

CHAPTER 2

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ARTICLE I

Elections

Sec. 2-1. Write-in candidate affidavit required.

No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the Town Clerk by the person whose name is written in prior to twenty (20) days before the day of the election indicating that such person desires the office and is qualified to assume the duties of that office if elected. (Ord. 153 §1, 1982; Ord. 195 §1, 1993)

Sec. 2-2. Election may be canceled; when.

In any municipal election where the only matter before the voters is the election of persons to office and if, at the close of business on the Friday before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the Town Clerk shall certify such fact to the Board of Trustees, and it shall hold a meeting and may cancel the election and by resolution declare the candidates elected. Notice of such cancellation shall be published, if possible, in order to inform the electors of the Town, and notice of such cancellation shall be posted at each polling place and in not less than one (1) other public place. (Ord. 153 §2, 1982)

Secs. 2-3—2-20. Reserved.

ARTICLE II

Mayor and Board of Trustees

Sec. 2-21. Board of Trustees; terms, authority, qualifications and vacancies.

(a) Board of Trustees. The Board of Trustees shall consist of six (6) Trustees and the Mayor. At each regular election, three (3) Trustees shall be elected to serve four-year terms. The Board of Trustees shall constitute the legislative body of the Town, shall have the power and authority, except as otherwise provided by statute, to exercise all powers conferred upon or possessed by the Town, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof.

(b) Qualifications. The Mayor and each Trustee shall be a resident of the Town for a minimum of one (1) year and a registered elector therein. If the Mayor or any Trustee shall move from or become, during the term of his or her office, a nonresident of the Town, he or she shall be deemed thereby to have vacated his or her office.

(c) Vacancies. The Board of Trustees shall have power, by appointment, to fill all vacancies in the Board or in any other elected office, and the person so appointed shall hold office until the next regular election and until his or her successor is elected and qualified. Where a vacancy or vacancies exist in the office of Trustee and a successor or successors are to be elected at the next election to fill the unexpired term or terms, the three (3) candidates for Trustee receiving the highest number of votes shall be elected to four-year terms and the candidate or candidates receiving the next highest

number of votes, in descending order, shall be elected to fill the unexpired term or terms. (Ord. 98, 1972; Ord. 195 §1, 1993)

Sec. 2-22. Mayor.

(a) The Mayor of the Town shall be elected to serve a term of two (2) years. The Mayor shall preside over all meetings of the Board of Trustees and shall perform such duties as may be required of him or her by statute or ordinance.

(b) Insofar as is required by statute and for all ceremonial purposes, the Mayor shall be the executive head of the Town. The Mayor shall be the presiding officer of the Board of Trustees.

(c) The Mayor shall execute and authenticate by his or her signature all bonds, warrants, contracts and instruments of and concerning the business of the Town, as the Trustees or any statutes or ordinances may require.

(d) Except as may be required by statute, the Mayor shall exercise only such powers as the Trustees shall specifically confer upon him or her. (Ord. 195 §1, 1993)

Sec. 2-23. Mayor Pro Tem.

At its first meeting following each biennial election, the Board of Trustees shall choose one (1) of the Trustees as Mayor Pro Tem. The Mayor Pro Tem shall, in the absence of the Mayor from any meeting of the Board of Trustees or during the absence of the Mayor from the Town or his or her inability to act, perform the duties of the Mayor. (Ord. 195 §1, 1993)

Sec. 2-24. Acting Mayor.

In the event of the absence or disability of both the Mayor and the Mayor Pro Tem, the Trustees may designate another of their number to serve as acting Mayor during such absence or disability. (Ord. 195 §1, 1993)

Sec. 2-25. Compensation of Mayor and Trustees.

(a) Each member of the Board of Trustees shall be paid the sum of fifty dollars (\$50.00) for each monthly board meeting actually attended by such board member.

(b) The compensation for the Mayor shall be established at the rate of one hundred dollars (\$100.00) per month for each monthly board meeting actually attended by the Mayor.

(c) In the event the Mayor Pro Tem shall preside at any regular meeting of the Board of Trustees, his or her compensation shall be the same as the compensation for a member of the Board of Trustees. (Ord. 171 §1, 1986; Ord. 2000-3 §§2—4; Ord. 2002-05 §§1, 2)

Sec. 2-26. Regular meetings.

