

## CHAPTER 2 ADMINISTRATION AND OPERATION

### ARTICLE 2.1

#### OPERATION OF ADMINISTRATIVE SERVICES

**Section 2-1-1. Operation of Administrative Service.** All executive and administrative offices shall adhere to the following except when the Town Manager directs that deviations from these provisions are necessary to carry out the necessary administrative services of the Town.

A. Office Hours: Be open from 8:30 A.M. through 4:30 P.M. on weekdays and shall be closed on Saturdays, Sundays, and legal holidays.

B. Cooperation between Departments: Furnish, upon the direction of the Town Manager, any other department such service, labor, and materials as may be requisitioned by such department, and as its own facilities permit, through the same procedures and subject to the same audit controls as other expenditures are incurred.

C. Make Daily Deposit: Each administrative and executive office shall make a daily deposit of any moneys received directly from the public.

D. Rules and Regulations: Subject to the approval of the Town Council, the Town Manager may from time to time, promulgate such rules and regulations as may be necessary to implement and carry out the administrative services provided by the Town, including a personnel manual; provided, however, that such rules and regulations shall not be inconsistent herewith.

**ARTICLE 2-2**

**TOWN COUNCIL OPERATION AND COMPENSATION**

**Section 2-2-1. Compensation to Members of the Town Council and Mayor.** Pursuant to the Town Charter the Mayor and individual members of the Town Council shall receive the following compensation for their service to the Town: {rev. 12/21/92, and again by Ord 1, 1999}

MAYOR.....\$7,200 per year

TOWN COUNCIL MEMBERS.....\$3,600 per year

**Section 2-2-2. Reduction of Compensation to Members of the Town Council and Mayor Because of Absence.** The Mayor and individual members of the Town Council are allowed two absences a year from regularly scheduled Town Council meetings without a reduction in compensation. For each absence more than two, compensation shall be reduced on a pro rata basis. {rev. 1/2/90}

**Section 2-2-3. Attendance Requirements.** In order to faithfully perform the duties of their office, the Mayor and individual members of the Town Council shall regularly attend Town Council meetings. Regular attendance for the purposes of this Section shall mean: {rev. 1/2/90}

- a) no more than two consecutive absences at regular Council meetings, and
- b) attendance at 75% or more of regular Council meetings during the previous one year period.

**Section 2-2-4. Removal for Failure to Meet Attendance Requirements.** Any Council member, including the Mayor, may be removed from office for failure to meet the attendance requirements set forth in Section 2-2-3. Such removal shall be accomplished by the adoption of an ordinance under the procedures set forth in the Home Rule Charter. No such removal shall be accomplished by an emergency ordinance. Such removal shall be effective upon the effective date of said ordinance, and the Home Rule Charter. {rev. 1/2/90}

## ARTICLE 2-3

### CODE OF CONDUCT

#### **Section 2-3-1. Purpose and Legislative Intent.**

(a) Purpose: The purpose of this article is to protect the public health, safety, and welfare and the integrity of Town government by defining and prescribing certain conflicts of interest that may arise between the Town and Town councilmembers, employees, or appointees to Town boards, commissions, task force or similar body. The council intends to prohibit the appearance of impropriety as well as actual conflicts of interest. This article also intends to protect the integrity of Town government by providing standards of conduct and guidelines for public officials and public employees to follow when such officials' or employees' private interests as citizens conflict with their public duties, to foster public trust by defining standards of honest government and prohibiting the use of public office for private gain, to specify rules to avoid any appearance of impropriety that may result from the dealings of a public official or public employee with the Town, and to provide a mechanism to enforce the Town's code of conduct.

#### **Section 2-3-2. Definitions.**

"Affiliate" or "affiliated with" means an employee, partner, agent, stockholder, joint venturer, or corporate director of any business organization or a person who shares office space with such organization.

"Appear on behalf of" means to act as a witness, advocate, or expert or otherwise to support the position of another person.

"Contract" means any arrangement or agreement pursuant to which any real or personal property, service, or other thing of value is to be furnished or transferred, leased or bailed for a valuable consideration.

"Employment" means providing personal services as an employee or an independent contractor, with or without consideration.

"Gift" means any payment, entertainment, subscription, forbearance, service, or any other thing of value, rendering or deposit of money, which is transferred to a donor directly or in trust for his or her benefit.

"Non-Profit entity means a non-profit corporation or non-profit association."

"Official action" means any legislative, administrative, or quasi-judicial act of any public official or employee including, without limitation, participation in, or influence of, the decision-making process leading up to a vote or final determination.

"Public employee" or "employee" means any person holding any paid position of employment with the Town, who is directly supervised by the Town manager, and whose primary income is derived from Town employment.

