

**ORDINANCE**

**AN ORDINANCE ADDING A NEW SECTION 1.04.070 TO THE MANITOU SPRINGS MUNICIPAL CODE ESTABLISHING LIABILITY FOR CODE VIOLATIONS COMMITTED BY A CORPORATION OR SIMILAR ENTITY**

---

**WHEREAS**, the City Council finds it necessary to specifically set forth that individuals shall be personally liable for their actions or inactions, which violate the Manitou Springs Municipal Code regardless of whether they acted or failed to act on behalf of another individual or business organization and regardless of whether they were acting as an officer, member, director, partner, employee, agent, representative, owner, or in any other capacity.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:**

**Section 1:** A new Section 1.04.070 of the City of Manitou Springs Municipal Code is hereby added to read as follows:

**1.04.070 Corporate responsibility for compliance with code provisions**

Whenever a corporation shall violate any of the provisions of this code, such violation shall be deemed to be also that of any individual director, officer, partner, managing partner, manager, employee, representative or agent of such corporation who shall have authorized, ordered or done any act constituting in whole or in part such violation or who shall knowingly have acquiesced in any failure to act constituting in whole or part such violation, and such violation shall be deemed a violation of this code, and upon conviction thereof, any such director, officer, partner, managing partner, manager, employee, representative, or agent shall be punishable to the same extent as is provided in this code. For purposes of this section, the term "corporation" includes, but is not limited to, corporations, partnerships, limited liability companies, sole proprietorships and other forms of business organizations.

**Section 2:** If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 3:** The repeal or modification of any provision of Manitou Springs Municipal Code by this ordinance shall not 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 provision. Each provision shall be treated and held as

still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the 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.

**Section 4:** This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

**Section 5:** This ordinance shall take effect five (5) days after final approval and adoption on second reading.

Passed on First Reading and Ordered Published this 6th day of August 2013.

/s/ Donna Kast  
City Clerk

A Public Hearing will be held at the August 20, 2013 City Council meeting. The Council Meeting will be held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published August 8, 2013 (in full)  
*City's Official Website and City Hall*

Passed on Second Reading and Ordered Published this 20th day of August 2013.

Approved: /s/ Marc A. Snyder  
Mayor and City Council

Attest: /s/ Donna Kast  
City Clerk

Published August 22, 2013 (in full)  
*City's Official Website and City Hall*