The regular meetings of the Board of Trustees shall be held on the second Tuesday evening of each month at the Town Hall at 7:00 p.m., except on legal holidays, when no meeting shall be held, or at such other date, place or time as the Board may designate by resolution. (Ord. 195 §1, 1993)

Sec. 2-27. Special meetings.

(a) Any four (4) members of the Board of Trustees may call special meetings by written notice to each member of the Board of Trustees, personally served or left at the member's usual place of residence by the Town Clerk, at least forty-eight (48) hours in advance of the meeting.

(b) The Board of Trustees at any duly convened meeting may, by majority vote, call a special meeting for a future date. Notice of such meeting shall be given to any member of the Board of Trustees not in attendance.

(c) Should the Board of Trustees convene for a special meeting pursuant to a request of an interested party for the purpose of accommodating time constraints of said interested party, the Board of Trustees may, in its discretion, assess fees for the special meeting against the interested party. The Board of Trustees may from time to time by resolution adopt a schedule of fees which may be assessed for special meetings. Said fees shall reasonably compensate the staff of the Town and the Town Attorney for time spent in preparation for attendance at special meetings. (Ord. 195 §1, 1993)

Sec. 2-28. Conduct of meetings; voting.

(a) Meetings of the Board of Trustees shall be conducted by the Mayor.

(b) A majority shall constitute a quorum to do business at all meetings of the Board of Trustees, and each member, including the Mayor, shall vote upon every question put by the Chair unless allowed by the Board of Trustees to abstain. The Mayor shall preside at all meetings of the Board of Trustees and shall have the same voting powers as any member of the Board of Trustees. Upon the taking of any vote, the Town Clerk shall record in the minutes the results of each vote.

(c) At the hour appointed for meeting, the members shall be called to order by the Mayor or, in his or her absence, by the Mayor Pro Tem, and the Town Clerk shall proceed to call the roll, note the absentees and announce whether a quorum is present. If a quorum is present, the Board of Trustees shall proceed with the business before it, in the manner and order as established by the Board of Trustees. (Ord. 195 §1, 1993)

Sec. 2-29. Boards and commissions.

The Board of Trustees shall create and appoint members to such boards and commissions as may now or hereafter exist, including but not limited to the following:

(1) Planning Commission.

(2) Zoning Board of Adjustment. (Ord. 195 §1, 1993)

Secs. 2-30—2-40. Reserved.

ARTICLE III

Officers and Employees

Sec. 2-41. Appointed officers.

(a) The following officers of the Town shall be appointed by a majority vote of all the members of the Board of Trustees:

- (1) Town Attorney.
- (2) Town Clerk.
- (3) Municipal Judge.
- (4) Chief of Police.

(b) Said officers shall hold their respective offices until their successors are duly appointed and qualified. Vacancies shall be filled by appointment of the Board of Trustees. (Ord. 195 §1, 1993)

Sec. 2-42. Powers and duties of officers generally.

Appointed officers of the Town shall have such power and perform such duties as are now or hereafter may be prescribed by state law and the ordinances of the Town, shall further perform any additional duties required by the Board of Trustees, and shall be subject to the control and orders of the Board of Trustees. (Ord. 195 §1, 1993)

Sec. 2-43. Oath of office; bond.

(a) When required by the Board of Trustees, each officer or employee, before entering upon the duties of his or her office, shall take and subscribe to an oath to support the Constitution and laws of the United States and the State and the ordinances of the Town.

(b) In all cases where, by law, ordinance or resolution of the Board of Trustees, a bond is required of any such officer, he or she shall make and execute to the Town a bond in such sum as is required, to be approved by the Board of Trustees, conditioned for the faithful performance of all duties pertaining to such office, the proper care of all money or property of the Town coming into his or her hands and the proper accounting for or delivery of the same. (Ord. 195 §1, 1993)

Sec. 2-44. Removal of Town officers.

(a) Cause for removal. By a majority vote of all members of the Board of Trustees, the Mayor, Town Clerk, Town Treasurer, any member of the Board of Trustees or any other officer of the Town may be removed from office. No such removal shall be made without a charge in writing and an opportunity of hearing being given unless the officer against whom the charge is made has moved out

of the limits of the Town. When any officer ceases to reside within the limits of the Town, he or she may be removed from office pursuant to this Section. A Municipal Judge may be removed during his or her term of office only for cause, as set forth in Section 13-10-105(2), C.R.S. Nothing in this section shall construe and require any employee to live within the Town.

