property include lands, tenements, hereditaments, water rights, possessory rights and claims.

Land use plan means graphic material which represents the final terms and conditions of the final planned unit development plan.

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.

Legal holiday includes New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day.

Local street means any street providing for the movement of vehicles within a geographically limited area such as a one- or two-family residential subdivision containing numerous lots, or between a group of connected multiple-family complexes or commercial complexes. A local street that serves a multiple-family or commercial development must serve more than one (1) multiple-family or commercial property complex. It provides access to abutting properties, or it provides access to and from a collector street or a local street. A local street carries more traffic than a minor street, but less than a collector street. A local street connects directly to a collector street or another local street which connects to a collector street, or to an arterial street.

Lost and confiscated property means:

a. Property which has been lost or stolen from the owner thereof and which has been turned over to the Town; or

b. Property which has been confiscated according to law by a police officer of the Town and the owner's possession of the property is unlawful, or the owner's identity and whereabouts are not known, and cannot be reasonably determined, by the Town. This definition shall not be deemed to include pets or other small animals, nor motor vehicles.

Lot means a parcel of real property as shown with a separate and distinct number or letter on a plat recorded in the County Clerk and Recorder's office, or when not so platted in a recorded subdivision, a parcel of real property held under separate ownership from surrounding property.

Lot area means the total horizontal area within the lot lines of a lot except that area beneath the mean water line of a body of water.

Lot line, front means the property line dividing a lot from a street or located adjacent to the principal means of access.

Lot line, rear means the property line opposite the front lot line.

Lot line, side means any lot line other than the front and rear lot lines.

Manager's unit means a dwelling unit which may include a one-family dwelling or a dwelling unit provided within a structure containing multiple-family dwelling units, single-family attached dwelling units, dormitories, or hotel or lodge rooms specifically intended for occupancy by a resident manager of the principal use.

Managing agent means the person responsible for operating and maintaining a time share project.

Maximum floor area ratio means the maximum floor area ratio (FAR) or maximum floor area allowed on an individual lot, unless otherwise provided by this Code.

May is permissive.

Minimum parking spaces means the minimum number of parking spaces which shall be required per bedroom, dormitory sleeping area, hotel/lodge room, commercial space or other use, unless otherwise provided by this Code.

Minor street means any street providing for the movement of vehicles within a one- or two-family residential subdivision. It provides access to abutting properties. It generally serves a minimal number of lots, generally no more than five (5) to seven (7) lots. Traffic volumes are less than experienced on local streets. A minor street may connect into either a collector or local street.

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.

Must and *shall* are both mandatory.

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*.

Obstruction means the interference with or prevention of, convenient or reasonable passage or use of the public street, alley, sidewalk, mall, way, place or building, or entrance or doorway into or out of any building which is open to the public by any individual or group of individuals.

Occupied means arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

Official means an elected or appointed official of the Town, but does not include an employee of the Town.

Official act or *official action* means any vote, decision, recommendation, approval, disapproval or any other action, including inaction, which involves the use of discretionary authority.

Official time means standard time or daylight saving time as may be in current use with the Town.

Open space means either a portion of a lot or parcel, which shall be unoccupied and unobstructed by any above grade structures, or real property zoned as Open Space, depending on context.

Open use recreation site means land designated for public recreational use, either publicly owned or privately owned and available on a fee or membership basis, including but not limited to such facilities as playgrounds and playfields, golf courses, tennis and similar court installations.

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 or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

Paved or *paving* means any asphalt, concrete or similar impervious wearing surfaces.

Person means natural person, joint venture, joint stock company, partnership, association, club, company, 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.

Planned unit development means an area of land controlled by one (1) or more land owners, to be developed under unified control or a unified plan of development for residential, commercial, educational, recreational, industrial and/or other uses, the plan for which may vary the area and bulk requirements of the underlying zone districts within defined limits of this Code.

Planned unit development modification means an adjustment, release or removal of certain provisions of a final planned unit development (PUD) plan or specially planned area (SPA) plan. A modification of floor area, height, required parking spaces, setback requirements and other minor adjustments may be permitted in accordance

with the review procedures of this Code. Changes in use or substantial changes in floor area, height, parking and setbacks that change the nature of the PUD or SPA plan are considered an amendment.

