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Chapter 2.01

Elections

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Article I. General

2.01.010 Town elections; Election Commission.

A. All Town elections shall be held pursuant to this Chapter, which shall supersede any and all conflicting provisions of the state statutes and rules promulgated thereunder by the Colorado Secretary of State.

B. In accordance with the Town Charter, the Election Commission shall have charge of all activities and duties required of it by the Charter and this Chapter relating to the conduct of elections in the Town. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed. The Election Commission shall have the power to adopt reasonable rules and regulations not inconsistent with the Constitution of the State of Colorado, the Town's Charter and this Chapter. (Ord. 2007-46 §1, 2007)

2.01.020 Affidavit of intent.

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 at least twenty (20) days before the date of the election, indicating that such person desires the office and is qualified to assume the duties of that office if elected. The Town Clerk shall maintain an appropriate form of affidavit in the Town Clerk's office. (Ord. 2007-46 §1, 2007)

2.01.030 Watchers.

A. Each candidate for office at an election is entitled to appoint one (1) registered elector of the Town to act in his or her behalf at the ballot processing center and polling place.

B. Each "interested party" in the case of an issue in a Town election is entitled to appoint one (1) registered elector of the Town to act in his or her behalf at the ballot processing center and polling place. Such "interested party" shall mean a "registered agent" as defined in Article V of this Chapter who has fulfilled the filing and other requirements of Article V.

C. No watcher may be a person who is a candidate for office at the election at which the person desires to serve as a watcher.

D. Each candidate or "interested party" shall certify the name of the person appointed as a watcher, on forms provided by the Town Clerk. The candidate or "interested party" may also appoint a substitute watcher to act in the place of the designated watcher, should the designated watcher need to leave the ballot processing center. The completed form must be received in the office of the Town Clerk by no later than 5:00 p.m. on the day before the election. The completed form may be submitted in person, by mail, by facsimile or by electronic mail. No person whose completed form is received after that time and date shall be permitted to serve as a watcher. (Ord. 2007-46 §1, 2007)

2.01.040 Electioneering near polls.

No person shall do any electioneering on the day of any election within any ballot processing center or polling place or in any public street or room or in any manner within one hundred (100) feet

of the primary entrance to any building in which a ballot processing center or polling place is located. As used in this Section, the term *electioneering* includes campaigning for or against any candidate who is on the ballot or any ballot issue or ballot question that is on the ballot. *Electioneering* also includes soliciting signatures for a candidate petition, a recall petition or a petition to place a ballot issue or ballot question on a subsequent ballot. *Electioneering* shall not include a respectful display of the American flag. (Ord. 2007-46 1, 2007)

2.01.050 Ballot counting equipment.

Counting of paper ballots at any Town election shall be by AccuVote, unless otherwise approved by the Election Commission. (Ord. 2007-46 §1, 2007)

2.01.060 Election procedures.

No later than forty-five (45) days prior to any regular or special election, the Town Clerk shall prepare policies and procedures for the conduct of the election, which shall be reviewed and approved by the Election Commission and which shall regulate the conduct of the election. (Ord. 2007-46 §1, 2007)

Article II. Mail Ballot Elections

2.01.100 General.

Unless otherwise determined by resolution of the Town Council no later than sixty (60) days prior to the date of the election, all regular and special elections shall be conducted as mail ballot elections. Mail ballot elections, other than those conducted as part of a coordinated election, shall be conducted in accordance with this Article. (Ord. 2007-46 §1, 2007)

2.01.110 Definitions.

Active voter means a registered elector who is designated an "active" voter on the registration list prepared by the County Clerk and Recorder.

Ballot drop-off location means any location authorized by the Town Clerk to receive voted ballots on behalf of the Town (i.e., the County Clerk and Recorder's office).

Ballot processing center means the location at which ballots may be dropped off and voting may occur, and which may include a polling place.

Damaged ballot means a ballot that has been torn, bent, mutilated or otherwise rendered unreadable by a ballot tabulating machine, or that would prevent a ballot tabulating machine from accurately counting the ballot.

Duplicate ballot means a true copy of a damaged ballot made in order for the ballot to be properly processed and counted.

Election day means the date either established by law or determined by the Town Council to be the final day on which all ballots are determined to be due, and the date from which all other dates in this Article are set.

Inactive voter means a registered elector who is designated an "inactive" voter on the registration list prepared by the County Clerk and Recorder.

Mail ballot election means an election for which eligible electors may cast ballots by mail in accordance with this Article.

Mail ballot packet means the packet of information provided by the Town Clerk to eligible electors in the mail ballot election.

Poll book means the list of registered electors who are permitted to vote at the mail ballot election. The Town Clerk may utilize the registration list received from the County Clerk and Recorder as the poll book. The poll book for each election shall show the ballot number assigned, the address to which the ballot was mailed and whether the elector is required to submit with his or her mail ballot a copy of valid identification as defined in the Uniform Election Code and rules promulgated by the Secretary of State.

Reactivated voter means a registered elector who was listed as "inactive" on the registration records, but who completes the required form supplied by the Town Clerk requesting his or her voting status be reactivated.

Registered elector means an elector who has complied with the registration requirements and who resides within the Town.

Registration list means the computer list of electors currently registered to vote as furnished and certified by the County Clerk and Recorder.

Return envelope means an envelope that is printed with spaces for the name and address of, and a self-affirmation to be signed by, an eligible elector voting in a mail ballot election, that contains a secrecy envelope and ballot for the elector, and that is designed to allow election officials, upon examining the signature, name and address on the outside of the envelope, to determine whether the enclosed ballot is being submitted by an eligible elector who has not previously voted in that particular election.

Secrecy envelope means an envelope or sleeve used for a mail ballot election that contains the eligible elector's ballot for the election, and that is designed to conceal and maintain the confidentiality of the elector's vote until the counting of votes for that particular election.

Spoiled ballot means any ballot returned by the voter, for which a replacement ballot may be issued. A ballot is considered spoiled if it is torn, damaged or improperly marked, or otherwise deemed unusable by the voter. (Ord. 2007-46 §1, 2007)

2.01.120 Nominations.

A. Nominations shall be made by petition on forms provided by the Town Clerk signed by at least twenty-five (25) registered electors residing within their District. A petition of nomination may consist of one (1) or more sheets, but it shall contain the name and address of only one (1) candidate. The petition may designate one (1) or more persons as a committee to fill a vacancy in the

nomination. The petition may be amended prior to the fortieth day before the election to correct or replace those signatures the Town Clerk finds are not in apparent conformity.

B. Each registered elector signing a petition shall sign his or her own signature and shall print or, if he or she is unable to do so, shall cause to be printed his or her legal name, the address at which he or she resides, including the street name and number, the town and the date of signing. The registered elector, or the person printing on behalf of the registered elector, may use any abbreviations that reasonably identify the residence of the registered elector and the date the registered elector signed the petition.

C. No registered elector shall sign more than one (1) nomination petition for a candidate for the district in which the elector resides. If a registered elector's signature appears on more than one (1) candidate nomination petition, all such signatures of the registered elector shall be rejected.

D. Notwithstanding any provision in the Colorado Municipal Election Code or Uniform Election Code, the time periods for circulation, submission and cure of nomination petitions for any Town mail ballot election other than one conducted as part of a coordinated election shall be as follows, or as otherwise directed by Town Council resolution:

1. First day to pick up petition: sixty (60) days before election.
2. Last day to file petition with Town Clerk: forty-six (46) days before election.
3. Last day to amend petition: forty (40) days before election.

If such day falls on a Saturday, Sunday or legal holiday, the time period shall be extended to the next regular business day.

E. At the time the nomination petition is filed with the Town Clerk, the candidate shall file an Acceptance/Affidavit of Nominated Candidate that the candidate is familiar with the provisions of Article IV of this Chapter, concerning fair campaign practices, and accepts the nomination. (Ord. 2007-46 §1, 2007)

2.01.130 Submission of ballot issues and questions by Town Council.

The Town Council shall refer by ordinance any ballot issue or question no later than sixty (60) days prior to the date of the election. (Ord. 2007-46 §1, 2007)

2.01.140 Preparing and mailing ballot packets; notice of election.

A. The Town Clerk shall prepare, or cause to be prepared, mail ballot packets that include the ballot, instructions for completing the ballot, a return envelope and a secrecy envelope, if required. Secrecy envelopes shall not be required if the ballot can be folded to conceal the elector's vote.

B. Unless otherwise authorized in the policies and procedures approved by the Election Commission, not sooner than twenty-five (25) days before the election, and no later than fifteen (15) days before the election, the Town Clerk shall mail a mail ballot packet to each active registered elector, at the last mailing address appearing on the registration list. The mail ballot packet shall be marked "DO NOT FORWARD. ADDRESS CORRECTION REQUESTED," or any other similar

statement that is in accordance with United States Postal Service regulations. If the ballot is returned as undeliverable, the Town Clerk shall not be required to re-mail the ballot packet. A record shall be kept of the number of ballot packets returned as undeliverable.

C. The ballot shall contain the following warning: "WARNING: Any person who, by use of force or other means, unduly influences an eligible elector to vote in any particular manner or to refrain from voting, or who falsely makes, alters, forges or counterfeits any mail ballot before or after it has been cast, or who destroys, defaces, mutilates or tampers with a ballot is subject, upon conviction, to imprisonment, to a fine or both."

D. The return envelope shall have printed on it a self-affirmation in substantially the following form:

"I state under penalty of perjury that I am an eligible elector; that my signature, name and address are as shown on this envelope; that I have not and will not cast any vote in this election except by the enclosed ballot; and that my ballot is enclosed in accord with applicable law.

Date

Signature of Voter "

The signing of the self-affirmation on the return envelope shall constitute an affirmation by the eligible elector, under penalty of perjury, that the facts stated in the self-affirmation are true. If the eligible elector is unable to sign, the eligible elector may affirm by making a mark on the self-affirmation, with or without assistance, witnessed by another person.

E. When required by statute for electors who registered to vote by mail, the ballot packet shall contain written instructions advising the elector that he or she must submit with his or her mail ballot a copy of valid identification as required by the Secretary of State, and the outside of the return envelope shall be marked to identify that the elector is required to provide such identification.

F. No later than twenty-five (25) days before an election, the Town Clerk shall provide notice of the mail ballot election by publication and by posting at Town Hall, which notice shall state, as applicable for the particular election, the following:

1. The date of the election;
2. The address of the walk-in location and hours during which the walk-in location for the delivery of mail ballots and receipt of replacement ballots will be open;
3. The address of the location for application and the return of absentee ballots and the hours during which the office will be open;
4. The complete ballot content; and
5. That inactive voters may obtain a ballot from the Town Clerk.

G. No sooner than twenty-five (25) days before the election, until 7:00 p.m. on election day, mail ballots shall be made available at the Town Clerk's office for registered electors who are not listed or who are listed as "inactive" on the registration list but who are authorized to vote. The Town Clerk

shall keep a record of each such ballot issued. In order to receive a ballot, a registered elector who is listed as "inactive" on the registration list must first reactivate his or her voting status by completing the form supplied by the Town Clerk requesting this change in status. (Ord. 2007-46 §1, 2007)

2.01.150 Registration lists.

No later than thirty (30) days before the election, the Town Clerk shall obtain from the County Clerk and Recorder a full and complete preliminary list of registered electors. No later than twenty (20) days before the election, the Town Clerk shall obtain from the County Clerk and Recorder a supplemental list of names of registered electors whose names were not included on the preliminary list. (Ord. 2007-46 §1, 2007)

2.01.160 Replacement ballots.

A. A registered elector may obtain a replacement ballot if the ballot was destroyed, spoiled or lost, or if for some other reason the ballot was not received. A registered elector may obtain a ballot if a mail ballot packet was not sent to the elector because the eligibility of the elector could not be determined at the time the mail ballot packets were mailed. A registered elector listed as "inactive" may also obtain a replacement ballot by first reactivating his or her voter status by completing the form supplied by the Town Clerk.

B. In order to obtain a replacement ballot, the registered elector must first sign and file with the Town Clerk or designee a sworn statement on a form to be provided by the Town Clerk, specifying the reason for requesting the ballot. Such form shall contain a statement in bold print advising that the original ballot may not be cast and that, if both the original and the replacement ballot are cast, neither ballot will be counted. The Town Clerk shall keep a record of each replacement ballot issued, including the reason a replacement ballot was requested, and the return envelope shall be stamped "REPLACEMENT."

C. Replacement ballots may be provided by the Town Clerk directly to the registered elector or may be mailed to the registered elector at the address provided in the sworn statement. All replacement ballots must be cast no later than 7:00 p.m. on election day. (Ord. 2007-46 §1, 2007)

2.01.170 Absentee ballots.

A. Absentee ballots may be requested by a registered elector who requests to receive his or her ballot at an address other than that shown on the registration list.

B. Application for an absentee ballot shall be made in writing and shall be personally signed by the applicant or a family member related by blood or marriage to the applicant. If the applicant is unable to sign the application, the applicant shall make his or her mark on the application, which shall be witnessed by another person. Applications for absentee ballots shall be filed in person, by mail or by facsimile with the Town Clerk not earlier than ninety (90) days before and no later than seven (7) days before the election.