(b) Specification of charges. All charges preferred against any such officer of the Town, for any cause or causes specified in the foregoing subsection, for the removal of such officer, shall be made in writing to the Board of Trustees and shall clearly specify any such cause or causes of removal.

(c) Service of charges and notice of hearing. A copy of such charges and specifications, together with a notice of the time and place of hearing, shall be served upon the accused at least fifteen (15) days before the day of hearing.

(d) Hearing. At the time and place so set, the Board of Trustees shall meet and proceed according to its rules to hear the evidence against the accused officer, as well as the evidence offered in his or her behalf, adjourning from time to time as may be necessary, until all the evidence shall have been given.

(e) Decision. Within three (3) days after the evidence shall have been given, the Board of Trustees shall vote by yeas and nays upon each charge and specification separately. The question upon each charge shall be "Is the accused guilty?" If the Board of Trustees, by a lawful number, finds the accused officer guilty of any specified charge aforesaid, it shall resolve that the accused be removed from office and his or her office declared vacant.

(f) Appearance by counsel. Upon the trial as aforesaid, the accused shall be heard by himself or herself or by counsel in his or her defense, and the Town may also be represented by counsel in the prosecution of such charges. The Chief of Police, the Mayor or the Town Clerk may serve any paper required to be served by any provisions of this Article. (Ord. 195 §1, 1993)

Secs. 2-45—2-60. Reserved.

ARTICLE IV

Social Security

Sec. 2-61. Legislative declaration.

In the opinion of the Board of Trustees, the extension of the social security system to employees and officers of the Town will be of great benefit not only to the employees of said Town by providing that said employees and officers may participate in the provision of the old-age and survivors insurance system, but also to the Town by the efficiency of its government. (Ord. 195 §1, 1993)

Secs. 2-62—2-80. Reserved.

ARTICLE V

Municipal Court

Sec. 2-81. Creation of Municipal Court.

A qualified Municipal Court of record in and for the Town is hereby created and established pursuant to and governed by the provisions of state law. (Ord. 195 §1, 1993)

Sec. 2-82. Appointment of Municipal Judge.

The Municipal Court of the Town shall be presided over by a Municipal Judge, appointed for a term of two (2) years by resolution of the Board of Trustees. Additional Judges as may be needed to transact the business of the Court may be appointed by the Board of Trustees for a term as necessary. (Ord. 195 §1, 1993)

Sec. 2-83. Compensation of Judge.

The compensation of the Judge shall be an annual salary in an amount set by the Board of Trustees and shall be payable monthly. (Ord. 195 §1, 1993)

Sec. 2-84. Oath of office.

Before entering upon the duties of his or her office, a Municipal Judge shall take an oath or affirmation that he or she will support the Constitution of the United States, the Constitution of the State and the laws of the Town, and will faithfully perform the duties of his or her office. (Ord. 195 §1, 1993)

Sec. 2-85. Original jurisdiction.

The Municipal Court shall have original jurisdiction of all cases arising under the provisions of this Code and ordinances of the Town, with full power to punish violators thereof by the impositions of such fines and penalties as are prescribed by ordinance. (Ord. 195 §1, 1993)

Sec. 2-86. Rules of procedure.

In addition to other powers, a Municipal Judge shall have full power and authority to make and adopt rules and regulations for conducting the business of the Municipal Court, consistent with the Municipal Court Rules of Procedure promulgated by the Colorado Supreme Court. (Ord. 195 §1, 1993)

Sec. 2-87. Contempt power.

(a) When the Court finds any person to be in contempt, the Court may vindicate its dignity by imposing on the contemnor a fine not to exceed one thousand dollars (\$1,000.00) and imprisonment not to exceed a term of ten (10) days.

(b) In cases of indirect contempt, the alleged contemnor shall have all the rights, privileges, safeguards and protections of a defendant in a petty offense case, including but not limited to a formal written complaint and arraignment. (Ord. 195 §1, 1993)

Sec. 2-88. Court Clerk.