Planned unit development plan means the final provisions, terms and conditions for a planned unit development or any development, approved in accordance with Chapter 16 of this Code. An approved planned unit development plan shall constitute the final zoning and development regulations for the specific area for which it has been adopted. (May also be referred to as an *SPA Plan* when the area is zoned Specially Planned Area.)

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

Premises means any land, structure, lodge, store, office, salesroom, warehouse or other place of business situated within the Town which is owned, leased or occupied by a business.

Primary constraints means areas which are subject to slopes of thirty percent (30%) or greater, one-hundred-year flood plains and perennial saturation due to high groundwater tables and poor drainage, elk winter range, elk calving areas and wildlife migration corridors.

Principal use means the main or primary purpose for which a structure or land is designed, arranged or intended, or for which it may be occupied or maintained as provided by this Code.

Private roadway means a driving surface linking a public street with a privately owned and managed development and which receives no public maintenance.

Professional business office means a space for use by physicians, dentists, lawyers, architects, engineers, accountants and other similar activities and where limited storage or sale of merchandise exists.

Property includes real and personal property.

Public parking lot means an area owned by or leased to the Town that is designated for the short term storage (not to exceed seven [7] days without a change of location) of private automobiles. Said lots shall not be surrounded by a residential, multiple-family or commercial complex in any manner that impedes visual and physical access to the parking lot. A public parking lot is not intended to primarily serve a single condominium complex, apartment complex or hotel facility.

Public way or *public thoroughfare* includes streets, alleys, lanes, courts, boulevards, public squares, malls, public places and sidewalks.

Purchaser means any person, other than the developer or a lender, who is buying a time share estate.

Quarter means any three-month period ending with the last day of March, June, September or December.

Right to use estate means a transferrable contract right, which does not fall within the definition of either an interval estate or a time-span estate, providing for or allowing the exclusive use or occupancy of a dwelling unit by one (1) or more persons during any annually recurring period of time defined and established by a schedule, recorded or unrecorded, and agreed to by the owners

including, without limitation, licenses or club memberships.

Road means a public or private way for vehicular traffic including roadway and sidewalk area, being the entire width from lot line to lot line and including the terms *highway, road, place, avenue* or other similar designations.

Roadway means that portion of a street improved, designed or ordinarily used for vehicular traffic.

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

Sign means an object or device or any part thereof situated outdoors which is used to advertise, identify, display, direct or attract the attention of a pedestrian or motorist to an object, place, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, logos, fixtures, colors, illumination or projected images.

Sign, awning is a sign comprised of lettering and/or logos that is located on the valance thereof.

Sign, freestanding means a sign supported by poles, uprights or braces extending from the ground or from an object on the ground, provided that no part of the sign is attached to any part of a building.

Sign, hanging means a sign which hangs from a covered arcade, soffit, beam or other overhanging part of a structure.

Sign, joint identification means a freestanding sign that identifies all businesses located in a single building or building complex, or a sign that identifies individual buildings within a complex.

Sign, on-premises means a sign which advertises goods, services, facilities or events available on the premises upon which the sign is located.

Sign, projecting means a sign that is supported by a building or other structure which projects over any sidewalk or pedestrian or other landscaped area.

Sign, temporary means any sign made out of light weight material, with or without frames, and not affixed permanently to a structure or the ground.

Sign, wall-mounted means a sign attached to or painted on a wall of a building, the display surface of the sign being parallel to the wall of the building to which the sign is attached.

Sign, window means a sign, meant to be permanent, that is visible from the exterior of a building and is painted on a window or depicted upon any material placed on, taped on or hung immediately behind a window.

Signature or subscription means a mark when a person cannot write.

State means the State of Colorado.

Street includes any highway, alley, avenue, or public place or square, bridge, viaduct, underpass, overpass, tunnel or causeway in the Town, dedicated or devoted to public use.

Structure means anything constructed or erected, which requires location on the ground or attached to something having a location on the ground, but not including poles, lines, cables or other transmission or distribution facilities of public utilities.

Subdivider means the person including the owner, or agent for the owner, dividing or proposing to divide land so as to constitute a subdivision to be shown on a recorded plat.