C. Before any absentee ballot is delivered or mailed, the Town Clerk shall record such elector's name, district, the number appearing on the stub of the ballot and the date the ballot is delivered or

mailed. This information shall be entered in the poll book before the poll book is delivered to the election judges.

D. Once an absentee ballot is mailed, any other ballot previously mailed shall be void and only the absentee ballot may be counted.

E. The Town Clerk or designee shall provide an absentee ballot by electronic means to any registered elector who is an absent uniformed services elector, a nonresident overseas elector or a resident overseas elector, as such terms are defined in state statute, who timely filed an absentee ballot application. Such registered elector may return the voted ballot to the Town Clerk by electronic means. The returned ballot shall be counted if it arrives in the Town Clerk's office by 7:00 p.m. on election day. When the ballot is received by the Town Clerk, the election judges shall duplicate the ballot in accordance with Section 2.01.180 below, and the ballot shall be counted as all other absentee ballots. The person who duplicates the ballot shall not reveal to any person how the elector has cast his or her ballot. The instructions for completing an absentee ballot pursuant to this Subsection shall inform the elector that an absentee ballot returned by electronic means is not a confidential ballot. For purposes of this Subsection, *electronic means* means facsimile transmission or electronic mail. (Ord. 2007-46 §1, 2007)

2.01.180 Duplicate ballots.

A. When necessary to properly count a damaged ballot in the ballot tabulating machine used for an election, a duplicate ballot may be prepared in accordance with this Section.

B. Using the damaged ballot as the guide, a blank ballot shall be marked by a duplicating team consisting of at least two (2) election judges, so that the votes recorded are identical to those indicated on the damaged ballot. The duplicating team shall proof the duplicate ballot to ensure it was marked properly and accurately.

C. A unique number shall be assigned to both the original and duplicate ballot, which references the original damaged ballot and the duplicate ballot together and provides an audit trail. This information shall be entered into a separate log kept of duplicate ballots for each election, and members of the duplicating team shall each initial the entry in the log.

D. After logging the duplicate ballot, it shall be placed with all other ballots to be counted. The damaged ballot shall be marked "DUPLICATED" to indicate that the ballot has been duplicated and the duplication is completed. All damaged ballots that have been duplicated, along with the duplicate ballot log and any other applicable printed material, shall be placed in an envelope and clearly marked "BALLOTS THAT HAVE BEEN DUPLICATED" and shall be retained with all other election materials. (Ord. 2007-46 §1, 2007)

2.01.190 Election judges.

A. At least fifteen (15) days before each election, the Town Clerk shall appoint the judges of election to perform one (1) or more of the following: receive ballots after they are mailed, handle "walk-in" balloting and absentee ballots at the sites designated for "walk-in" balloting, check registrations, inspect, verify and duplicate ballots when necessary, count the ballots and certify the results and other tasks or duties as directed by the Town Clerk.

B. The Town Clerk shall appoint at least three (3) election judges for each election and such additional judges as the Town Clerk deems necessary. Each election judge shall be a registered elector of the County. The Town Clerk shall keep a list of all persons so appointed, giving their names and addresses. Such list shall be a public record and shall be subject to inspection, examination and copying during office hours by any qualified elector of the Town.

C. Immediately after appointment, the Town Clerk shall notify by mail each person appointed and request that each judge accept the appointment by signing and returning the notice. Each person appointed as an election judge shall return this notice to the Town Clerk within seven (7) days after the Town Clerk mailed the notice. Failure of any person appointed to return the notice within seven (7) days shall result in a vacancy, which shall be filled by the Town Clerk.

D. Any election judge who has neglected his or her duty or has committed, encouraged or connived at any fraud in connection therewith, or who has violated any of the election laws, has knowingly permitted others to do so, has been convicted of any felony, has violated his or her oath or has committed any act that interferes or tends to interfere, in the sole discretion of the Town Clerk, with a fair and honest election, shall be summarily removed by the Town Clerk.

E. Before any ballots are processed or counted, the judges of election shall each take an oath or affirmation in a form to be provided by the Town Clerk. The election judges may administer the oaths or affirmations to each other, and each election judge shall record and sign any such oaths or affirmations administered by him or her. The record of oaths and affirmations shall be attached to the poll book.

F. The election judges shall each receive compensation for their services in an amount to be determined by the Town Clerk. (Ord. 2007-46 §1, 2007)

2.01.200 Receiving, verification and counting of ballots.

A. Mail ballots shall be received, verified and counted as provided in this Section and by procedures prepared by the Town Clerk and reviewed and approved by the Election Commission. A mail ballot shall be valid and counted only if it is returned in the return envelope, the self-affirmation on the return envelope is signed and completed by the eligible elector to whom the ballot was issued, and the information on the return envelope is verified in accordance with this Section. If the Town Clerk determines that an eligible elector to whom a replacement ballot has been issued has voted more than once, the official shall not count any ballot cast by the elector.

B. Ballots may be returned to the Town Clerk by United States mail or by delivering the ballot to the office of the Town Clerk or any other location designated by the Town Clerk by no later than 7:00 p.m. on election day, except as provided for in Subsection 2.01.170.E of this Chapter. The ballot must be returned in the return envelope. Any person may deliver in person to the Town Clerk's office any number of voted mail ballots for other voters. If an elector returns the ballot by mail, the elector must provide postage.

C. One (1) or more judges may be appointed to receive ballots at the office of the Town Clerk. Each day when ballots arrive, the ballots shall be batched and the number of ballots received shall be recorded. The ballots shall be date-stamped when received. The ballots shall then be placed in a safe,

secure place until the verification and counting of the ballots. If any ballot is received after 7:00 p.m. on election day, the ballot shall be date- and time-stamped, but the ballot shall not be counted.

D. Verification of ballots may begin ten (10) days prior to the election date. Once the ballot is returned, an election judge shall first verify the submitted ballot by comparing the information on the return envelope with the registration records to determine whether the ballot was submitted by an eligible elector who has not previously voted in the election. If the ballot so qualifies and is otherwise valid, the election judge shall indicate in the poll book that the eligible elector cast a ballot, open the return envelope and deposit the ballot in an official ballot box. If more than one (1) ballot is contained in the return envelope, neither ballot shall be counted and the poll book shall be marked accordingly.

E. If the self-affirmation on the return envelope has not been signed by the elector, an election judge will attempt to contact the elector by telephone to provide the elector the opportunity to appear in the office of the Town Clerk to sign the affirmation. The election judge shall not be required to contact the elector in writing, and the failure of the election judge to reach the elector by telephone shall not be grounds for challenge. After the elector signs the affirmation, the election judge shall indicate in the poll book that the elector cast a ballot and deposit the ballot in an official ballot box. If the elector does not sign the affirmation, the ballot shall be invalid and not counted.

F. If it appears to the judges verifying the self-affirmation on the return envelopes that members of the same household who have been sent mail ballots have inadvertently switched envelopes or ballots, the ballot or ballots shall nonetheless be valid and counted.

G. If the self-affirmation on the return envelope has been signed by the elector but no date of signing has been indicated, the ballot shall nonetheless be valid and counted so long as it was received prior to 7:00 p.m. on election day.

H. If the return envelope received from an eligible elector who was required to submit a copy of valid identification does not contain such identification, an election judge will attempt to contact the elector by telephone to provide the elector the opportunity to submit the identification. The election judge shall not be required to contact the elector in writing, and the failure of the election judge to reach the elector by telephone shall not be grounds for challenge. If the elector provides a copy of valid identification, the election judge shall indicate in the poll book that the elector cast a ballot and deposit the ballot in an official ballot box. If the elector does not provide a copy of valid identification, the ballot shall be treated as a provisional ballot, the outside of the return envelope shall be marked "provisional" and the ballot shall be verified and counted with other provisional ballots.

I. If the return envelope contains a replacement ballot, it shall be set aside until 7:00 p.m. on election day. The information on the return verification envelope may be checked prior to 7:00 p.m. on election day, but the ballot may not be removed from the return envelope until the polls close. When all voted ballots have been received and the polls closed, the replacement ballots shall be checked to ensure that the elector only voted with the replacement ballot. If it appears that the elector only voted with the replacement ballot and if all the information is complete on the return verification envelope, the ballot may be removed and counted as the other ballots.

J. Verification and counting of mail ballots may begin ten (10) days prior to the election and continue until counting is completed. The election judges shall take precautions to ensure the secrecy of the counting procedures and no information concerning the count shall be released by the election officials or watchers until after 7:00 p.m. on election day. (Ord. 2007-46 §1, 2007)

2.01.210 Rejected ballots.

All ballots rejected by the election judges in accordance with the provisions of this Article shall be returned to the Town Clerk and shall remain in the sealed return envelopes until the election records for the election are destroyed. (Ord. 2007-46 §1, 2007)

Article III. Coordinated Elections

2.01.300 General.

The Town Council may determine that any special election shall be conducted as a coordinated election by ordinance adopted no later than seventy (70) days prior to the date of the election. Coordinated elections shall be conducted in accordance with an intergovernmental agreement between the Town and the County Clerk and Recorder signed no later than seventy (70) days prior to the election. (Ord. 2007-46 §1, 2007)

Article IV. Polling Place Elections

2.01.400 General.

A. The Town Council may determine that any regular or special election shall be conducted as a polling place election by resolution or ordinance adopted no later than sixty (60) days prior to the date of the election.

B. Polling place elections shall be governed by state statutes contained in the Colorado Municipal Election Code and any other applicable rules, as from time to time amended, except as otherwise provided in this Article. (Ord. 2007-46 §1, 2007)

2.01.410 Establishing polling places.

Not less than fifty (50) days prior to the election, the Town Council shall designate as many polling places as it deems expedient for the convenience of the Town's electors. Polling places established by the Town Council shall remain until changed by the Town Council. (Ord. 2007-46 §1, 2007)

Article V. Fair Campaign Practices

2.01.500 Purpose and applicability.

A. The Town Council hereby finds and declares that preserving integrity and openness in the political process is a matter of the highest public interest; that the people of the Town can be better served through a more informed electorate; that the trust of the people is essential to representative government; and that public disclosure of campaign contributions and expenditures is necessary to promote public confidence in government and to protect the integrity of the electoral process.

B. This Article shall apply to candidates, any measure put to a vote of the registered electors of the Town at any Town election, and the petition processes commenced by electors in exercising the powers of initiative, referendum, recall or Town Charter amendments.

C. The provisions of this Article shall supersede any and all conflicting constitutional provisions, state statutes and rules promulgated thereunder by the Secretary of State. (Ord. 2007-46 §1, 2007)

2.01.510 Definitions.

Anything of value shall mean, by illustration only, goods, equipment, devices, products, in-kind services, labor, assistance and professional advice.

Ballot issue, ballot question or issue shall mean any measure put to a vote of the registered electors of the Town at any election held under the provisions of the Town Charter. For purposes of this Chapter, *ballot issue, ballot question or issue* shall also mean any measure for which recall, initiative, referendum or Charter amendment petition proceedings have commenced. As used in this Section, *commenced* shall mean the date the form of the petition is approved by the Town Clerk.

Candidate shall mean any person who seeks nomination or election to the office of Town Council at any Town election. A person is a candidate if the person has filed a nominating petition with the Town Clerk for the office of Town Council. *Candidate* shall also mean any elected official who is the subject of recall proceedings pursuant to the Charter and this Chapter.

Candidate committee shall mean a person, including the candidate, or persons as designated by the candidate, with the common purpose of receiving contributions and making expenditures under the authority of a candidate. A candidate shall have only one (1) candidate committee. A contribution to a candidate shall be deemed a contribution to the candidate committee. A candidate committee shall be considered open and active until the committee has filed a termination report with the Town Clerk.

Contribution shall mean:

1. The payment, loan, pledge, gift or advance of money or guarantee of a loan, made to any candidate committee or issue committee.
2. Any payment of money made to a third party for the benefit of any candidate committee or issue committee.
3. Anything of value given, directly or indirectly, to a candidate committee for the purpose of promoting the candidate's nomination, retention, recall or election.
4. With regard to a contribution for which the contributor receives compensation or consideration of less than equivalent value for such contribution, including but not limited to items of perishable or nonpermanent value, goods, supplies, services or participation in a campaign-related event, an amount equal to the value in excess of such compensation or consideration as determined by the candidate committee or issue committee.

Contribution in kind shall mean the fair market value of a gift or loan of any item of real or personal property, other than money, made to or for any candidate committee or issue committee for

the purpose of influencing the nomination, retention, election or defeat of any candidate, ballot question, ballot issue or issue. Personal services shall be considered a contribution in kind by the person paying compensation therefor or by the person performing such services if no compensation is paid. Professional services, such as legal or accounting services, shall be considered a contribution in kind by the person paying compensation therefor or by the person performing such services if no compensation is paid. In determining the value to be placed on contributions in kind for which no compensation has been paid, a reasonable estimate of fair market value shall be used.

Expenditure shall mean the payment, distribution, loan or advance of any money by any candidate committee or issue committee. *Expenditure* shall also include the payment, distribution, loan or advance of any money by a person for the benefit of a candidate committee or issue committee that is made with the prior knowledge and consent of an agent or representative of the committee. An expenditure occurs when the actual payment is made or when there is a contractual agreement and the amount is determined.

Immediate family shall mean a spouse, child, brother, sister, parent, parent-in-law, uncle or aunt.

