

TOWN OF LARKSPUR  
ORDINANCE NO. 1.05  
CONSTRUCTION OF ORDINANCES

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LARKSPUR,  
COLORADO, as follows:

SECTION I - CONSTRUCTION OF WORDS AND PHRASES

- (1) Common and technical usage. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.
- (2) Singular and plural. Singular includes the plural and the plural includes the singular.
- (3) Gender. Every word importing the masculine gender only may extend to and be applied to females and things as well as males; every word importing the female gender only may extend to and be applied to males and things as well as females; and every word importing the neutered gender only may extend to and be applied to natural persons as well as things.
- (4) Tense. Words in the present tense include the future tense.
- (5) Week. The word "week" means any seven consecutive days.
- (6) Month. The word "month" means a calendar month.
- (7) Year. The word "year" means a calendar year.

SECTION II - DEFINITIONS

The following definitions apply to every ordinance unless the context otherwise requires:

- (1) "Child" includes child by adoption.
- (2) "Court" means a court of record.
- (3) "Executor" includes administrator and "administrator" includes executor.

- (4) "Issue", as applied to the descent of estate, includes all the lawful, lineal descendants of the ancestor.
- (5) "Land", "lands", or "real estate" includes lands, tenements, and hereditaments, and all rights thereto and all interests therein.
- (6) "Minor" means any person who has not attained the age of twenty-one years. No construction of the subsection (6) shall supersede the express language of any ordinance.
- (7) "Oath" includes affirmation, and "swear" includes affirm.
- (8) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, or association, or any other legal entity.
- (9) "Personal representative" includes executor, administrator, conservator, or guardian.
- (10) "Population" means that shown by the most recent regular or special federal census.
- (11) "Property" means both real and personal property.
- (12) "Registered mail" includes certified mail.
- (13) "Rule" includes regulation.
- (14) "State", when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legislative authority of the United States of America.
- (15) "United States" includes all states, the District of Columbia, and the territories, commonwealths, and possessions of the United States.
- (16) "Will" includes a codicil.
- (17) "Written" or "in writing" includes any representation of words, letters, symbols, or figures; but this provision does not affect any law relating to signatures.

SECTION III - COMPUTATION OF TIME

- (1) In computing a period of days the first day is excluded and the last day is included.
- (2) If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.
- (3) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

SECTION IV - JOINT AUTHORITY

A grant of authority to three or more persons as a public body confers the authority upon a majority of the number of members fixed by ordinance.

SECTION V - QUORUM

A quorum of a public body is a majority of the number of members fixed by ordinance.

SECTION VI - CONFLICT IN THE EXPRESSION OF NUMBERS

If there is a conflict between figures and words in expressing a number, the words govern.

SECTION VII - USE OF "TO" IN REFERENCE TO SEVERAL SECTIONS

Wherever in the ordinances of Larkspur, a reference is made to several sections and the section numbers given in the reference are connected by the word "to", the reference includes both sections whose numbers are given and all intervening sections.

SECTION VIII - INTRODUCTORY PORTION

The portion of any section, subsection, paragraph, or subparagraph which precedes a list of examples, requirements, conditions, or other items may be referred to and cited as the "introductory portion" to the section, subsection, paragraph, or subparagraph.

SECTION IX - ORDINANCES PRESUMED PERSPECTIVE

An ordinance is presumed to be perspective in its operation unless a contrary intent by the town council is clearly manifest.

SECTION X - PENALTIES AND LIABILITIES NOT RELEASE BY REPEAL

The repeal, revision, amendment, or consolidation of any ordinance or part of an ordinance or section or part of a section of any ordinance shall not have the effect to release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such ordinance, unless the repealing, revising, amending, or consolidating ordinance so expressly provides, and such ordinance or part of any ordinance or section or part of a section of an ordinance so repealed, amended, or revised shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions, criminal as well as civil, for the enforcement of such penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions imposing, inflicting, or declaring such penalty, forfeiture, or liability.

SECTION XI - INTENTIONS IN THE ENACTMENT OF ORDINANCES

In enacting an ordinance it is presumed that:

- (a) Compliance with the constitutions of the State of Colorado and the United States is intended;
- (b) The entire ordinance is intended to be effective;
- (c) A just and reasonable result is intended;
- (d) A result feasible of execution is intended;
- (e) Public interest is favored over any private interest.

SECTION XII - AMBIGUOUS ORDINANCES - AIDS IN CONSTRUCTION

If an ordinance is ambiguous, the court, in determining the intention of the general assembly, may consider among other matters:

- (a) The object sought to be attained;
- (b) The circumstances under which the ordinance was enacted;
- (c) The legislative history, if any;
- (d) The common law or former ordinance provisions, including laws upon the same or similar subjects;
- (e) The consequences of a particular construction;
- (f) The administrative construction of the ordinance;
- (g) The legislative declaration or purpose;
- (h) Construction of the ordinance as a whole.

SECTION XIII - SEVERABILITY OF ORDINANCE PROVISIONS

If any provision of an ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of the ordinance are valid, unless it appears to the court that the valid provisions of the ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed the town would have enacted the valid provisions without the void one; or unless the court determines that the valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION XIV - SPECIAL OR LOCAL PROVISION  
PREVAILS OVER GENERAL

If a general provision conflicts with a special or local provision, it shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, the special or local provision prevails as an exception to the general provision, unless the general provision is the later adoption and the manifest intent is that the general provision prevail.

SECTION XV - IRRECONCILABLE ORDINANCE PASSED  
AT THE SAME OR DIFFERENT SESSIONS

If ordinances enacted at the same or different time are irreconcilable, the ordinance prevails which is latest in its effective date. If the irreconcilable ordinance has the same effective date, the ordinance prevails which is latest in its date of passage.

SECTION XVI - ORIGINAL CONTROLS OVER SUBSEQUENT PRINTING

If the language of the official copy of an ordinance conflicts with the language of any subsequent printing or reprinting of the ordinance, the language of the official copy prevails.

SECTION XVII - CONTINUATION OF PRIOR LAW

An ordinance which is reenacted, revised, or amended is intended to be a continuation of the prior ordinance and not a new enactment, insofar as it is the same as the prior ordinance.

SECTION XVIII - ORDINANCE REFERENCES

A reference to any portion of an ordinance applies to all reenactments, revisions, or amendments thereof.

SECTION XIX - REFERENCES IN A SERIES

Wherever in the ordinance of this town a reference is made to several sections and the section numbers given in the reference are connected by the word "to", the reference includes both sections whose numbers are given and all intervening sections.

SECTION XX - LIBERAL CONSTRUCTION

All general provisions, terms, phrases, and expressions, used in any ordinance, shall be liberally construed, in order that the true intent and meaning of the town may be fully carried out.

SECTION XXI - APPLICATION OF THIS ORDINANCE

This ordinance shall apply to all ordinances adopted by the Town Council of the Town of Larkspur, Colorado whether prior to or subsequent to the enactment of this ordinance.

Introduced and approved this 3<sup>rd</sup> day of September, 1986  
by a vote of the Town Council of the Town of Larkspur, Colorado of  
7 for and 0 against.

Ann Trueblood  
Ann Trueblood, Mayor  
Town of Larkspur

ATTEST:

Cario Trueblood  
Town Clerk  
Town of Larkspur

Publication Date: October 3, 1986

I hereby certify that the within Ordinance No. 1.05 was published  
on the 3<sup>rd</sup> day of October, 1986, in the Douglas County  
News-Press, the newspaper of general circulation published in the  
County of Douglas, State of Colorado.

Cario Trueblood