"Public official" or "official" means any person holding a position with the Town by election and any person holding a position as an appointee of the Town council or the Town manager serving on any Town board, commission, task force or similar body.

"Relative" means any person related to a public official or an employee by blood, marriage or adoption, through the second degree of consanguinity, including, without limitation, the following: spouse, parents, parents-in-law, children, children-in-law, brothers and sisters, brothers and sisters-in-law, grandparents, grandchildren, aunts, uncles, cousins, nephews, and nieces. A separation between spouses shall not be deemed to terminate relationships described above which exist only because of marriage.

"Substantial interest" means a situation, including, without limitation, a pecuniary stake in the outcome of a decision in which, considering all of the circumstances, a reasonably prudent person observing the situation would expect a marked tendency to make a decision other than an objective decision.

"Transaction" means any contract; any sale or lease of any interest in land, material, supplies, or services; or any granting of a development right, license, permit, or application. A transaction does not include any decision which is legislative in nature that affects the entire membership of a class.

### **Section 2-3-3. Conflicts of Interest Prohibited.**

(a) Town Councilmember and Board, Commission or Task Force Member Conflicts of Interest: No Town councilmember, board, commission or task force member shall appear before the Town council or any Town board, commission, task force or similar body. But a Town councilmember, board, commission or task force member may be affiliated with a firm appearing on behalf of or employed by another person concerning any transaction with the Town before such a body if the councilmember, board, commission or task force member follows the procedures prescribed by subsection (h) of this section. Moreover, a Town councilmember, board, commission, or task force member may appear before the Town Council or any Town board, commission, task force or similar body on behalf of a non-profit entity provided that individual or any relative of that individual has no pecuniary stake in the outcome of the decision.

(b) Town Employee Conflicts of Interest: No Town employee shall appear on behalf of or be employed by another person concerning any transaction with the Town or before the Town council or any Town board, commission, task force or similar body. A Town employee may appear before the Town Council or any Town board, commission, task force or similar body on behalf of a non-profit entity, provided that employee or any relative of that employee has no pecuniary stake in the outcome of the decision. An employee may appear before such a body on his or her own behalf or on behalf of such employee's spouse, parent, or child. Nothing in this chapter shall be deemed to prohibit the Town manager from establishing additional policies and regulations to prevent conflicts of interest between Town employees and the Town.

(c) Town Councilmembers and Municipal Court: No Town councilmember shall appear on behalf of or be employed by another person or be affiliated with a firm appearing on behalf of or employed by another person concerning any matter before the municipal court, but a councilmember or a member of such a firm may appear on his or her own behalf or on behalf of such person's spouse, parent or child in municipal court.

(d) Town Employees and Municipal Court: No Town employee shall appear on behalf of or be employed by another person or be affiliated with a firm that appears on behalf of or is employed by another person concerning any matter before the municipal court, but an employee may appear before the municipal court on his or her behalf, and an employee other than a municipal court judge may appear on behalf of such employee's spouse, parent, or child. This authority is intended to allow employees to assist family members in matters before the municipal court to the extent permitted by law but not to promote the unauthorized practice of law.

(e) Board, Commission, or Task Force Member and Municipal Court: An appointee to a Town board, commission, task force or similar body may appear before the municipal court and may be affiliated with a firm appearing before the municipal court.

(f) Identifying Conflicts of Interest: A Town councilmember, an appointee to a Town board, commission, task force or similar body, or a Town employee, shall follow the procedure prescribed by subsection (h) of this section if such member, appointee, or employee:

- (1) Has a substantial interest in any transaction with the Town,
- (2) Has a relative with a substantial interest in any transaction with the Town,
- (3) Has a substantial interest as an affiliate of a firm with a substantial interest in any transaction with the Town,
- (4) Has a substantial interest as an affiliate of a firm appearing on behalf of or employed by a person with a substantial interest in any transaction with the Town,
- (5) Is an officer of an organization that has taken an official position on any transaction with the Town (unless the individual or his or her relative has no pecuniary interest in the outcome of the decision, in which case the individual shall simply identify on the record his or her position),
- (6) Is on the board of directors of an organization that is substantially affected by a transaction with the Town (unless the individual or his or her relative has no pecuniary interest in the outcome of the decision, in which case the individual shall simply identify on the record his or her position),
- (7) Is affiliated with a law, accounting, planning, or other professional firm that has substantial interest in any transaction with the Town, or
- (8) Is required to receive official notice of a quasi-judicial action from the Town.