Subdivision means the division of any tract or parcel of land, with or without improvements thereon, into two (2) or more lots, tracts, parcels, sites, separate interests (including leasehold interests, condominium units or interest as defined in the state statutes and time share estates as defined herein, interests in common or other divisions for the purpose, whether immediate or future, of sale or development. *Subdivision* shall also mean *condominiumization* as defined herein, and specifically includes the division or conversion of any existing units, including dwelling units, office or other building into condominiums, or time share estates. It also includes subdivision relating to the process of subdividing land or property previously subdivided. Unless this method of disposition is adopted for the purpose of evading this definition, the term *subdivision* as defined in this Section shall not apply to the following divisions of or interests in land or condominium units:

- a. The division of land by order of any court in this State or by operation of law.

b. The division of land by a lien, mortgage, deed of trust or any other security instrument.

c. The division of land which creates cemetery lots.

d. The division of land which creates an interest or interests in oil, gas or minerals which are now or hereinafter severed from the surface ownership of real property.

e. The creation of undivided joint ownership interests (including leasehold interests) in a particular dwelling unit or condominium unit; provided, however, that no agreement exists, either recorded or unrecorded, between co-owners providing for or allowing the exclusive use or occupancy of the property by one (1) or more co-owners during any annually recurring period of time, if said agreement is in any way binding or effective on any assignee or future owner of an undivided joint interest fractional fee, interval estate, right-to-use or other similar interest in such property.

f. The division of land by reason of dissolution of a joint venture or partnership.

Temporary use means any use not allowed as a use by right, as an accessory use, or as a special review use in the particular zone district where the use is proposed.

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.

Time share estate means an interval estate, a time-span estate or a right-to-use estate.

Time share instruments means any documents recordable or nonrecordable, by whatever name denominated, creating or regulating a time share project and which contain restrictions or covenants regulating the use, occupancy or disposition of a time share project, including any amendments or supplements to the documents, but excluding any law, ordinance or governmental regulation.

Time share owner means any person vested with legal title to a time share estate.

Time share program means any arrangement whereby the use, occupancy or possession of a unit or combination of units has been or may be subject to the creation of time share estates. The time share program includes the organizational, marketing and management schemes to be employed by the developer/seller of the time share estates which has been submitted to, reviewed and approved by the Town.

Time share project means all or a portion of real property including, without limitation, a single dwelling unit or combination of dwelling units to be either constructed or converted to time share estates pursuant to a time share program.

Time shared unit means a unit, which may include a dwelling unit, the ownership or use of which is subject to an arrangement, whether in the form of deed restriction, license, right-to-use agreement, lease or other form, between co-owners or co-users, which provides for or allows the exclusive use or occupancy of the dwelling unit by one (1) or more co-owners or co-users during any annually recurring period of time if said agreement is in any way binding or effective on any assignee or future owner of the unit or any fractional interest therein. For the purpose of this definition, a time shared dwelling unit includes a time shared estate as defined by the state statutes.

Time span estate means a combination of any undivided interest in a present estate in fee simple in a time shared unit, the magnitude of the interest having been established by the time of the creation of the time span either by the time share project instruments or by the deed conveying the time span estate, and an exclusive right to possession and occupancy of the unit during an annually recurring period of time defined and established by a recorded schedule set forth or referred to in the deed conveying the time span estate.

Town means the Town of Snowmass Village, in the County of Pitkin, and State of Colorado, or the area within the territorial limits of the Town of Snowmass Village, and such territory outside of the Town over which the Town has jurisdiction or control by virtue of any constitutional or statutory provision.

Town Council means the Town Council of the Town of Snowmass Village.

Trails, public means facilities designated for nonmotorized traffic and which receive public maintenance.

Underlying zoning means any of the zone districts established in Section 16-91 of this Code and designated for a specific parcel.

Unit, restricted means that which may not be bought and sold on the free market and is subject to price, income, occupancy or other restrictions. Restrictions are generally associated with the deed, although other means may be utilized.

Unit, unrestricted means that which may be bought and sold on the free market. It is not subject to any of the restrictions associated with restricted units, although there may be other minimal restrictions placed on said units by an association.

Use means the purpose or activity for which the land or structure is designed, arranged or intended, or for which it is occupied or maintained.

Vested property rights means the right to undertake and complete the development and use of real property subject to the terms and conditions of a site specific development plan.

Water District is the Snowmass Sanitation and Water District.

Written includes printed, typewritten, mimeographed or multigraphed, or otherwise reproduced in permanent visible form.