Independent expenditure shall mean the payment of money by any person for the purpose of advocating the election, defeat or recall of a candidate, which expenditure is not directed or controlled by, or coordinated with, any candidate or any agent or representative of such candidate.

Issue committee shall mean one (1) or more persons who are elected, appointed or chosen, or have associated themselves, for the purpose of making contributions to candidate committees or other issue committees or in support of or opposition to ballot issues, ballot questions, issues or candidates, or for the purpose of making independent expenditures. *Issue committee* shall not include:

1. Candidate committees as otherwise defined in this Section.
2. Any partnership, committee, association, corporation, labor organization or other organization or group of persons previously established for a primary purpose outside the scope of this Chapter.

Loan shall mean delivery by one (1) party to and receipt by another party of a sum of money or other thing of value upon agreement, express or implied, to repay or return it or its equivalent with or without interest. For purposes of this Article, a *loan* shall include any advance of money made by a candidate to his or her own candidate committee.

Person shall mean any individual, partnership, committee, association, corporation, labor organization or other organization or group of persons.

Registered agent shall mean the person named on a committee registration form filed with the Town Clerk.

Termination report shall mean a final report prepared by a candidate committee or issue committee and filed with the Town Clerk that discloses the committee's contributions received, expenditures made and obligations entered into, when the committee no longer intends to receive contributions or make expenditures and a zero balance exists in any account established and maintained by the committee, and the committee has no outstanding debts or obligations.

Unexpended campaign contributions shall mean the balance of funds on hand with any candidate committee or issue committee following an election, less the amount of all unpaid monetary obligations incurred prior to the election. (Ord. 2007-46 §1, 2007)

2.01.520 Candidate affidavit.

A. When any individual becomes a candidate, such individual shall certify, by affidavit filed with the Town Clerk with the nomination petition, that the candidate is familiar with the provisions of this Chapter.

B. The requirements of this Section shall not apply to any elected official who is the subject of recall proceedings. (Ord. 2007-46 §1, 2007)

2.01.530 Registration of committees.

All candidate committees and issue committees shall register with the Town Clerk before accepting or making any contributions. Registration shall be on forms supplied by the Town Clerk and must be complete in all respects. (Ord. 2007-46 §1, 2007)

2.01.540 Disclosure; filing of reports.

A. All candidate committees and issue committees, and all candidates without committees, shall file reports of contributions and expenditures with the Town Clerk showing contributions and contributions in kind received, including the name and address of each person who has made contributions or contributions in kind; all expenditures made; and all obligations entered into by the committee. All reports shall be submitted on forms provided by the Town Clerk, must be complete in all respects and must be filed even when no contributions were received or no expenditures were made. Copies of receipts must be attached to the form for all single expenditures exceeding one hundred dollars (\$100.00).

B. Reports shall be due on the thirty-second day prior to the election; the twenty-first day prior to the election; the eleventh day prior to the election; the Friday before the election; fifteen (15) days after the election; and on the first day of each quarter (July 1, October 1, January 1 and April 1) following the election until a termination report is filed. If the reporting day is on a weekend or legal holiday, the report shall be filed by the close of the next business day. The reporting period shall close five (5) calendar days prior to the date the report is due.

C. A report required to be filed by this Chapter is timely if the original report is received by the Town Clerk not later than the close of business on the due date or if a copy of the report is sent by facsimile or electronic mail on or before the due date.

D. Any report that is deemed by the Town Clerk to be incomplete or inconsistent with the requirements of this Chapter shall be accepted on a conditional basis, and the registered agent shall be notified in writing as to any deficiencies. Such notice may be delivered in person, by mail, by facsimile or by electronic mail. The registered agent shall have seven (7) business days from the date of delivery of such notice to file an amended report that cures the deficiencies. Any such amended report shall supersede the original report filed for the reporting period.

E. Any candidate committee or issue committee that has not accepted any contributions or contributions in kind, made any expenditures or entered into any obligations during a reporting period shall file a report with the Town Clerk on the days specified in Subsection B above, certifying that the committee has not accepted any contributions or contributions in kind, made any expenditures or entered into any obligations during the relevant reporting period. (Ord. 2007-46 §1, 2007)

2.01.550 Reports to be public record.

A. Upon receipt of any campaign report submitted pursuant to this Chapter, the Town Clerk shall, in accordance with applicable law, make such report available for public inspection.

B. No information contained in any campaign report submitted pursuant to this Chapter shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose. (Ord. 2007-46 §1, 2007)

2.01.560 Unexpended contributions.

In no event shall contributions to a candidate or issue committee be used for personal purposes. Unexpended campaign contributions to a candidate committee or an issue committee may be donated to a charitable organization recognized by the Internal Revenue Service under Section 501(c)(3) of the Internal Revenue Code or returned to the contributors. (Ord. 2007-46 §1, 2007)

2.01.570 Duties of Town Clerk.

The Town Clerk shall:

A. Prepare forms and make them available with information about the provisions of this Chapter to assist candidates and the public in complying with the reporting provisions and requirements of this Chapter.

B. Develop a filing and indexing system consistent with the purposes of this Chapter.

C. Keep a copy of any report or statement required to be filed by this Chapter for a period of one (1) year from the date of filing. In the case of candidates who were elected, each such candidate's reports and filings shall be kept until one (1) year after the candidate leaves office.

D. Make reports and statements filed under this Chapter available for public inspection and copying not later than the end of the third business day after the date of filing.

E. Upon request by the Secretary of State or in response to any order issued by a court of competent jurisdiction, transmit records and statements filed under this Chapter to the Secretary of State or as otherwise directed by court order.

F. Notify any person who has failed to fully comply with the provisions of this Article.

G. Process complaints of apparent or possible violations of this Article according to Section 2.01.580 of this Chapter.

The Town Clerk shall not be required to verify the accuracy of any information contained in reports filed pursuant to this Article. (Ord. 2007-46 §1, 2007)

2.01.580 Violations and complaints.

A. If the Town Clerk discovers a possible violation of this Article, the Town Clerk shall:

1. Provide the person believed to have committed the violation with a written statement of the facts or conduct that constitute the possible violation; and

2. Allow seven (7) business days to correct the violation or to submit written statements explaining the reason that support a conclusion that a violation was not committed.

B. If the person fails to correct the violation or to offer a satisfactory explanation within the seven (7) business days provided for in Paragraph A.2 above, then the Town Clerk shall process a complaint pursuant to Subsection D below.

C. Any qualified elector may file a written complaint with the Town Clerk regarding a possible violation of this Article. The complaint shall include:

1. The name, address and signature of the complainant;

2. The name and address of each person alleged to have committed a violation; and

3. The particulars of the violation.

D. If the Town Clerk receives a written complaint or discovers a violation under Subsection A above, the Town Clerk, together with legal counsel, shall meet with the complaining party and alleged violator. If, after consideration of all information presented and based upon the Town Clerk's fact-finding, the Town Clerk determines that a violation exists, the Town Clerk shall attempt to secure voluntary compliance, remediation or both, by the violator. If compliance or remediation cannot be obtained, the Town Clerk shall request that the Town Council direct the Town Attorney to proceed with a complaint in the Municipal Court. Any person found by the Municipal Court to have violated the provisions of this Article shall be punished as set forth in Section 1.08.010. (Ord. 2007-46 §1, 2007)

2.01.590 Immunity from penalty.

Any individual volunteering his or her time on behalf of a candidate or issue committee shall be immune from any liability for a penalty imposed if:

A. The volunteer was acting in good faith and within the scope of such volunteer's functions and duties for the candidate or candidate committee; and

B. The violation was not caused by willful and intentional misconduct by such volunteer. (Ord. 2007-46 §1, 2007)

Chapter 2.02

Town Council and Legislative Procedures

- 2.02.010 Authority**
- 2.02.020 Limitations**
- 2.02.030 Membership, offices and vacancies**
- 2.02.040 Council procedures**
- 2.02.050 Regular Council meetings**
- 2.02.060 Special Council meetings**
- 2.02.070 Study sessions**
- 2.02.080 Agendas**
- 2.02.090 Form of action**
- 2.02.100 Ordinance adoption**

2.02.010 Authority.

The Town Council, as the governing body of the Town, shall have the duties, powers and authorities conferred on it by the Castle Rock Home Rule Charter (the "Charter") as well as such legislative prerogatives as may reasonably be inferred from the grant of powers to home rule municipalities under Section 6 of Article XX of the Colorado Constitution, whether or not such powers are specifically enumerated in the Charter or in the Castle Rock Municipal Code. (Ord. 90-25 §1(part), 1990)

2.02.020 Limitations.

The provisions of this Chapter shall be construed to be consonant with the applicable provisions of the Charter, and in the event of any conflict therewith, the provisions of the Charter shall control. (Ord. 90-25 §1(part), 1990)

2.02.030 Membership, offices and vacancies.

The provisions of Article II of the Charter shall govern the constitution of the Town Council, the powers and responsibilities of the Mayor and Mayor Pro Tem and the filling of vacancies on the Council. (Ord. 90-25 §1(part), 1990)

2.02.040 Council procedures.

A. The provisions of Article VI and VII of the Charter shall govern the procedures for the conduct of meetings and legislative enactments, as supplemented by this Chapter. In lieu of a roll call vote, the Mayor may recite the number of votes for and against the proposition and the names of the Council members voting in opposition to the resolution or ordinance proposed.

B. By resolution, the Town Council may adopt, and amend from time to time, rules and procedures governing its operations and conduct of meetings, provided that such rules and procedures are not in conflict with any provision of this Chapter or the Charter. Robert's Rules of Order shall govern any procedural matter not addressed in the Charter, this Code, or Council's adopted rules and procedures. Council's failure to follow Robert's Rules, however, shall not invalidate an otherwise

lawful legislative or administrative enactment or action. The Mayor shall decide all procedural questions.

C. All regular meetings of the Town Council shall commence at 5:00 p.m. and continue until 9:30 p.m., unless sooner concluded. Council may extend the meeting until 10:00 p.m. by a majority vote of the Council members present. The Council meeting may be extended beyond 10:00 p.m. by a unanimous vote of the Council members present. Special meetings shall be commenced at the same hour stated as regular meetings or as in the call of such meeting as provided in Section 2.02.060 below. (Ord. 2007-10 §1, 2007; Ord. 2001-27 §1, 2001; Ord. 90-25 §1(part), 1990)

2.02.050 Regular Council meetings.

Except as otherwise provided, the Town Council shall hold regularly scheduled meetings on the first, second, third and fourth Tuesdays of each month, unless the Tuesday falls on a holiday, in which case no meeting shall be held. Any type of business, action or other matter may be considered at a regular Town Council meeting. From time to time, the Town Council, by motion, may cancel a regular meeting. In addition, the Mayor, after consulting with the Town Manager, may cancel a regular meeting when there is:

- A. Insufficient business to justify the meeting; and
- B. No item that requires Town Council action at such meeting.

In the event a regular meeting is cancelled, the Town Clerk shall post a notice in the designated posting place that the meeting will not be held. (Ord. 2008-06 §1, 2008; Ord. 2005-52 §1, 2005; Ord. 2004-36 §1, 2004; Ord. 2003-25 §1, 2003; Ord. 2001-45 §1, 2001; Ord. 90-25 §1(part), 1990)

2.02.060 Special Council meetings.

Special meetings of the Town Council may be called as follows:

A. In order for the immediate preservation of the health, safety and welfare of the citizens of the Town, either the Mayor, Mayor Pro Tem, or any two (2) Council members may call an emergency special Council meeting at any time and upon notice adequate to obtain a quorum of the Town Council. In no event, however, shall such an emergency meeting be held unless a reasonable attempt has been made to contact by telephone every council member and the Douglas County print media at least twenty-four (24) hours in advance of a special meeting. No business shall be conducted at such special meeting except upon a finding of the Council that such business is of an emergency nature and such business cannot be delayed until the next regular Council meeting. The necessity to meet statutory, regulatory, procedural or administrative deadlines imposed by federal or state law, the Charter, the Municipal Code or other outside agencies shall constitute a bona fide emergency. The knowledge that sufficient Council members may not be available at a future regular Council meeting to conduct necessary business to meet such deadlines may be taken into account in setting an emergency special meeting. The Town Clerk shall post notice of the time and place of an emergency special meeting in a timely manner in a prominent place at the Town's administrative offices.

B. By motion of the Council during a regular or special Council meeting, in order to conduct any business which may be undertaken at a regular meeting. The announcement and setting of such a

special Council meeting at a regular Council meeting shall be sufficient notice to the public, the print media and Council members. (Ord. 90-25 §1(part), 1990)

2.02.070 Study sessions.

A. By motion at a regular or special Town Council meeting, study sessions may be scheduled to be held either in conjunction with Town Council meetings or on another date. The motion shall specify the date and time of commencement of the study session. Public notice of the study session shall be made in the same manner as a Town Council meeting.

B. Study sessions are intended primarily to be informational on issues or matters that later may come before the Town Council at a regular or special meeting. No voting or other action shall be taken by the Town Council while in such sessions, with the exception that the Town Council, by motion, may direct the Town Manager to undertake further study or analysis on an item discussed at the study session. The study sessions shall be open to the public and media, but no public comment will be taken. Because the study sessions are nondecisional and are primarily for education of the Town Council, it is appropriate to restrict public comment. The opportunity for public comment and input mandated by Subsection 6-1(b) of the Charter is properly afforded the public when the matter is later taken up at a regular or special Town Council meeting.

