

TITLE 1

General Provisions

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CHAPTER 1.01

Code Adoption

1.01.010 Adoption.

The Swink Municipal Code as promulgated by the Town of Swink, Colorado, is adopted and enacted by reference. The purpose of this Code is to codify the ordinances of the Town which are of a general and permanent nature. The subject matter of this Code includes provisions concerning the application and interpretation of the Code, the administration and organization of the Town, animals, building, abandoned automobiles, peddlers, finances, streets, nuisances, traffic, offenses, civil defense, elections and zoning. (Ord. 189 §1, 1983)

1.01.020 Title, citation, reference.

This Code shall be known as the *Swink Municipal Code*, and it shall be sufficient to refer to said Code as the *Swink Municipal Code* in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any portion thereof as an addition to, amendment to, correction or repeal of the *Swink Municipal Code*. Further reference may be had to the titles, chapters, sections and subsections of the Swink Municipal Code; and such references shall apply to that numbered title, chapter, section or subsection as it appears in the Code. (Ord. 189 §2, 1983)

1.01.030 Ordinances passed prior to Code adoption.

The last ordinance included in the original code is Ordinance 188, passed January 10, 1983. (Ord. 189 §3, 1983)

1.01.040 Repeal of prior ordinances; exception.

(a) All ordinances of the Town of Swink of a general and permanent nature which were finally adopted on or before January 10, 1983, whether or not in legal effect at that date, are hereby repealed except as hereinafter provided, and except as the Swink Municipal Code expressly saves any ordinance or part thereof from repeal.

(b) The repeal of ordinances and parts of ordinances of a permanent or general nature by Subsection (a) 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or any contract, right or obligation established prior to the time when said ordinances and parts of ordinances are repealed.

(c) The repeal of ordinances of a general and permanent nature by Subsection (a) above shall not repeal any ordinance or part thereof saved from repeal specifically by the Swink Municipal Code; nor shall such repeal affect any ordinance:

- (1) Promising, guaranteeing or authorizing the payment of money by or for the Town;
- (2) Authorizing or relating to specific issuances of bonds or other evidences of indebtedness;
- (3) Granting a franchise;
- (4) Establishing the compensation of Town officers or employees;

- (5) Levying taxes, making appropriations or adopting a budget;
- (6) Creating specific local improvement districts;
- (7) Making special assessments for local improvements;
- (8) Vacating, accepting, establishing, locating, relocating or opening any street or public way;
- (9) Affecting the corporate limits of the Town;
- (10) Which is of a special or temporary nature; or
- (11) Dedicating or accepting any plat or subdivision. (Ord. 189 §§5, 6, 7, 1983)

1.01.050 Copies on file; sale.

(a) At least three (3) copies of the Swink Municipal Code, and of each secondary code adopted therein, all certified by the Mayor and the Town Clerk to be true copies of such codes as they were adopted by this Chapter, shall be kept on file in the office of the Town Clerk available for public inspection. One (1) copy of each such code may be kept in the office of the Chief Enforcement Officer thereof rather than in the office of the Town Clerk.

(b) The Town Clerk shall prepare and publish revised sheets of every looseleaf page in need of revision by reason of amendment, addition or repeal. The Town Clerk shall distribute said revised loose leaf sheets for such fee as the Board of Trustees may direct.

(c) In addition to those copies of this Code specified in Subsection (a) above, a copy of this Code shall be kept on file in the office of the Town Clerk to insert in their designated places all amendments or ordinances which are intended to become a part of this Code.

(d) The Town Clerk shall maintain a reasonable supply of copies of this Code to be available for purchase by the public at a moderate price. (Ord. 189 §§10, 11, 1983)

1.01.060 Severability.

(a) Each section of this Code is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

(b) If any sections, section, subsection or provision of this Code, or the application thereof to any person or circumstances, is declared unconstitutional or otherwise invalid by any competent court, such invalidity shall not affect the other sections, subsections, provisions or applications of this Code if they can be given effect without the invalid sections, section, subsection, provisions or application. (Ord. 189 §§8, 9, 1983)

1.01.070 Correction of clerical errors.

The Town Clerk shall be authorized to correct any obvious misspellings, typographical errors or substitution of words of common usage which may appear in any ordinance heretofore passed or which may be passed in the future; provided, however, that correction of the typographical error, misspellings or substitution of words of common usage does not alter or change any substantive provision of the ordinance. Said corrections may be accomplished by the Town Clerk during the recodification of this

Code without prior Board of Trustees action. The Town Clerk shall maintain a list of corrections to typographical errors or corrections to misspellings to include the typographical error or misspelling as corrected, together with the date of correction. (Ord. 2004-10 §1)

CHAPTER 1.04

Town Seal

1.04.010 Designated.

A seal not exceeding two (2) inches in diameter having in the center an impression of a sugar beet and surrounded by the inscription, "Incorporated Town of Swink, State of Colorado," shall be the seal of the Town of Swink. (Ord. 1 §1, 1906)

CHAPTER 1.08

General Penalty

1.08.010 Violation; penalty.

(a) Whenever, in this Code or any other ordinance of the Town hereafter enacted or any section or rule or regulation promulgated under the provisions of this Code, any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or misdemeanor, where no specific penalty is provided therefor, any person who shall be convicted of the violation of any such provision of this Code or other ordinance of the Town hereafter enacted or of such rules or regulations shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment in jail not exceeding three (3) months.

(b) Every day any violation of this Code, any other ordinance of the Town hereafter enacted or any rule or regulation promulgated under the provisions of this Code shall continue shall constitute a separate offense. (Ord. 189 §4(1), 1983)