The Board of Trustees, may appoint a person to serve as Court Clerk, whose duties shall be those assigned by the Presiding Judge. The Presiding Judge may also act as Court Clerk in accordance with state statutes. (Ord. 195 §1, 1993)

Sec. 2-89. Imposition of additional fine.

(a) After determining the appropriate fine for each person who is convicted of violating an ordinance of the Town, the Municipal Judge shall add thereto an amount (to be known as the "additional fine") equal to ten percent (10%) of such fine. The total fine, including the additional fine, may not exceed one thousand dollars (\$1,000.00).

(b) All proceeds of the additional fine shall be paid into the general fund of the Town, to be used for the purpose of law enforcement training. (Ord. 182 §§1, 2, 1989)

Secs. 2-90—2-100. Reserved.

ARTICLE VI

Police Department

Sec. 2-101. Creation; composition.

There is hereby created a Police Department for the Town which shall consist of one (1) Chief of Police and as many police officers as may from time to time be deemed necessary for the safety and good order of the Town. (Ord. 195 §1, 1993)

Sec. 2-102. Departmental rules and regulations.

The Police Department shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be adopted by the Board of Trustees. (Ord. 195 §1, 1993)

Sec. 2-103. Chief of Police; appointment; powers and duties.

(a) The Board of Trustees shall appoint a Chief of Police who shall be the head of the Police Department. It shall be the duty of the Chief of Police to:

(1) See that the ordinances of the Town (1) and the laws of the State are duly enforced and the rules and regulations of the Police Department obeyed, and perform such duties as may be required by the Board of Trustees.

(2) Direct the operations of the Police Department, subject to the rules and regulations thereof.

(3) Arrest any person violating any of the Town ordinances and take such violator before the Municipal Court for trial.

(4) Render such accounts of the Police Department, his or her duties and receipts as may be required by the Board of Trustees, and keep the records of his or her office open to inspection by the Board of Trustees at any time.

(b) Before entering upon the duties of such office, the Chief of Police shall take and subscribe to an oath that he or she will support the Constitution and laws of the State, the Constitution of the United States and ordinances of the Town, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter. (Ord. 195 §1, 1993)

Sec. 2-104. Duties of police officers.

All members of the Police Department shall have power and duties as follows:

(1) They shall perform all duties required by the Chief of Police.

(2) They shall suppress all riots, disturbances and breaches of the peace and apprehend all disorderly persons in the Town, and shall pursue and arrest any person fleeing from justice in any part of the State.

(3) They shall be the enforcement officers of the Town and shall see that the provisions of the ordinances of the Town and the laws of the State are complied with. They shall arrest without process all persons engaged in the violation in their presence of any provision of the ordinances of the Town or the laws of the State.

(4) They shall execute and return all writs and processes to them directed by the Municipal Judge in any case arising under a Town ordinance, and they may serve the same in any part of the County. (Ord. 195 §1, 1993)

Sec. 2-105. Oath of officers.

Before entering upon the duties of his or her office, each police officer shall take and subscribe an oath that he or she will support the Constitution and laws of the State, the Constitution of the United States and the ordinances of the Town, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter. (Ord. 195 §1, 1993)

Secs. 2-106—2-120. Reserved.

ARTICLE VII

Planning Commission

Sec. 2-121. Creation.

Pursuant to state law, there is hereby created a Planning Commission for the Town. (Ord. 195 §1, 1993)

Sec. 2-122. Purpose.

The Planning Commission is created for the following purposes:

- (1) To prepare and maintain, subject to periodic revision as necessary, a Master Plan as described by state statutes.
- (2) To implement the provisions of Chapters 16 and 17 of this Code, and to perform all functions and powers referred to in said chapters where reference is made.
- (3) To study and recommend to the Board of Trustees amendments to the Zoning Map of the Town.
- (4) To study and recommend appropriate zoning classifications for all annexations to the Town.
- (5) To exchange information with the various governmental agencies charged with planning and zoning responsibilities and with the Board of Adjustment of the Town.
- (6) To have all other duties and powers incidental to the above and any and all powers and duties set out by state statute, except that nothing herein shall permit the Planning Commission to make amendments to changes in the zoning of the Town, such powers expressly being reserved by the Board of Trustees. (Ord. 195 §1, 1993)

Sec. 2-123. Members.