C. Unless otherwise provided by motion of the Town Council or in the call of a special study session, all study sessions shall commence at 5:00 p.m. and continue until 9:30 p.m., unless sooner concluded. (Ord. 2008-06, §2, 2008; Ord. 2007-26 §1, 2007; Ord. 2007-10 §2, 2007; Ord. 2006-18 §1, 2006; Ord. 90-25 §1(part), 1990)

2.02.080 Agendas.

It shall be the responsibility of the Town Manager to cause agendas to be set, prepared and presented in a timely manner to the Council and the public. The Town Council and Mayor shall periodically direct the Town Manager with respect to legislative items which the Council desires to be placed upon future agendas. (Ord. 90-25 §1(part), 1990)

2.02.090 Form of action.

An ordinance is considered the most authoritative form of action, and an adopted ordinance becomes an established rule or law of the Town. Resolutions are acts of a relatively permanent nature and will remain in effect until rescinded or amended by the Council. All administrative and police regulations of a general nature, the violation of which may cause a municipal summons and complaint to be issued, shall be enacted by ordinance. Except where an action of the Council is required to be taken by ordinance under the Charter or the Municipal Code, the Council may act by written resolution, or by oral motion, at its discretion; provided that action by resolution shall be the preferred method of action in approving contracts or authorizing the expenditure of funds. (Ord. 90-25 §1(part), 1990)

2.02.100 Ordinance adoption.

Ordinances shall be considered in accordance with the applicable provisions of Section 7-3 of the Charter and the following supplemental provisions:

A. Introduction. An ordinance may be introduced before the Town Council at any time in connection with the business properly under consideration. No formal action of the Council shall be necessary for the introduction of an ordinance.

B. Except for ordinances adopted on an emergency basis as provided in Subsection E of this Section, ordinances shall be submitted for first reading and public comment. If approved at first reading, the ordinance shall then be scheduled for second and final reading, passage and adoption at the next regular Town Council meeting occurring after approval on first reading or any subsequent regular or special meeting. Except as otherwise provided in this Code or this Chapter, a concurrence of a simple majority of the entire Town Council is required for passage and adoption of ordinances.

C. Publication. Except for ordinances adopted on an emergency basis in accordance with Subsection E of this Section, no ordinance may be adopted unless at least five (5) calendar days in advance of the Town Council meeting where the ordinance will be considered at first reading a notice has been published in a newspaper having general circulation in the Town containing the title of the ordinance, the contents verbatim or by summary, the location of a copy for public inspection and the date, time and place of the meeting at which the ordinance will be considered and take public comment. If an ordinance is substantively amended after preadoption publication such that the published summary is no longer informative of the general content and effect of the ordinance, as amended, the title and summary of the amended ordinance shall be republished prior to final adoption in accordance with the provisions hereof. The Town's determination as to whether an amendment is substantive enough to warrant republication shall be final. All ordinances, following adoption, shall be published by title and summary, or title and verbatim contents, in a newspaper having general circulation in the Town.

D. Effective date. Unless adopted as an emergency ordinance, ordinances shall be effective thirty (30) days following the date of adoption.

E. Emergency ordinances. If the Town Council determines that an ordinance needs to be effective immediately or sooner than thirty (30) days following publication, the ordinance may be adopted as an emergency ordinance without prior publication. Such ordinance shall contain language stating that the passage is necessary for the immediate preservation of the public peace, health or safety and shall further contain a statement of the reasons therefor. If adopted by an affirmative vote of no less than three-fourths ($\frac{3}{4}$) of the Council members in attendance at such meeting, provided that a minimum of five (5) Council members vote in the affirmative, such ordinance shall be effective at the time so stated in the ordinance. An emergency ordinance passed by the majority of the Council, but less than three-fourths ($\frac{3}{4}$), shall be effective thirty (30) days following publication. (Ord. 2002-30 §§1, 2, 2002; Ord. 2002-14 §1, 2002; Ord. 90-25 §1(part), 1990)

Chapter 2.04

Town Officers

- 2.04.010 Charter offices**
- 2.04.020 Town financial officials**
- 2.04.030 Finance Director to serve as Treasurer**

2.04.010 Charter offices.

As authorized by the Town's Home Rule Charter, there shall be recognized as offices of the Town the office of Town Manager, Town Clerk, Police Chief and Fire Chief. These offices shall have the powers and duties prescribed by the Charter, as well as any provisions of the Castle Rock Municipal Code not inconsistent therewith. (Ord. 91-31 §1(part), 1991)

2.04.020 Town financial officials.

The Town Manager shall have overall responsibility for the financial affairs of the Town and shall delegate to other Town employees financial responsibilities such that appropriate financial checks and balances are maintained and financial accounting, payroll, taxes, financial records and reporting, budgeting, investment, debt and other financial matters are conducted consistent with generally recognized and accepted professional practices. The primary financial officials of the Town shall be the Town Manager, Assistant Town Manager and Finance Director. The Town Council may establish and require these officials to be bonded in such sum and with such sureties as shall be satisfactory to the Town Council upon recommendation by the Town Attorney. (Ord. 2007-13 §1, 2007; Ord. 2006-26 §1, 2006; Ord. 97-27 §1, 1997; Ord. 91-31 §1(part), 1991)

2.04.030 Finance Director to serve as Treasurer.

The Finance Director shall be considered the Town Treasurer for the purpose of fulfilling any duty or responsibility of the office of treasurer under state law or local regulation. (Ord. 2007-13 §2, 2007; Ord. 2006-26 §2, 2006; Ord. 91-31 §1(part), 1991)

Chapter 2.05

Code of Conduct

- 2.05.010 Definitions**
- 2.05.020 Restrictions generally**
- 2.05.025 Prohibited gifts**
- 2.05.026 Permitted gifts**
- 2.05.030 Appearances by members**
- 2.05.040 Misuse of confidential information**
- 2.05.050 Conflict of interest disclosure; stepping down procedures**
- 2.05.060 Enforcement**
- 2.05.070 Violations; penalty**
- 2.05.080 Advisory opinions**

2.05.010 Definitions.

As used in this Chapter, the following terms are defined as provided:

Board member means any person appointed to a Town board or commission by the Town Council or the Mayor under authority of the Charter, ordinance or state law (collectively referred to as *Board*).

Confidential or privileged information means matters required by state or federal law or regulation to be kept confidential, attorney-client communications and other matters which may be discussed in executive session.

Conflict of interest means where an official has a conflict of interest pursuant to an applicable state statute, Town Charter or ordinance in any matter proposed or pending before the official body.

Council member means a member of the Town Council.

Employee means each compensated person in the service of the Town who is designated as an employee in the Town's Personnel Guidelines, but shall not include any person providing services for the Town who is considered for federal income tax purposes to be an independent contractor.

Gift means the transfer of a thing of value by one (1) person to another person without the person transferring the thing of value receiving in return lawful compensation or consideration of equal or greater value from the person receiving the thing of value. However, a *gift* shall not mean any thing of value given to a person by a local, state or the federal government as authorized by law.

Member means any board member or Council member.

Official body means the Town Council, and any boards, commissions or committees existing or hereafter created by and appointed by the Town Council, including but not limited to the Planning Commission, Board of Adjustment, Public Safety Commission and Public Works and Utility Commission. (Ord. 2007-05 §1(part); Ord. 99-14 §1(part), 1999)

2.05.020 Restrictions generally.

A. Members shall not disclose or use any confidential or privileged information in furtherance of any personal or pecuniary interest or to further the personal or pecuniary interest of any other person.

B. Members shall not vote or render a final decision on an issue that directly affects a business or project in which the member either has a financial interest or is engaged as counsel, consultant, representative or agent.

C. Unless expressly permitted by state statute, members shall not solicit or accept any gift, compensation, reward, gratuity or any item of value which would tend to influence a reasonable person in the member's position to depart from the faithful and impartial discharge of his or her public duties; or which the member knows or which a reasonable person in a similar position should know is primarily for the purpose of influencing public action.

D. Members shall not assist any person for a fee or other compensation in obtaining any contract, claim, license, permit, permission, approval or other economic benefit from the Town.

E. Members shall not hold a substantial financial interest in any business or enterprise which is a party to a Town contract made by the Town Council or board upon which the member has been appointed or elected.

F. Members shall not accept a fee, contingent fee or any other compensation for promoting or opposing passage of legislation, except for the member's official compensation as provided by the Town Charter, ordinance or contract.

G. Members shall not appear on behalf of any private person, business or entity before the Town Council or board upon which the member has been appointed or elected. (Ord. 2007-05 §1(part); Ord. 99-14 §1(part), 1999)

2.05.025 Prohibited gifts.

Unless permitted under Section 2.05.026 below, members and employees, shall not solicit or accept any gift from any person either directly or indirectly through the member or employee's spouse or dependent child, which gift the member or employee knows, or which a reasonable person in the member or employee's position should know under the circumstances, is either:

A. A gift that would tend to improperly influence that member or employee to depart from the faithful and impartial discharge of his or her public duties; or

B. A gift being solicited or given for the primary purpose of rewarding the member or employee for an official action he or she has taken or may take. (Ord. 2007-36 §1 (part); Ord. 2007-05 §1(part))

2.05.026 Permitted gifts.

The gift prohibitions of Section 2.05.025 above shall not apply to members or employees with respect to the following permitted gifts:

A. Campaign contributions as authorized by law.

B. A nonmonetary award, publicly presented, in recognition of public service.

C. Gifts similarly available to the general public.

D. Educational scholarships and grants available to members of the general public similarly situated.

E. Grants and services provided for medical, respite or hospice care or other social welfare needs available to members of the general public similarly situated.

F. An occasional, unsolicited gift having a fair market value of ten dollars (\$10.00) or less.

G. Unsolicited informational material, publications or subscriptions related to the member or employee's performance of his or her duties.

H. An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento, gift basket consumed on premises, foliage or similar item.

I. Payment of or reimbursement for actual and necessary expenditures for registration, travel, lodging and meals for attendance at a convention, training seminar or other meeting at which the

member or employee is scheduled to participate as a representative of the Town or to attend as part of his or her official duties.

J. An occasional, unsolicited opportunity to participate in a business meeting or social function where a meal is served and/or entertainment is provided if the meal served and/or entertainment provided has a fair market value of ten dollars (\$10.00) or less.

K. Tickets to sporting, cultural or entertainment events for which the fair market value of each ticket is ten dollars (\$10.00) or less.

L. Payment received by a Council member for a speech, appearance or publication required to be reported by the Council member pursuant to Section 24-6-203, C.R.S.

M. Gifts received by a Council member or a board and commission member arising from his or her employment and that are unrelated to his or her official duties for the Town.

N. Gifts received by an employee from the Town as authorized in the Town's Personnel Guidelines, and any gifts received by an employee arising from his or her non-Town employment and that are unrelated to his or her official duties for the Town.

O. Complimentary use of similar business enterprises for purposes of tasting, sampling and reviewing similar products and services as a part of his or her official duties for the Town. (Ord. 2007-36 §2(part), 2007; Ord. 2007-05 §1(part), 2007)

2.05.030 Appearances by members.

A. No member shall appear on behalf of another person concerning any matter before the Municipal Court, unless ordered to do so by subpoena of the Court.

B. Nothing in this Section shall be construed as prohibiting members from addressing a Council or a board of which they are not a member. (Ord. 2007-05 §1(part), 2007; Ord. 99-14 §1(part), 1999)

2.05.040 Misuse of confidential information.

A member shall not knowingly disclose confidential or privileged information to any third party unless the Town Council authorizes the disclosure of the information. This Section is not intended to impair or limit public access to information that is otherwise publicly available. (Ord. 2007-05 §1(part), 2007; Ord. 99-14 §1(part), 1999)

2.05.050 Conflict of interest disclosure; stepping down procedures.

A. A member who has a conflict of interest in any matter proposed or pending before the official body shall disclose the conflict of interest to the official body upon which the official sits prior to action of the official body on such matter, shall not vote thereon and shall refrain from attempting to influence the other members of the official body voting on the matter.

B. A member shall be excused from voting on any matter for which he or she has a conflict of interest, shall refrain from discussing the matter with any other member of the official body of which the person is a member and shall physically absent himself or herself from the room in which the matter is being considered.

C. For purposes of a quorum and calculating the number of votes necessary to pass a matter, the excused official shall not be counted as part of the quorum.

D. The provisions of this Section concerning disclosure and leaving the meeting room shall be in addition to any requirement of state law. (Ord. 2007-36 §3 (part), 2007; Ord 2007-05 §1(part), 2007; Ord. 99-14 §1(part), 1999)

2.05.060 Enforcement.

With respect to Town employees, the enforcement of the provisions of Section 2.05.025 of this Chapter shall be governed by the Town Personnel Guidelines.

With respect to members charged with or accused of alleged violations of the provisions of this Chapter, the Town Council shall refer the matter for hearing before an independent hearing examiner to determine whether a violation of the provisions of this Chapter has occurred. The Town Attorney's office, upon receipt of a complaint charging or accusing a member of a violation of the provisions of this Chapter, shall present a recommendation for an independent hearing examiner to the Town Council for consideration and appointment.