Year means a calendar year. (Prior Code Ch. I §2; Ch. VI §1-2; Ch. X §§1-8, 1-11-1; Ch. XIV §1-3; Prior Land Use Code Chapter 2.0; Ord. 7-1991 §2; Ord. 13-1992 §2; Ord. 4-1994 §1; Ord. 6-1995 §1; Ord. 10-1997 §1; Ord. 1-1998 §3)

Sec. 1-22. Computation of time.

Unless otherwise provided by a specific section of this Code, in computing any period of time prescribed or allowed by 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 Saturday, a Sunday or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation. (Prior Code Ch. I §2; Ord. 4-1994 §1)

Sec. 1-23. 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 or her designated representative. (Ord. 4-1994 §1)

Sec. 1-24. 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. 4-1994 §1)

Sec. 1-25. Grammatical interpretation.

The following grammatical rules shall apply to Town ordinances unless it is apparent from the context that a different construction is intended:

- (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. (Prior Code Ch. I §2; Ord. 4-1994 §1)

Sec. 1-26. Prohibitions.

Words prohibiting anything being done, except in accordance with a license, permit or authority from any officer of the Town authorized by ordinance or the Charter, shall be construed as expressly giving such officer power to license, permit or authorize such thing to be done. (Prior Code Ch. I §2)

Secs. 1-27—1-40. Reserved.

ARTICLE III

General

Sec. 1-41. Titles and headings not part of Code.

Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code, may be inserted in supplements to the Code for the convenience of persons using the Code, and are not part of the Code. (Ord. 4-1994 §1)

Sec. 1-42. Authorized acts by agents, representatives.

When an act is required by this Code or an ordinance, the same being such that it may be done as well by an agent or representative as by the principal, such requirement shall be construed to include all such acts performed by any authorized agent or representative. (Ord. 4-1994 §1)

Sec. 1-43. Prohibited acts.

Whenever in this Code 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. 4-1994 §1)

Sec. 1-44. Purpose of ordinances.

The provisions of this Code, and all proceedings under it, are to be construed with a view to effect their objectives and to promote justice. (Ord. 4-1994 §1)

Sec. 1-45. Repeal of ordinances.

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby. (Ord. 4-1994 §1)

Sec. 1-46. 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. 4-1994 §1)

Sec. 1-47. Amendments to Code.

(a) Ordinances and parts of ordinances of a permanent and general nature, passed or adopted after the adoption of this Code, may be passed or adopted either in the form of amendments to the Code adopted with or without specific reference to the Code. However, in either case, all such ordinances and parts of ordinances shall be deemed amendments to the Code, and all of the substantive, permanent and general parts of said ordinances and changes made thereby in the Code shall be inserted and made in the Code as provided in Section 1-50 hereof.

(b) All ordinances passed 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, section or subsection or any portion thereof, such repealed portion may be excluded from the Code by omission from reprinted pages. 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 as this Code and subsequent ordinances numbered or omitted are readopted as a new Code by the Town Council.

(c) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section _____ (or section _____, subsection _____) of the Snowmass Village Municipal Code is hereby amended to read as follows: . . ." The new provisions shall then be sent out in full as desired.

(d) In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Snowmass Village Municipal Code is hereby amended by adding a section (or chapter), which section (or chapter) reads as follows: . . ." The new section shall then be set out in full as desired. (Prior Code Ch. I §4; Ord. 4-1994 §1)

Sec. 1-48. Copy of Code on file.

One (1) copy of the Code shall be kept in the office of the Town Clerk at all times, and such Code may be inspected by any interested person at any time during regular office hours, but may not be removed from the Town Clerk's office. (Ord. 4-1994 §1)

Sec. 1-49. Examination of Code.

After each supplement has been prepared, printed and inserted in the Code, the Town Clerk shall carefully examine at least one (1) copy of the Code as supplemented. The copy of the Code as originally adopted or amended shall constitute the permanent and general ordinances of the Town and shall be so accepted by the courts of law, administrative tribunals and all others concerned. (Ord. 4-1994 §1)

Sec. 1-50. Supplementation of Code.

(a) The Town Clerk shall cause supplementation of the Code to be prepared and printed from time to time as he or she may see fit. All substantive, permanent and general parts of ordinances passed by the Town Council or adopted by initiative and referendum, and all amendments and changes in ordinances or other measures included in the Code prior to the supplementation and since the previous supplementation, shall be included.

(b) It shall be the duty of the Town Clerk, or someone authorized and directed by the Town Clerk, to keep up to date the copy of the book containing the Code required to be filed in the office of the Town Clerk for the use of the public. (Ord. 4-1994 §1)

Sec. 1-51. Sale of Code books.