The Planning Commission shall consist of seven (7) voting members, consisting of the Mayor, a member of the Board of Trustees appointed by the Mayor, a member of the Board of Trustees appointed by the Board of Trustees, and four (4) at-large members appointed by the Mayor with the approval of the Board of Trustees. All members must be residents of the Town. (Ord. 2-96 §1, 1996; Ord. 1999-1 §1; Ord. 2001-04 §1)

Sec. 2-124. Terms.

The at-large members shall serve a term of four (4) years, which terms shall be staggered so that two (2) terms expire on April 30th of each even-numbered year. The ex officio members shall be full voting members and such member's term shall correspond to his or her respective term on the governing body. (Ord. 2-96 §1, 1996; Ord. 1999-1 §1; Ord. 2001-04 §1)

Sec. 2-125. Removal; vacancies.

(a) Members (both ex officio and citizen members) may be removed by the governing body if the member:

- (1) Misses three (3) consecutive meetings without good cause;
- (2) Neglects his or her duty or commits malfeasance in office;
- (3) Has been given written notice of the reasons for the proposed removal in writing at least seven (7) days prior to removal and is given an opportunity to respond to the governing body regarding the reasons set forth in the notice.

(b) Vacancies occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by the Mayor with the approval of the Board of Trustees. (Ord. 2-96 §1, 1996; Ord. 1999-1 §1; Ord. 2001-04 §1)

Sec. 2-126. Alternate member.

The governing body may appoint an alternate member of the Planning Commission. The alternate member shall be counted as a member for purposes of establishing a quorum. Four (4) members of the Planning Commission shall constitute a quorum. Such alternate member is encouraged to attend all meetings of the Planning Commission, but shall only participate in the proceedings of the Planning Commission if a regular Commissioner is absent from the meeting. If a regular Commissioner is absent at the beginning of the meeting and later arrives, the alternate member shall finish the current agenda item, after which the regular member shall participate in the proceedings. (Ord. 2001-04 §1)

Sec. 2-127. Officers.

The Planning Commission shall select a chairman and vice-chairman from the non-ex officio members, except that the alternate member shall not serve as an officer of the Planning Commission. In the absence of both the chairman and vice-chairman, any member of the Planning Commission may conduct the meeting. (Ord. 2001-04 §1)

Sec. 2-128. Meetings.

The Planning Commission shall conduct at least one (1) regular meeting each month, except that a meeting may be canceled by the chairman if there are no items to be considered by the Planning Commission or if a quorum is unavailable. A member of the administrative staff of the Town shall attend each meeting and shall keep a record of the Planning Commission's resolutions, transactions, findings and determinations. If no administrative staff is available, a member of the Planning Commission shall keep the record for the Planning Commission. The records of the Planning Commission are public records. (Ord. 2001-04 §1)

Sec. 2-129. Grant of authority.

The Planning Commission is authorized to exercise the authority granted by state law, is authorized to carry out the responsibilities set forth by this Code, any ordinance of the Town and the

Subdivision Regulations or other tasks assigned to it by the Board of Trustees, and is granted authority to authorize the issuance or denial of building permits. The Planning Commission shall only authorize the issuance of a building permit if all of the following conditions exist or are met:

(1) The building and building site conform or will conform to all requirements of the zoning district where the building site is located.

(2) The building site has not been divided or subdivided except by approval of the Board of Trustees.

(3) The building site abuts or fronts and has legal access to a dedicated public street or highway which has been accepted for maintenance by the Town, the County or the State or a private street with access to a public street.

(4) Any structure which requires a supply of domestic water or generates wastewater will be connected to the authorized water system and wastewater system, if applicable.

(5) No permit shall be issued for construction in any area of special flood hazard until such proposal is in compliance with the flood damage prevention regulations of the Town. Upon finding that any development within an area of special flood hazard complies with the appropriate regulations, the Planning Commission shall refer the matter to the Board of Trustees for final determination of the issuance of a building permit.

(6) No building permit for a new structure for which a permit is required shall be issued without proof of ownership by means of a deed, title insurance commitment or equity position, evidenced by a contract. If the applicant is an equity owner, the legal owner shall sign any necessary documents together with the equity owner. (Ord. 2001-04 §2)

Secs. 2-130—2-140. Reserved.