A. Any complaint alleging a violation of the provisions of this Chapter shall be made in writing and filed in the office of the Town Clerk. The member or employee against whom the allegations are raised shall receive a copy of the complaint and notice of all hearings pertaining thereto. The Town Clerk will distribute a copy of the complaint to the Town Attorney.

B. Matters shall be heard in accordance with the Colorado Rules of Civil Procedure and the Uniform Arbitration Act, Section 13-22-201, C.R.S.

C. The findings of the hearing examiner shall be binding upon the Town Council. Ord. 2007-36 §4(part), 2007; Ord. 2007-05 §1(part), 2007; Ord. 99-14 §1(part), 1999)

2.05.070 Violations; penalty.

The penalty for a finding of violation of the provisions of Section 2.05.025 of this Chapter by a Town employee shall be as set forth in and authorized by the Town Personnel Guidelines.

Upon determination by a disinterested third person that a member has violated any provision of this Chapter, the Town Council, by a two-thirds ($\frac{2}{3}$) vote of the members of the Town Council entitled to vote thereon, may impose one (1) or all of the following penalties:

A. If the violation was unintentional or an oversight, the Town Council shall issue a verbal admonition which shall be part of the record of the proceedings.

B. If the conduct was negligent, the Town Council shall issue a written reprimand which shall be part of the record of the proceedings.

C. If the conduct was intentional, the Town Council may censure the official and may impose a penalty of a fine equivalent to up to one (1) month of the official's pay which he or she receives as a member of the official body.

D. Each repeat violation for which Subsections A and B above apply shall also be punishable by impositions of a fine not to exceed one (1) month of the official's pay which he or she receives as a member of the official body.

E. The penalties provided for in this Section shall not foreclose the application of any other cause of action or right of action arising under this Code, the Town Charter or other applicable state law. (Ord. 2007-36 §5(part), 2007; Ord. 2007-05 §1(part), 2007; Ord. 99-14 §1(part), 1999)

2.05.080 Advisory opinions.

A. Before engaging in any conduct which may raise a conflict of interest or possible violation of this Chapter, a member of the Town may request in writing an advisory opinion with respect to this Chapter or any provision of the Town Charter or this Code concerning possible conflicts of interest or questions regarding the interpretation of this Chapter.

B. Except as provided herein, all advisory opinions as to any potential violation of this Code or the Town Charter or other conflict of interest provision shall be given by the Town Attorney. The advisory opinion so provided shall be in writing unless required immediately at a recorded and official board or council meeting, and may require that all or portions of the opinion remain confidential. Such opinion may be designated as attorney-client privilege and shall generally be provided to the official within twenty-four (24) to forty-eight (48) hours after receipt of the Town Attorney's office.

C. Members shall be entitled to rely upon advisory opinions issued for purposes of determining adherence to or violation of this Chapter. No member shall be disciplined under the provisions of this Chapter if, in good faith, the member has acted in accordance and compliance with the terms of an authorized advisory opinion issued as described herein above. (Ord. 2007-36 §6(part), 2007; Ord. 2007-05 §1(part), 2007; Ord. 99-14 §1(part), 1999)

Chapter 2.06

Personnel

2.06.010 Administration of personnel matters

2.06.020 Administrative authority

2.06.030 Ratification of personnel actions

2.06.010 Administration of personnel matters.

A. "At Will." Employment or continued employment with the Town is "at will," meaning that the employer/employee relationship may be terminated by the employee or the Town, at will, at any time, and neither party is obligated to continue the employment relationship for any specific period of time, and neither party is in any way restricted in its freedom to terminate the relationship at any time. Employees may leave employment with the Town at any time for any reason, without explanation, cause or prior notice. Likewise, the Town, in its sole discretion, has the right at any time to terminate any employee's employment, without explanation, cause, prior notice, process or hearing of any nature. No Town or department official has the authority to represent or promise to any employee that employment with the Town is other than "at will," and no Town employee may reasonably rely

on such a representation or promise, if made. Employees have no property interest in continued employment.

B. Legal Holidays. The following days shall be considered legal holidays for all Town employees: New Year's Day; Martin Luther King Day; Presidents' Day; Memorial Day; Independence Day; Labor Day; Veterans' Day; Thanksgiving Day; Christmas Day. The Town Council may grant other holidays as it deems fit. When a designated holiday falls on a Saturday or Sunday, the adjacent Friday or Monday shall be considered as a holiday. The Town Manager or department directors may require certain employees to work on a legal holiday. Compensation for employees required to work on legal holidays shall be determined by the Town Manager and/or designee.

C. Town Manager Authority. The Town Manager or designee shall be responsible for the hiring, suspension, transfer and removal of Town employees, pursuant to Section 3-3(a)(2) of the Charter. Except for those matters reserved to the Town Council in Section 2.06.010.D, the Town Manager or designee shall be responsible for the administration of all matters relating to personnel issues in the Town, including the adoption of personnel guidelines for the effective administration of personnel matters.

D. Town Council Policy Matters. As more specifically set forth below in Section 2.06.030, the Town Council shall have authority to review the appointment, suspension, transfer or removal of any person designated as a department head. the Town Council shall also determine all personnel matters, including compensation, relating to the Town Manager, Town Attorney, and Municipal Judge. The Town Council, through its budgetary powers, shall set forth appropriate levels of the Town's contributions in any benefit premiums, including but not limited to medical, dental, life, and long term disability, as well as Town contributions to the Town's designated pension plan or retirement plan.

E. Salary and Classification Plan. The Town Council has adopted a market and performance based salary and classification plan for the Town employees. The Town Manager or designees shall be responsible for the management and administration of this plan, subject to the Town Council budgetary powers. A change from a market and performance based salary and classification plan to a fundamentally different type of plan shall require approval of the Town Council. (Ord. 2001-31 §1, 2001; Ord. 97-51 §1(part), 1998)

2.06.020 Administrative authority.

The Town Manager and his or her designees are authorized to implement and enforce the adopted personnel guidelines, including the appointment, discipline and termination of employees. The personnel guidelines shall be administered consistent with the Town Charter and all applicable state and federal laws. (Ord. 97-51 §1(part), 1998)

2.06.030 Ratification of personnel actions.

The Town Manager's determination to appoint, suspend, transfer or terminate a department director shall be presented to the Town Council for ratification in accordance with the following procedure:

A. The Town Manager shall indicate the personnel action to be taken in a confidential memorandum addressed to the Town Council (the "personnel memorandum"), with a copy delivered to the affected employee, the Town Attorney, the Assistant Town Manager and the Town Clerk;

B. The Town Clerk shall prepare a resolution of the Town Council summarily ratifying and approving the recommendation in the personnel memorandum (the "ratification resolution") for consideration by the Town Council on its consent agenda at the next available Council meeting;

C. The ratification resolution may be approved with the consent agenda, or if removed from the consent agenda in accordance with Council procedure, discussed and voted as a separate resolution;

D. Approval of the ratification resolution shall constitute approval under Section 3-3(a)(2) of the Charter of the action referenced in the personnel memorandum;

E. Failure of passage of the ratification resolution by the Town Council shall constitute disapproval of the personnel action, and in such event the Town Manager shall not carry out the recommended action in the personnel memorandum unless subsequently ratified by the Town Council;

F. The personnel memorandum shall not be open for public inspection, except as required under applicable law; and

G. The employee who is the subject of the personnel memorandum is not entitled to a hearing before the Town Council.

The determination made by the Council in accordance with the above procedure is final and is not subject to further review or approval. (Ord. 2006-26 §3, 2006; Ord. 97-51 §1(part), 1998)

Chapter 2.07

ADA Grievance Procedure

- 2.07.010 Purpose and scope**
- 2.07.020 Designation of ADA Coordinator**
- 2.07.030 ADA complaints**
- 2.07.040 Appeals**
- 2.07.050 Records**

2.07.010 Purpose and scope.

This grievance procedure is established to meet the requirements of the Americans with Disabilities Act (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, programs or benefits by the Town. (Ord. 2000-22 §1(part), 2000)

2.07.020 Designation of ADA Coordinator.

The Town Manager shall designate an ADA Coordinator to fulfill the duties described in this ADA grievance procedure. (Ord. 2000-22 §1(part), 2000)

2.07.030 ADA complaints.

A. Anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, programs or benefits by the Town shall file such complaint in writing with the ADA Coordinator. The complaint shall contain information about the alleged discrimination including name, address, phone number of complainant and location, date and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

B. The complaint should be submitted by the complainant and/or his or her designee as soon as possible but no later than sixty (60) calendar days after the alleged violation to the ADA Coordinator.

C. Within fifteen (15) calendar days after receipt of the complaint, the ADA Coordinator will contact the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the contact, the ADA Coordinator will respond in writing and, where appropriate, in a format accessible to the complainant, such as large print, Braille or audio tape. The response will explain the position of the Town and offer options for substantive resolution of the complaint. (Ord. 2000-22 §1(part), 2000)

2.07.040 Appeals.

A. If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or his or her designee may appeal the decision of the ADA Coordinator within fifteen (15) calendar days after receipt of the response to the Town Manager or his or her designee.

B. Within fifteen (15) calendar days after receipt of the appeal, the Town Manager or his or her designee will contact the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the contact, the Town Manager or his or her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint. (Ord. 2000-22 §1(part), 2000)

2.07.050 Records.

All written complaints received by the ADA Coordinator, appeals to the Town Manager or his or her designee and responses from the ADA Coordinator and Town Manager or his or her designee will be kept by the Town for at least three (3) years. (Ord. 2000-22 §1(part), 2000)

Chapter 2.12

Town Council Compensation

2.12.010 Compensation

2.12.020 Reimbursement for expenses

2.12.030 Council sanction

2.12.010 Compensation.

A. Beginning with Town Council terms of office commencing in April 2001, each Town Council member who is elected, reelected or appointed to a term of office shall be compensated at the rate of six hundred dollars (\$600.00) per month. Beginning with the mayoralty term in April 2001, the Mayor shall be compensated at the rate of three hundred dollars (\$300.00) per month, which compensation shall be in addition to the base Town Council compensation.

B. Beginning April 9, 2008, each Town Council member shall be compensated at the rate of six hundred fifty dollars (\$650.00) per month.

C. Beginning April 9, 2008, the compensation for Mayor pro tem (inclusive of the Town Council compensation) shall be eight hundred dollars (\$800.00) per month.

D. Beginning April 9, 2008, the compensation for Mayor (inclusive of the Town Council compensation) shall be nine hundred fifty dollars (\$950.00) per month. (Ord. 2007-15 §1, 2007; Ord. 2000-49 §1, 2000; Ord. 93-27 §2, 1993)

2.12.020 Reimbursement for expenses.

In addition to the regular monthly compensation provided in Section 2.12.010, Town Council members shall be reimbursed by the Town for actual and necessary expenses incurred by them in the course of performance of the duties of their office. (Ord. 93-27 §2, 1993)

2.12.030 Council sanction.

Should any Council member fail to regularly attend Town Council meetings or otherwise neglect his or her responsibilities and public duties, the Town Council may officially sanction such Council member and suspend such Council member's compensation until such time as the sanction is rescinded by the Town Council. Sanction may be imposed by motion or resolution. (Ord. 93-27 §2, 1993)

Chapter 2.16

Planning Commission

2.16.010 Authorization

2.16.020 Purpose

2.16.030 Powers

2.16.040 Duties

2.16.050 Membership

2.16.060 Selection

2.16.070 Chairman

2.16.080 Meetings

2.16.090 Code of ethics

2.16.100 Recordkeeping

2.16.110 Advisory capacity

2.16.120 Scope of Chapter

2.16.010 Authorization.

There is authorized by this Chapter in accordance with Section 31-23-202, C.R.S., the Castle Rock Planning Commission. Except as modified or superseded by this Chapter, the provisions of Parts 2 and 3, Article 23, Title 31, C.R.S., shall be applicable to the Planning Commission. (Ord. 92-04 §1(part), 1992)

2.16.020 Purpose.

The purpose of the Town Planning Commission is to assist, advise and coordinate with the Town Council the comprehensive study and review of the planning, zoning and growth of the municipality, as more specifically set forth in this Chapter and as provided in additional ordinances, rules and regulations of the Town promulgated by the Town Council. The Town Planning Commission shall encourage coordinated and harmonious development of the municipality. The Planning Commission shall exercise all of the powers and duties granted to a municipal zoning commission under Part 3, Article 23, Title 31, C.R.S. (Ord. 92-04 §1(part), 1992)

2.16.030 Powers.

A. The Planning Commission shall be empowered and authorized to review, act upon and advise the Town Council with respect to all zoning, rezoning, planning, subdividing, platting, annexation and other related activities as provided in the zoning and subdivision ordinances of the Town.

B. The Planning Commission is empowered to make and submit to the Town Council for the Council's approval a master plan for the physical development of the municipality. The master plan for the community of Castle Rock shall contain the Planning Commission's recommendations with respect to the following matters:

1. A comprehensive zoning and subdivision ordinance together with a zoning plan;
2. Appropriate plans showing the general location, character and extent of streets, bridges, boulevards, parkways and other types of transportation corridors within and without the community of Castle Rock;
3. A plan for the location and extent of public utilities, including, but not limited to, water and sewer development, public communications, gas and electrical extensions, together with the location and extent of other public improvements to be created within the Town, such as parks, fire departments, police stations, schools and other public buildings;
4. Any and all plans for the eventual redesignation of specific areas within the community, condemnation plans, change of use plans or other alterations regarding the existing community structure.

