

**TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. 6
(SERIES OF 2020)**

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO
AMENDING SECTION 1-42 OF THE BUENA VISTA MUNICIPAL CODE
CONCERNING ACTS OF AGENTS AND REPRESENTATIVES**

WHEREAS, the Board of Trustees desires to clarify that acts of agents and representatives of a principal (including officers and employees of businesses) are attributable to their principal so that if an agent takes action while acting on behalf of the agent's principal, the principal is deemed to have taken such action, subject to certain legal limitations; and

WHEREAS, this amendment will clarify that, for example, if an employee violates a provision of the Buena Vista Municipal Code while acting on behalf of an employer, the employer is deemed to have committed the same violation.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO:

Section 1. Section 1-42 of the Buena Vista Municipal Code is hereby amended to read as follows:

Sec. 1-42 – Acts by agents or representatives.

Acts of an agent or representative of a principal shall be attributable to the principal as well as to the agent or representative; provided that a business entity or other organization is guilty of an offense if the conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on the business entity or organization by law; or the conduct constituting the offense is engaged in, authorized, solicited, requested, commanded, or knowingly tolerated by the governing body, individual authorized to manage the affairs of the business entity, or by a high managerial agent acting within the scope of his employment or in behalf of the business entity.

Section 2. **Severability.** 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 Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

Section 3. **Safety.** This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 28th day of April, 2020.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY (30) DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: 
Duff Lacy, Mayor

ATTEST:


Paula Barnett, Town Clerk