Copies of the Code book may be purchased from the Town Clerk upon the payment of a fee to be set by the Town Manager. (Ord. 4-1994 §1)

Sec. 1-52. Altering or tampering with Code; penalties for violation.

Any person who shall alter, change or amend this Code, except in the manner prescribed in this Article, or who shall alter or tamper with the Code in any manner so as to cause the ordinances of the Town to be misrepresented thereby shall, upon conviction thereof, be punishable as provided by Section 1-72. (Ord. 4-1994 §1)

Secs. 1-53—1-70. Reserved.

ARTICLE IV

General Penalty

Sec. 1-71. 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. 4-1994 §1)

Sec. 1-72. General penalty for violation.

(a) When in this Code or in any ordinance of the Town an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for a period of not more than one (1) year, or both such fine and imprisonment at the discretion of the court. Each day any violation of this Code or of any ordinance continues shall constitute a separate offense, unless otherwise provided.

(b) Whenever in this Code or in any ordinance of the Town the doing or failure to do an act (except traffic offenses) is punishable by imprisonment, nothing therein shall be construed to authorize the Municipal Judge to impose any jail sentence on any person under eighteen (18) years old charged with such offense, and the imposition of jail sentences upon such juvenile offenders by the Municipal Court is hereby prohibited. (Prior Code Ch. I §7; Ord. 4-1994 §1)

Sec. 1-73. Penalties not to excuse abatement of prohibited conditions.

The application of any penalty under this Chapter shall not constitute the condoning or legalizing of any prohibited condition or prevent the abatement or enforced removal of such condition by any lawful means available to the Town. (Prior Code Ch. I §10)

Sec. 1-74. Presumption of responsibility for certain violations.

The occupant of any premises upon which a violation of any provision of this Code or of any code adopted hereby is apparent and the owner

of any object or material placed or remaining anywhere in violation of any provision of this Code or of any code adopted hereby shall be deemed prima facie responsible for the violation so evidence, and subject to the penalty provided therefor. (Prior Code Ch. I §11)

Sec. 1-75. Application of Code by Town officers and employees.

Whenever in this Code or in any code adopted herein it is provided that anything must be done to the approval or permission of or subject to the direction of, any administrative officer or employee of the Town, this shall be construed to give such officer or employee only the discretion of determining whether the rules and standards established by this Code or by any code adopted herein have been complied with; and no such provision shall be construed as giving any administrative officer or employee discretionary powers as to what such regulations or standards shall be, or power to require conditions not prescribed by this Code or by any code adopted herein or to enforce the provisions thereof in any arbitrary or discriminatory manner. (Prior Code Ch. I §12)

Sec. 1-76. Limitation of actions.

Except as otherwise provided by ordinance applicable to specific offenses or circumstances, no person shall be prosecuted, tried or punished for any criminal offense proscribed by this Code unless the action is commenced within one (1) year from the time the offense is committed. The time limitation imposed by this Section shall be tolled if the offender is absent from the Town and the duration of such absence, not to exceed two (2) years, shall be excluded from the computation of time within which any prosecution may be initiated. When an offense is based on a series of acts performed at different times, or is a continuing offense, the period of limitation starts at the time when the last act is committed or the continuing offense is abated. (Prior Code Ch. I §13)

Sec. 1-77. Fines and penalties; plea of guilty or nolo contendere.

Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge. (Ord. 4-1994 §1)

Sec. 1-78. 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 the Code by a supplement, shall, upon conviction thereof, be punishable as provided by Section 1-72, unless another penalty is specifically provided for the violation. (Ord. 4-1994 §1)

Sec. 1-79. 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. 4-1994 §1)

Secs. 1-80—1-100. Reserved.

ARTICLE V

Inspections

Sec. 1-101. Entry.

Whenever necessary to make an inspection to enforce 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 official 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 official is unable to obtain permission of such occupant or owner to enter such building or premises, the public official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. 4-1994 §1)

Sec. 1-102. Authority to enter premises under emergency.

Law enforcement officers, members of the Fire Department, other fire departments operating under a mutual assistance agreement or automatic aid agreement with the Fire Department, 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 or occupants of the residence at any time such person has reasonable grounds to believe a medical emergency is in progress within the subject premises and the occupant or occupants of such premises are incapable of consenting to the entry because of such medical emergency. (Ord. 4-1994 §1)

Secs. 1-103—1-120. Reserved.