C. The Planning Commission is empowered with any and all further powers delineated within Parts 2 and 3, Article 23, Title 31, C.R.S. (Ord. 92-04 §1(part), 1992)

2.16.040 Duties.

It shall be the duty of the Planning Commission to proceed expeditiously in accordance with the purposes and powers enumerated in this Chapter, to communicate, coordinate and advise the Town Council of its activities and accomplishments, to hold public meetings in conjunction therewith, to promulgate its own internal rules and regulations not in conflict with the ordinances of the Town, and to provide a public forum for the further development and orderly growth of the Town. (Ord. 92-04 §1(part), 1992)

2.16.050 Membership.

The Planning Commission shall consist of seven (7) members to be selected and appointed by the Town Council, each member to serve for three (3) years, the terms of office of each member to be staggered so that not less than two (2), nor more than three (3), seats on the Commission shall expire each year. Terms appointed in 2000 shall run from February 1, 2000 through May 31, 2003. Terms expiring in 2001 and 2002 shall extend through May 31 of each year. Thereafter, all terms shall run from June 1 through May 31 of the third year. All members shall be bona fide residents of the Town at the time of appointment, and the discontinuance of residency shall immediately terminate membership. All members shall serve at the pleasure of the Town Council, and may be removed with or without cause by a majority vote of the Town Council. Geographic representations shall be a factor considered in appointments along with interest in planning and related support fields. In addition to the seven (7) appointed members to the Planning Commission, the Town Council shall designate an administrative official from the Town to also act as an advisory member without voting power should the position of Assistant Town Manager of Development Services be unfilled or otherwise unavailable to provide this function. All members of the Commission shall serve without compensation, and the appointed regular members shall hold no other municipal office, nor be an employee of the Town, except as designated by the ordinances of the Town. One (1) such member of the Planning Commission may be designated as a member of the Board of Adjustment of the Town. To ensure the orderly conduct of business, member attendance is vital. Except for emergency absences, medical condition absences and absences resulting from military leave of less than two (2) continuous months, no Commissioner shall miss more than six (6) meetings in any twelve-month period. Upon any seventh absence within twelve (12) months, other than for an emergency, medical condition or military leave of less than two (2) months, as determined by the Chair, the Commissioner shall be deemed to have resigned from the Planning Commission, and the Council shall appoint a replacement as set forth in Section 2.16.060. Nothing herein shall prohibit the Council from reappointing the resigning member under this paragraph. (Ord. 2003-05 §1, 2003; Ord. 2000-03 §1, 2000; Ord. 92-04 §1(part), 1992)

2.16.060 Selection.

All vacancies occurring otherwise than through the expiration of terms shall be filled for the remainder of the unexpired term by appointment by the Town Council, with appointment to be completed within ninety (90) days of the vacancy. Vacancies created by term expiration shall be filled by appointment prior to May 31. For the purpose of this Section, the expiration of a term shall be considered as creating a vacancy, irrespective of the interest of the incumbent to reappointment. (Ord. 2002-42 §1, 2002; Ord. 92-04 §1(part), 1992)

2.16.070 Chairman.

The Planning Commission shall elect from its appointed regular members a chairman for a one-year term of office. The chairman shall be eligible for reelection not to exceed three (3) successive terms of office. The chairman shall retain his or her voting rights. (Ord. 92-04 §1(part), 1992)

2.16.080 Meetings.

The Planning Commission shall hold regular public meetings, not less than once per calendar month, at which time the Town Clerk or some party designated by the Clerk shall maintain public minutes and records of the proceedings before the Planning Commission. No official meeting shall take place unless a majority of the membership is present. A majority vote of the membership present shall be required on all approvals or official actions of the commission. The commission may adopt rules of procedure for its meetings which shall constitute official protocol. (Ord. 92-04 §1(part), 1992)

2.16.090 Code of ethics.

The Planning Commission may adopt rules of ethics and conduct which shall be binding upon its members. (Ord. 92-04 §1(part), 1992)

2.16.100 Recordkeeping.

The Planning Commission shall maintain a record of its resolutions, transactions, findings, determinations, recommendations and other activities, which record shall be regularly presented and reviewed by the Town Council. The record shall be maintained for public inspection during normal working hours at the municipal office for the Town. (Ord. 92-04 §1(part), 1992)

2.16.110 Advisory capacity.

All recommendations, decisions, determinations, zoning and master plans, regulations, ordinance drafting and other actions taken by the Planning Commission are advisory in nature to the Town Council, and as such are not binding upon the Town Council nor subject to judicial review. In all instances wherein Parts 1, 2 and 3, Article 23, Title 31, C.R.S., vest the planning or zoning commission with specific powers to make final decisions, this Chapter shall prevail and all such actions shall constitute recommendation and advice to the Town Council. (Ord. 92-04 §1(part), 1992)

2.16.120 Scope of Chapter.

This Chapter designates the purposes, powers and duties of the Planning Commission. The provisions of the statutory authority shall be applicable only in the instance of silence of this Chapter, or where the general intent of the Legislature as to scope and authority deemed proper for a Planning Commission can lend meaningful direction for the assistance and interpretation of this Chapter. (Ord. 92-04 §1(part), 1992)

Chapter 2.17

Local Liquor Licensing Authority

- 2.17.010** Liquor Licensing Authority established
- 2.17.020** Secretary of the Authority
- 2.17.030** License application hearings; procedure
- 2.17.040** Public hearing
- 2.17.050** Suspension or revocation of licenses
- 2.17.060** Conditions imposed on suspension or renewal
- 2.17.070** Temporary suspension
- 2.17.080** Public hearing; notice required
- 2.17.090** Duration of suspension or revocation
- 2.17.100** Fees not refundable
- 2.17.110** Tastings license authorization
- 2.17.120** Imposing fines in lieu of suspension
- 2.17.130** Special events permits

2.17.010 Liquor Licensing Authority established.

A. There is established a Liquor Licensing Authority, which shall have and is vested with the authority to grant or refuse licenses for the sale at retail of malt, vinous or spirituous liquors and fermented malt beverages, as provided by law, conduct investigations as are required by law and suspend or revoke such licenses for cause in the manner provided by law. Such Authority shall have all the powers of the local licensing authority, as set forth in Articles 46, 47 and 48 of Title 12, C.R.S.

B. The Authority shall consist of five (5) qualified electors of the Town, who shall be appointed by the Town Council. Of those initially appointed, three (3) shall be for a term ending May 31, 2002, and two (2) shall be for a term ending May 31, 2001. Thereafter, appointments shall be for a two-year term. No person shall serve as a member of the Liquor Licensing Authority who shall have, within Douglas County, Colorado, any interest in the operation of a liquor establishment or in one serving fermented malt beverages or who has a member of his or her immediate family who has such an interest.

C. Any member of the Liquor Licensing Authority may be removed with or without cause by a majority vote of the Town Council. Any vacancy occurring on the Liquor Licensing Authority shall be filled for the unexpired term by the Town Council.

D. To ensure the orderly conduct of business, member attendance is vital. Except for emergency absences, medical condition absences and absences resulting from military leave of less than two (2) continuous months, no Authority member shall miss more than three (3) meetings in any twelve-month period. Upon any fourth absence within twelve (12) months, other than for an emergency, medical condition or military leave of less than two (2) months, as determined by the Chair, the Authority member shall be deemed to have resigned from the Authority and the Council shall appoint a replacement for the unexpired term. Nothing herein prohibits the Council from reappointing the resigning member under this paragraph.

E. The Authority shall annually elect a chair from its number who shall preside over all hearings and proceedings of the Authority. The chair may designate a member of the Authority to assume his or her duties in the chair's absence. A quorum shall consist of three (3) members, and a decision of a

majority of the members of the Authority shall control. Any absent member may join in a decision of the Authority after he or she has considered the evidence adduced in any hearings conducted during his or her absence. All decisions are final, subject only to appeal to a court of competent jurisdiction. (Ord. 2003-02 §1, 2003; Ord. 2000-03 §2, 2000; Ord. 99-29 §1(part), 1999)

2.17.020 Secretary of the Authority.

A. The Town Clerk, or his or her designee, shall receive all applications for licenses and shall issue all licenses granted by the Authority, upon receipt of such license fees and taxes as are required by law and this Chapter. The Town Clerk, or his or her designee, shall serve as the official secretary of the Authority and shall designate a person or persons to provide the necessary secretarial and reporting services for the Authority. The Town Clerk, or his or her designee, shall attend the meetings of the Authority. All public notice by publication in a newspaper and by the posting of signs as required by the Colorado Liquor Code of 1935, as amended, shall be accomplished by the Town Clerk.

B. The Town Clerk, or his or her designee, may approve an application for renewal when the licensee has not, within the preceding two (2) years, had its license suspended or paid a fine in lieu thereof. All other applications for renewal shall be approved by the Authority. (Ord. 2009-19 §1, 2009; Ord. 99-29 §1(part), 1999)

2.17.030 License application hearings; procedure.

The procedures set forth in Title 12, Chapters 46 and 47, C.R.S., and the regulations that may from time to time be adopted by the State Licensing Authority, shall be followed in all liquor license application hearings before the Liquor Licensing Authority. (Ord. 99-29 §1(part), 1999)

2.17.040 Public hearing.

A. The Liquor Licensing Authority may promulgate rules of procedure for the conduct of all hearings on applications for licenses or for revocation or suspension of licenses.

B. The Liquor Licensing Authority shall have the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records necessary to the determination of any hearing which the Liquor Licensing Authority is authorized to conduct. It shall be unlawful for any person to fail to comply with any subpoena issued by the Authority in the proper conduct of its hearings. The Municipal Court shall enforce the subpoenas of the Liquor Licensing Authority and, upon good cause shown, shall enter its orders compelling witnesses to attend and testify or produce books, records or other evidence, and shall impose penalties or punishment for contempt in case of failure to comply with such orders.

C. A subpoena shall be served in the same manner as a subpoena issued by the District Court of the State. Upon failure of any witness to comply with such subpoena, the Town Attorney shall, at the direction of the Authority:

1. Petition any judge of the Municipal Court, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, that the Court, after hearing evidence in support of or contrary to the petition, enter its order compelling the

witness to attend and testify or produce books, records or other evidence, under penalty of punishment for contempt in case of willful failure to comply with such order of court; or

2. Petition in District Court in and for the County, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, that the court after hearing evidence in support of or contrary to the petition, enter its order as in other civil actions, compelling the witness to attend and testify or produce books, records or other evidence, under penalty of punishment for contempt in case of willful failure to comply with such order of court.

D. Any attorney at law who appears before the Liquor Licensing Authority at any hearing shall be required to state the names and addresses of all persons whom he or she has been authorized to represent at the hearing. (Ord. 99-29 §1(part), 1999)

2.17.050 Suspension or revocation of licenses.

In addition to any other penalties prescribed in this Code, and the laws of the State, the Liquor Licensing Authority shall have the power on its own motion, or after complaint, after investigation and public hearing at which the licensee shall be afforded an opportunity to be heard, to suspend or revoke any license issued by it for any violation by the licensee or by any of the agents, servants or employees of such licensee of the provisions of this Chapter or of any of the rules or regulations adopted by the State Licensing Authority, or the state statutes. (Ord. 99-29 §1(part), 1999)

2.17.060 Conditions imposed on suspension or renewal.

The Liquor Licensing Authority shall have the power to impose on a licensee as a condition of a period of suspension held in abeyance or as a condition of renewal, any condition(s) reasonably related to the offense(s) leading to the suspension or the conduct of the business with which the license is to be renewed. (Ord. 99-29 §1(part), 1999)

2.17.070 Temporary suspension.

Any license may be temporarily suspended by the Liquor Licensing Authority, without notice, pending any investigation or public hearing after the filing of a complaint or upon its own motion, provided that the temporary suspension shall not exceed fifteen (15) days. (Ord. 99-29 §1(part), 1999)

2.17.080 Public hearing; notice required.

Within twenty-four (24) hours after temporary suspension, the Liquor Licensing Authority shall set a date for a public hearing to determine whether the license should be reinstated, suspended for an additional term or revoked, the public hearing to be held within fifteen (15) days after the temporary suspension. The licensee shall be given written notice of the public hearing no less than five (5) days prior to the public hearing in the manner provided for personal service of process by the Colorado Rules of Civil Procedure. (Ord. 99-29 §1(part), 1999)

2.17.090 Duration of suspension or revocation.

Suspension shall not exceed six (6) months. Revocation may be permanent. (Ord. 99-29 §1(part), 1999)

2.17.100 Fees not refundable.

In the event a license is suspended or revoked, as provided in this Chapter, no part of the fees paid therefor shall be returned to the holder. (Ord. 99-29 §1(part), 1999)

2.17.110 Tastings license authorization.

A. Authorization. In accordance with Section 12-47-301(10)(a), C.R.S., the Town hereby authorized *tastings* as that term is defined in Section 12-47-103(37.5), C.R.S., thereby allowing retail liquor store and liquor-licensed drug store licensees to conduct tastings subject to all of the limitations set forth in Section 12-47-301(10), C.R.S.

B. Applications. Applications for tastings shall be submitted to the Town Clerk on forms provided by the Town, together with the applicable license fee. No tastings application shall be accepted by the Town Clerk which is not complete in every detail.

C. Process. Upon receiving the completed tastings application, the Town Clerk shall prepare the file for review by the Town Liquor Licensing Authority at its regularly scheduled meeting. In the event the Liquor Licensing Authority determines that the applicant has complied with the provisions of Section 12-47-301, C.R.S., and that the applicant is able to conduct tastings without creating a public safety risk to the neighborhood, the application shall be granted.

D. Limitations. Tastings shall be subject to the following limitations:

1. Tastings shall be conducted only by a person who has completed a server training program that meets the standards established by the Liquor Enforcement Division of the Department of Revenue and who is either a retail liquor store licensee or a liquor-licensed drugstore licensee, or an employee of a licensee, and only on a licensee's licensed premises. A certificate of training shall be provided to the local licensing authority with the application form attached hereto.

2. The alcohol used in tastings shall be purchased through a licensed wholesaler, licensed brew pub or winery licensed pursuant to Section 12-47-403, C.R.S., at a cost that is not less than the laid-in cost of such alcohol.

3. The size of an individual alcohol sample shall not exceed one (1) ounce of malt or vinous liquor or one-half (½) of one (1) ounce of spirituous liquor.

4. Tastings shall not exceed a total of five (5) hours in duration per day, which need not be consecutive.

5. Tastings shall be conducted only during the operating hours in which the licensee on whose premises the tastings occur is permitted to sell alcohol beverages, and in no case earlier than 11:00 a.m. or later than 7:00 p.m.

6. Tastings may occur on no more than four (4) of the six (6) days from a Monday to the following Saturday, not to exceed a total of one hundred four (104) days per year.

7. The licensee shall provide the local licensing authority with a schedule of dates and times the tastings will be conducted. Such notice shall be at least seventy-two (72) hours prior to the tasting.

8. The licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample.

9. The licensee shall promptly remove all open and unconsumed alcohol beverage samples from the licensed premises or shall destroy the samples immediately following the completion of the tasting.

10. The licensee shall not serve a person who is under twenty-one (21) years of age or who is visibly intoxicated.

11. The licensee shall not serve more than four (4) individual samples to a patron during a tasting.

12. Alcohol samples shall be in open containers and shall be provided to a patron free of charge.

13. No manufacturer of spirituous or vinous liquors shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at a tasting. The licensee shall bear the financial and all other responsibility for a tasting.

14. A violation of any of the limitations specified herein by a retail liquor store or liquor-licensed drugstore licensee, whether by his or her employees, agents or otherwise, shall be the responsibility of the retail liquor store or liquor-licensed drugstore licensee who is conducting the tasting and shall be subject to the same revocation, suspension and enforcement provisions as otherwise apply to the licensee.

E. Hearing. If the Liquor Licensing Authority determines that there is good cause for a hearing to consider whether the applicant has complied with the provisions of Section 12-47-31, C.R.S., or whether the applicant is able to conduct tastings without creating a public safety risk to the neighborhood, the Town Clerk, at the direction of the Liquor Licensing Authority, shall cause to be issued a notice of hearing on the tastings application. In the event the Town Clerk issues a notice of hearing on the tastings application, the notice shall be conspicuously posted on the premises at least ten (10) days prior to the hearing. Hearings held on any tasting application may result in approval or denial of said application, and the grounds for any decision on said application shall be whether the applicant had complied with the provision of Section 12-47-301, C.R.S., and whether the applicant is able to conduct tastings without creating a public safety risk to the neighborhood. Such decision of the Liquor Licensing Authority shall be final.

F. Annual license. A tastings license shall be valid for one (1) year, and shall run concurrently with the retail liquor store or liquor-licensed drug store license of the holder of the tastings license; provided however, that the first tastings license issued to a retail liquor store or liquor-licensed drug

store licensee shall be valid only until the expiration of the then-current retail liquor store or liquor-licensed drug store license.

G. Suspension or revocation of license. Any violation of the terms and conditions of a tastings license may result in the suspension or revocation of the tastings license, as well as the licensee's retail liquor store or liquor-licensed drug store license. The suspension of the retail liquor store or liquor-licensed drug store license of the holder of a tastings license shall automatically operate to suspend or revoke such tastings license. (Ord. 2011-19 §1, 2011; Ord. 2007-45 §1, 2007)

2.17.120 Imposing fines in lieu of suspension.

A. At the time the Liquor Licensing Authority ("Authority") sets a show cause hearing, the municipal prosecutor shall be authorized to negotiate a suspension or a fine in lieu of a suspension, for consideration by the Authority at the show cause hearing. The Authority may, at its sole discretion, consider imposing a fine in lieu of a suspension and may cause any investigation to be made which it deems desirable and may, in its sole discretion, grant the fine in lieu of a suspension, if it is satisfied:

1. That the public welfare and morals would not be impaired by permitting the licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes.

2. That the books and records of the licensee are kept in such manner that the loss of sales of alcoholic beverages that the licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom.

3. That the licensee has not had his or her license or permit suspended or revoked, nor had a fine in lieu of a suspension, during the two (2) years immediately preceding the date of the show cause hearing.

B. The fine accepted shall be no more than the equivalent of twenty percent (20%) of the licensee's estimated gross revenues from sales of alcohol beverages during the period of the proposed suspension; except that the fine shall be not less than two hundred dollars (\$200.00) nor more than five thousand dollars (\$5,000.00).

C. Payment of any fine pursuant to the provisions of Subsection A shall be in the form of cash or in the form of a certified check or cashier's check made payable to the Town.

D. The premises will be posted with a notice of suspension on forms and in a manner approved by the Town Clerk's office, for the duration of the time covered by the fine in lieu of suspension.

E. If the Authority does not make the findings required in Subsection A above and does not grant the fine in lieu of a suspension, the Authority shall consider suspension of the license. (Ord. 2008-12 §1, 2008)

2.17.130 Special events permits.

The Liquor Licensing Authority may issue special events permits for the sale, by drink only, of malt, spirituous or vinous liquor to organizations qualifying under Section 12-48-101, et seq., C.R.S. The Liquor Licensing Authority may elect to issue special events permits without notifying the State Licensing Authority to obtain its approval or disapproval of applications for special events permits. (Ord. 2011-24 §1, 2011)

Chapter 2.18*

Reserved

Chapter 2.20

Municipal Court

- 2.20.010 Municipal Court**
- 2.20.020 Municipal Judge**
- 2.20.030 Municipal Clerk**
- 2.20.040 Applicable statutes**
- 2.20.050 Punishments**
- 2.20.060 Juveniles**
- 2.20.070 Court costs**
- 2.20.080 Appeal costs**
- 2.20.090 Surcharge**
- 2.20.100 Summons and complaint**
- 2.20.110 Contempt**

2.20.010 Municipal Court.

In accordance with the Constitution of the State of Colorado, the Home Rule Charter and the applicable provisions of state law not in conflict therewith, the Castle Rock Municipal Court shall be a qualified municipal court of record as set forth in Section 13-10-102(3), C.R.S. The Municipal Court shall abide by all rules of court set forth by the Supreme Court of the State and the statutes enacted by the General Assembly of the State of Colorado. Additionally, the court shall have the authority to enact its own local rules not in conflict with the aforesaid Municipal Court rules and shall have the power to hear and try all alleged violations of municipal ordinances and other matters within its jurisdiction. (Ord. 90-34 §1(part), 1990)

* Chapter 2.18, Historic Preservation, was repealed by Ordinance No. 2010-19, 2010, and reenacted as Chapter 15.30.

2.20.020 Municipal Judge.

A. Qualifications. The presiding officer of the Castle Rock Municipal Court shall be a Municipal Judge appointed by the Town Council. He or she shall be an attorney currently licensed to practice in the State, in good standing with the Supreme Court of the State and have a minimum of five (5) years' experience in the active practice of law at the time of appointment.

B. Private Practice. Pursuant to Section 12-5-110, C.R.S., the Municipal Judge may maintain a private practice provided that such practice does not conflict with or cause him or her to engage in any appearances or practice before the Municipal Court of the Town. Furthermore, at such time as the position of Municipal Judge becomes full-time, then such private practice shall no longer be authorized.

C. Appointment and Term of Office. Biannually, commencing with the expiration of the term of the sitting Municipal Judge in January 1992, the Municipal Judge shall be appointed at the first regular Town Council meeting in January, by resolution of the Town Council for a two-year term of office. The term shall expire at the first regular Town Council meeting in January of each even-numbered year. Vacancies in the office of Municipal Judge shall be filled by appointment for the balance of the unexpired term.

D. Compensation. In the resolution appointing the Municipal Judge, the fixed annual compensation of Municipal Judge shall be established. The Town Council, at its discretion, may provide that the Municipal Judge is entitled to one (1) or more of the benefits afforded municipal employees. However, the granting of such benefits in any one (1) term shall not entitle the Municipal Judge to such benefits with subsequent reappointment. The Municipal Judge shall not be entitled to any of the rights or benefits afforded a permanent employee under the Town's personnel policy, unless expressly granted in the resolution of appointment. The terms of compensation and benefits, as well as other administrative matters, may be incorporated into an engagement letter or agreement, approved by the Town Council with appointment. (Ord. 91-02 §1, 1991; Ord. 90-34 §1(part), 1990)

2.20.030 Municipal Clerk.

A. Qualifications. The Municipal Judge shall appoint a Clerk of the Municipal Court who shall meet such qualifications as set forth by the Municipal Judge and who shall give to the Town a performance bond in the sum of not less than five thousand dollars (\$5,000.00) conditioned upon the faithful performance of his or her duties, and the faithful accounting for, and payment of, all funds deposited with or received by the court.

B. Responsibilities and Duties. The Municipal Clerk shall have the responsibility to administer the Municipal Court facilities and provide appropriate books, supplies, furniture and records and shall further have the duty of maintaining and keeping a verbatim record of proceedings and evidence held at trials and other hearings by either electronic devices or stenographic equipment, which records shall be maintained by the Municipal Clerk for further use.

C. Compensation. The compensation for the Municipal Clerk shall be determined by the Town Council as provided in the annual budget and shall be paid and provided to the Municipal Clerk in a similar fashion as all other employees of the Town. The Municipal Clerk shall be governed by all applicable personnel regulations and rules of the Town. (Ord. 86-38 §1(part), 1986)

2.20.040 Applicable statutes.

Except as modified by Section 5-2 of the Charter or the provisions of this Chapter, the Municipal Court shall be governed by the applicable statutes of the State of Colorado as amended and modified from time to time. (Ord. 90-34 §1(part), 1990)

2.20.050 Punishments.

The Municipal Judge of the Town in presiding over the Municipal Court is empowered and authorized by the Town Council to levy such punishments upon persons found guilty of offenses as set forth in the applicable ordinances. Such punishments shall not exceed one thousand dollars (\$1,000.00) per offense or per day for continuing daily offenses, or one (1) year in jail, or both, and they may be applicable to ordinance violations, contempt proceedings and other violations within the jurisdiction of the Municipal Court. The Municipal Judge is further empowered to grant stays of execution, suspensions and other mitigating techniques as deemed appropriate in individual cases. As the same may come available, the Municipal Judge is also authorized to substitute community service, counseling, education or other consideration as conditions of sentencing or in lieu of fines and/or jail time. (Ord. 2002-47 §6, 2002; Ord. 86-38 §1(part), 1986)

2.20.060 Juveniles.

A. Authority of Confine. Notwithstanding any provision of law to the contrary, a Municipal Court has the authority to order a child under eighteen (18) years of age confined in a juvenile detention facility operated or contracted by the department of institutions for failure to comply with a lawful order of the court, including an order to pay a fine. If a juvenile facility is not available, the child may be confined in an adult facility so long as he or she is separated from adult offenders, as required by Section 19-2-103(6), C.R.S. Any confinement of a child for contempt of Municipal Court shall not exceed forty-eight (48) hours.