ARTICLE VI

Unclaimed Property

Sec. 1-121. Custody of property.

Until such time as an item of lost or confiscated property has been sold according to the provisions of Section 1-123, or reclaimed by the owner or other persons entitled to the possession of such item, each such item shall be retained in the custody of the Town. All such property shall be kept at facilities of the Town provided for that purpose, and the Town shall maintain records pertaining to the receipt and disposition of all such property. Such records shall be open to public inspection at all reasonable times. (Prior Code Ch. X §1-11-2; Ord. 4-1994 §1)

Sec. 1-122. Sales held.

The Town shall cause to be held at periodic intervals public sales at which lost or confiscated property shall be offered for sale to the highest bidders. No item of lost or confiscated property shall be offered at any such sale unless the item has been in the custody of the Town for not less than thirty (30) days. No such item shall be offered for sale which is the subject of any civil or criminal judicial proceeding involving, directly or indirectly, a determination of the ownership of such property. If it is determined in any such civil or criminal judicial proceeding that the individual claiming the ownership or right of possession of such item is not entitled thereto as against the Town, such items shall then be offered for sale at the next regularly scheduled public sale. (Prior Code Ch. X §1-11-3)

Sec. 1-123. Notice of sales.

A notice of each public sale, giving the date, hour, place and general description of the property to be sold, shall be published once a week

or two (2) consecutive weeks in a newspaper of general circulation in the Town. The sale shall be held not less than fifteen (15) days from the date of the first publication. Any item of lost or confiscated property can be reclaimed by the owner thereof, or by the person entitled to the possession thereof, at any time prior to the commencement of the public sale. (Prior Code Ch. X §1-11-4)

Sec. 1-124. Special sales.

Any item of lost or confiscated property which, in the judgment of the Town will deteriorate substantially if not disposed of prior to the time when the property could be offered for public sale in accordance with Section 1-122, may be offered for sale to the public at a special sale. No prior notice of such sale need be given if it would constitute an unreasonable delay. The proceeds from such special sale shall be kept in a special fund for a period of thirty (30) days from the date of the sale. If, at any time during such thirty-day period any person establishes his or her ownership, or right to possession, of the item sold, the proceeds from the sale of that item shall be delivered to that person. (Prior Code Ch. X §1-11-5)

Sec. 1-125. Unsold property.

When lost or confiscated property is offered for sale pursuant to the terms of this Chapter and there is no bid for the same, the Town Manager shall declare the same to be sold to the Town for the amount of the cost of storage, advertisement and sale and shall place the items in the custody of the Town as he or she in his or her sole discretion may determine and for the sole benefit and use of the Town. (Prior Code Ch. X §1-11-6)

Sec. 1-126. Proceeds of sale.

The proceeds from regular and special sales shall be delivered to the Town Treasurer. He or she shall pay from such sale proceeds the expenses of storage, advertisement and sale. The balance of proceeds from regular sales shall be placed into the general fund. Proceeds in the special fund required by Section 1-125, shall be transferred to the general fund after the period for reclaiming such proceeds has passed. (Prior Code Ch. X §1-11-7; Ord. 4-1994 §1)

Sec. 1-127. Distribution to finder.

Any person who has found lost property may, if the same shall not be claimed by its owner, recover possession of the same prior to any public sale of the property as hereinabove provided, or after sixty (60) days of reporting the finding of the property to the Police Department, whichever occurs first. (Prior Code Ch. X §1-11-8)

Sec. 1-128. Rights of owner.

The owner, or other person having the right to possession, of any item of lost or confiscated property sold at any public sale conducted substantially in accordance with the provision of this Section shall be barred from asserting any claim against the Town or against the proceeds held by the Town, from and after the date of the sale, except to the extent provided in Section 1-125 with respect to the proceeds of a special sale claimed within thirty (30) days thereof. Prior Code Ch. X §1-11-9)

Secs. 1-129—1-140. Reserved.

ARTICLE VII

Seal

Sec. 1-141. Corporate seal.

A seal, the impression of which shall contain in the center the word "Seal" and around the outer edge the words "Town of Snowmass Village, Colorado," shall be and hereby is declared to be the Seal of the Town. (Ord. 4-1994 §1)

Secs. 1-142—1-160. Reserved.