B. Place of Confinement. Notwithstanding any other provision of law, a child as defined in Section 19-1-103(3), C.R.S., arrested for an alleged violation of a municipal ordinance, convicted of violating a municipal ordinance or probation conditions imposed by a Municipal Court, or found in contempt of court in connection with a violation or alleged violation of a municipal ordinance shall not be confined in a jail, lockup or other place used for the confinement of adult offenders, if the Municipal Court is located in a county in which there is a juvenile detention facility operated by or under contract with the department of institutions which shall receive and provide for such child, or if the jail is located within forty (40) miles of such a facility. A Municipal Court imposing penalties for violation of probation conditions imposed by such court, or for contempt of court in connection with a violation or alleged violation of a municipal ordinance, may confine a child for up to forty-eight (48) hours in a juvenile detention facility operated by or under contract with the department of institutions. If a juvenile detention facility operated by or under contract with the department of institutions is not located within the county or within forty (40) miles of the jail, a child may be confined for up to forty-eight (48) hours in jail, pursuant to Sections 19-2-103(6) and (7), C.R.S. (Ord. 86-38 §1(part), 1986)

2.20.070 Court costs.

The Municipal Judge shall impose and collect as costs against a defendant in every case brought before the Court in accordance with the following schedule:

A. Fifteen dollars (\$15.00) upon the entry of a plea of guilty or no contest at the time of the arraignment or prior to the date of trial;

B. Fifteen dollars (\$15.00) upon the entry of a plea of guilty or no contest on the date of trial to the court or upon a finding of guilty after a trial to the court;

C. Forty-five dollars (\$45.00) plus all actual juror costs upon a finding of guilty after a trial to a jury or the entry of a plea of guilty after a trial to a jury or the entry of a plea of guilty or no contest prior to the commencement of a trial to a jury but after a jury has been summoned unless the Court has been notified of the prospective plea at least forty-eight (48) hours prior to the date of trial;

D. Twenty-five dollars (\$25.00) upon the issuance of a bench warrant for failing to appear in court, failing to pay fines and costs or failing to comply with any order of the Court;

E. Five dollars (\$5.00) for each subpoenaed Town witness who appears at trial upon a finding of guilty by the Court, by the jury or upon the entry of a plea of guilty or no contest on the date of trial; and

F. Forty dollars (\$40.00) upon the entry of a deferred judgment, deferred prosecution or diversion.

G. Fifteen dollars (\$15.00) upon the entry of a plea of guilty on any plea bargain offered through mail or electronic means.

H. Thirty-five dollars (\$35.00) upon the entry of a plea of guilty or no contest or upon a finding of guilty after a trial where the defendant is ordered or assigned to complete community service.

Nothing in this Section shall prohibit or restrict the right of the Municipal Judge to suspend or condition payment of court costs on the defendant's satisfactory compliance with the terms of probation. (Ord. 2006-53 §1, 2006; Ord. 2005-20 §1, 2005; Ord. 2002-02 §1, 2002; Ord. 2001-56 §1, 2002; Ord. 89-44 §1, 1989)

2.20.080 Appeal costs.

For all appeals from decisions in the Municipal Court to the Douglas County District Court, the court clerk shall require a transcript deposit according to the following schedule:

A. One-hundred-fifty-dollar transcript deposit for a trial to the court; and

B. Two-hundred-dollar transcript deposit for a trial to a jury.

The Municipal Court Clerk shall charge the transcript preparation fee and photocopy cost prescribed by the Supreme Court of Colorado. The transcript deposit shall be applied against the preparation cost of a transcript. If the preparation cost of the transcript is less than the transcript deposit, then the balance will be refunded to the requesting party by the court clerk. If the preparation cost of the transcript is more than the transcript deposit, the court clerk shall require the requesting party to pay the additional cost to prepare the transcript. The Municipal Judge may waive the transcript deposit and the transcript preparation cost in all instances of proven indigence. (Ord. 89-44 §2(part), 1989)

2.20.090 Surcharge.

In addition to any fines and costs assessed by the Municipal Judge, there shall be added and separately reported a surcharge of thirty-five percent (35%) of the fines and costs assessed, provided that the total cost of the fine and surcharge shall not exceed the maximum fine provided for such violation by ordinance. The moneys raised by such surcharge shall be used for police functions, victim's assistance and facilities as approved by the Town Council. Any surcharge imposed by this Section shall be rounded to the nearest lesser dollar amount. (Ord. 96-53 §1, 1997; Ord. 89-44 §2(part), 1989)

2.20.100 Summons and complaint.

A summons and complaint for Municipal Court may be issued by a peace officer or code enforcement officer for the Town for an offense constituting a violation which was committed in the peace officer's or code enforcement officer's presence, or, if not committed in their presence, when the peace officer or code enforcement officer has reasonable grounds for believing that the offense was committed in fact and that the offense was committed by the person charged. (Ord. 99-57 §1, 1999)

2.20.110 Contempt.

A. Any person who fails to appear in response to any summons or subpoena served on such person commits contempt of court and upon proof thereof, in a hearing appropriate to the case, is subject to a fine of not more than one thousand dollars (\$1,000.00), a sentence of not more than ninety (90) days in jail or both such fine and imprisonment.

B. The judge may punish other contempts of court by a fine of not more than one thousand dollars (\$1,000.00), imprisonment of not more than ninety (90) days in jail or both such fine and imprisonment upon proof thereof, after a hearing appropriate to the case. (Ord. 2006-22 §1, 2006)

Chapter 2.24

Police Force

- 2.24.010 Department created; staff**
- 2.24.020 Salary**
- 2.24.030 Powers**
- 2.24.040 Commission as deputy sheriff**
- 2.24.050 Reserves**

2.24.010 Department created; staff.

There shall be a police department within the Town, which department shall be staffed by one (1) Police Chief and such other ranks as shall from time to time be appointed and authorized by the Town Council. (Ord. 1.07 §5, 1976)

2.24.020 Salary.

The Police Chief and other ranks of the municipal police force of the Town shall be paid such salary as shall be from time to time approved by the Town Council. (Ord. 1.07 §6, 1976)

2.24.030 Powers.

The Police Chief and subordinate ranks shall serve at the pleasure of the Town Council and shall have and exercise all of the powers commonly incident to municipal policemen under the statutes of the State and rules of the courts of the State, and shall be subject to the limitations thereof. (Ord. 1.07 §7, 1976)

2.24.040 Commission as deputy sheriff.

The Chief of Police and all other ranks of the municipal police force of the Town may accept a commission as deputy sheriff from the sheriff of Douglas County, and exercise such powers of law enforcement as shall be authorized by and through the sheriff of Douglas County within the Town boundaries, except that the authority of the Police Chief and the municipal police force shall be paramount insofar as enforcing the ordinances and policies of the Town within its boundaries. The purpose of permitting the acceptance of a commission as deputy sheriff is to secure cooperation between the municipal police department and the sheriff's office of Douglas County, and to permit the enforcement of the laws of the state where said laws are paramount or superior to Town ordinances and policies. (Ord. 1.07 §8, 1976)

2.24.050 Reserves.

A municipal police reserve may be maintained in the Town consisting of a membership of municipal police reservists who shall volunteer to serve in said reserve. Reserve policemen shall be subject to all rules and regulations applying to the regular municipal police force of the Town and to the orders of the Chief and regular staff of the municipal police force. (Ord. 1.07 §9, 1976)

Chapter 2.25

Economic Development Assistance

2.25.010 Applicability

2.25.020 Definitions

2.25.030 Economic assistance

2.25.010 Applicability.

The Town, in its sole discretion, may provide economic development assistance for the retention, expansion or new location of targeted businesses within the corporate limits of the Town consistent with:

A. Achieving community goals, as may be established and revised from time to time by the Town;

- B. Achieving targeted business priorities; and
- C. Demonstrating the financial business capability to implement and sustain the project.

The Town Council may adopt an economic development assistance policy to set forth the eligibility guidelines and criteria for economic development assistance. Any such policy adopted by the Town shall be strictly reserved for the use of the Town and shall not create any rights or benefits upon any prospective applicant or business. Nothing contained herein shall give or allow any claim or right of action by any prospective applicant or business. (Ord. 2004-54 §1, 2004)

2.25.020 Definitions.

Development Services' fee schedule shall mean the fee schedule set forth and published by the Town's Development Services Department and approved by the Town Manager of all land use fees, including but not limited to land use application fees, plan review fees, building permit fees, electrical permit fees, inspection fees and public works permit fees, as that schedule is amended from time to time. The schedule shall also include the time for collection of all said fees, as well as development impact fees, system development fees and use tax. The Development Services' fee schedule may be amended by the Town Manager. Notwithstanding anything to the contrary, any portion of any fees not previously collected shall be collected at, and as a condition of, the issuance of a certificate of occupancy for the structure.

Land use application fee shall mean the fees referenced in Section 17.06.020 of this Code, and set forth in the Development Services' fee schedule.

Permit fee shall mean building permits, electrical permits, life safety permits and public works permits and all plan review fees and inspection fees for all such permits issued by the Town for purposes of building or developing real property within the Town.

Project incentive cap shall mean an overall limitation on the total incentives granted by the Town Manager for a qualifying economic development project.

Qualifying economic development project shall mean a project determined by the Town to meet eligibility guidelines and criteria pursuant to criteria set forth in any economic development assistance policy adopted by the Town Council, as amended from time to time and approved by the Town to receive certain economic assistance.

Town Manager shall mean the Town Manager of the Town of Castle Rock or his or her designee. (Ord. 2011-22 §1, 2011; Ord. 2004-54 §1, 2004)

2.25.030 Economic assistance available.

In addition to any economic incentive available under the economic assistance policy adopted by the Town Council, the Town may offer one (1) or more of the following incentives to a qualifying economic development project:

- A. Permit fees. The Town Manager may approve rebates, reductions, waivers or deferrals in otherwise applicable permit fees for qualifying economic development projects subject to the project

incentive cap of one hundred thousand dollars (\$100,000.00). In no event shall the Town Manager defer payment of permit fees due beyond the date upon which a certificate of occupancy is issued by the Town for the structure. An application for permit fee reduction, waiver or deferral must be approved by the Town Manager, utilizing a form and information as may be required by the Town Manager.

B. Expedited review. The Town Manager may negotiate an expedited development review and approval consideration schedule with qualifying economic development projects.

C. Land use application fees. The Town Manager may approve rebates, reductions, waivers or deferrals in otherwise applicable land use application fees for qualifying economic development projects, subject to the project incentive cap of one hundred thousand dollars (\$100,000.00). In no event shall the Town Manager defer payment of land use application fees due beyond the date upon which a certificate of occupancy is issued by the Town for any structure within the project. An application for land use application fee reduction, waiver or deferral must be approved by the Town Manager, utilizing a form and information as may be required by the Town Manager.

D. System development fees. The Town Manager may approve rebates, reductions, waivers or deferrals in the payment of otherwise applicable system development fees for qualifying economic development projects, subject to the project incentive cap of one hundred thousand dollars (\$100,000.00). In no event shall the Town Manager defer payment of system development fees due beyond the date upon which a certificate of occupancy is issued by the Town for any structure within the project. An application for system development fee deferral must be approved by the Town Manager, utilizing a form and information as may be required by the Town Manager.

E. Development impact fees. The Town Manager may approve rebates, reductions, waivers or deferrals in the payment of otherwise applicable development impact fees for qualifying economic development projects, subject to the project incentive cap of one hundred thousand dollars (\$100,000.00). In no event shall the Town Manager defer payment of development impact fees due beyond the date upon which a certificate of occupancy is issued by the Town for any structure within the project. An application for development impact fee deferral must be approved by the Town Manager, utilizing a form and information as may be required by the Town Manager.

F. Sales, use and property taxes. Rebates of portions of collected and remitted Town sales, use and property taxes may be provided pursuant to Section 3.04.025 of this Code. The Town Manager may approve deferrals, subject to the project incentive cap of one hundred thousand dollars (\$100,000.00), in the payment of otherwise applicable use taxes for qualifying economic development projects. In no event shall the Town Manager defer payment of use taxes due beyond the date upon which a certificate of occupancy is issued by the Town for any structure within the project. An application for use tax deferral must be approved by the Town Manager, utilizing a form and information as may be required by the Town Manager.

G. Town Manager report. The Town Manager shall report to the Town Council in a timely manner any economic development assistance provided to applicants and businesses under the Town Manager's authority pursuant to this Chapter, as well as any dedication of sales, use or property tax revenue pursuant to Section 3.04.025, reduction or waiver of development impact fees pursuant to Section 3.16.060 and reduction or waiver of system development fees pursuant to Section 13.12.080 of this Code.

H. Town Council authorization. The project incentive cap may be exceeded by formal action of the Town Council. (Ord. 2011-22 §2, 2011; Ord. 2004-54 §1, 2004)

Chapter 2.30

Local Disaster Emergency

- 2.30.010 Definitions**
- 2.30.020 Declaration of local disaster emergencies**
- 2.30.030 Effect of local disaster emergency declaration**
- 2.30.040 Inconsistent provisions in emergency operations plan**

2.30.010 Definitions.

Disaster means the occurrence of imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural cause or cause of human origin, including, but not limited to, fire, flood, earthquake, wind, storm, wave action, hazardous substance incident, oil spill or other water contamination requiring emergency action to avert danger or damage, volcanic activity, epidemic, air pollution, blight, drought, infestation, explosion, civil disturbance or hostile military or paramilitary action. (Ord. 99-59 §1(part), 1999)

2.30.020 Declaration of local disaster emergencies.

A local disaster may be declared only by the Town Manager or Acting Town Manager in the event of unavailability of the Town Manager. It shall not be continued or renewed for a period in excess of seven (7) days except by or with the consent of the Town Council. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly with the Town Clerk. (Ord. 99-59 §1(part), 1999)

2.30.030 Effect of local disaster emergency declaration.

The effect of a local disaster emergency is to activate the response and recovery aspects of any and all applicable local and interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance under such plans. (Ord. 99-59 §1(part), 1999)

2.30.040 Inconsistent provisions in emergency operations plan.

The Town shall adopt an emergency operations plan in order to be prepared for any local or interjurisdictional disaster emergency. In the event the emergency operations plan adopted by the Town is inconsistent with this Chapter, this Chapter shall prevail. (Ord. 99-59 §1(part), 1999)