(g) Consent to Sue: No Town councilmember or appointee to any Town board, commission, task force or similar body shall be a party or by himself or herself or as an affiliate of a firm appear on behalf of a party in a civil law suit in which the Town is an adverse party, unless the member or appointee first obtains the consent of the Town council.

(h) Disclosure and Recusal: No person described in subsection (a), (b), or (f) of this section shall fail to give written notice of the interest described in such subsection to the Town council or the Town board, commission, task force or similar body of which the person is a member and the Town manager as soon as reasonably possible after the interest has arisen. However, no written notice is required if such person discloses the interest described in subsection (a), (b), or (f) of this section on the record of a public meeting of the Town council or the Town board, commission, task force or similar body of which the person is a member. The interested councilmember, employee, or appointee shall thereafter refrain from attempting to influence the decisions of the other members of the governing body and:

- (1) Refrain from voting upon or otherwise acting in an official capacity in such transaction;
- (2) Physically absent himself or herself from the room in which a matter related to such transaction is being considered; and

(3) Not discuss any matter related to such transaction with any other member of the council, board, commission, task force, or similar body of which the person is a member.

(i) Recusal by the Council, Board, Commission, Task Force or Similar Body: The Town council and any Town board, commission, task force or similar body may order recusal of one of its members if that member has an obligation to do so under subsection (a), (b), or (f) of this section and has failed to do so. Such an order is valid if reached after majority vote of the members of the body, not including the member whose recusal is sought, based on competent evidence.

**Section 2-3-4. Use of Public Office or Confidential Information for Financial Gain.** No Town councilmember, employee, or appointee to a Town board, commission, task force or similar body shall use his or her public office or position, or disclose or use confidential information obtained as a result of holding his or her public office or position, to obtain financial gain, whether for personal gain, gain for his or her relative, gain of any property or entity in which the official or employee has a substantial interest, or gain for any person or for any entity with whom the official or employee is negotiating for or has any arrangement concerning prospective employment. However, a Town councilmember, employee or appointee to a Town board, commission or taskforce may provide services to the Town for compensation, provided the services are provided pursuant to an administrative policy established for the purpose of the fair distribution of Town contracts and employment.

**Section 2-3-5. Duty to Maintain Confidential Information.**

(a) Duty of a Member of Town Council, Board, Commission, Task Force or Similar Body: No Town councilmember or appointee to a Town board, commission, task force or similar body shall disclose confidential information without the permission of the council or similar body, when the confidentiality privilege lawfully belongs to the body as a whole. The sanction for a member of the Town council, board, commission, task force or similar body shall be censure of the body, reached by a majority vote of the body, not including the member charged with disclosing such confidential information.

(b) Duty of a Town Employee: No Town employee shall disclose confidential information, obtained as a result of holding his or her public office or position, unless the employee has first received approval by the Town manager or the Town attorney.

**Section 2-3-6. Gifts to Officials and Employees.**

(a) Gifts Prohibited: No Town councilmember or appointee to a Town board, commission, task force or similar body, or Town employee, or relative of such employee or official shall accept anything of value including, without limitation, a gift, a favor, or a promise of future employment if:

(1) The official or employee is in a position to take official action with regard to the donor; or

(2) The Town has an existing, ongoing, or pending contract, business, or regulatory relationship with the donor.

(b) Exceptions and Items Not Considered Gifts: The following shall not be considered gifts for purposes of this section, and it shall not be a violation of this chapter for a person to accept the same:

(1) Campaign contributions as permitted by law;

(2) An unsolicited, occasional non-pecuniary gift of a maximum amount of \$50.00 or less in value. The maximum amount will be adjusted on January 1, 2005, and annually thereafter to reflect

changes in the United States Bureau of Labor Statistics Consumer Price Index for the Denver-Boulder Consolidated Metropolitan Statistical Area for All Urban Consumers, All Goods, or its successor index;

(3) A gift from a relative;

(4) An award, publicly presented, in recognition of public service;

(5) Reasonable expenses paid by other governments or governmentally related organizations for attendance at a convention, fact-finding mission or trip, or other meeting if the person is scheduled to deliver a speech, make a presentation, participate in a panel, or represent the Town; and

(6) Items which are similarly available to all employees of the Town or to the general public on the same terms and conditions.

### **Section 2-3-7. Prior Employment and Subsequent Employment.**

(a) **Prior Employment:** No person shall be disqualified from service with the Town as an official or employee solely because of his or her prior employment. Officials and employees shall not take official action with respect to their former employers for a period of six months from the date of termination of the prior employment.

(b) **Disclosure by Town Councilmembers:** Members of the Town council shall report to the Town manager any change in their employment status that could give rise to a conflict of interest under this chapter.

(c) **Activities that Occur After Termination of Employment or Office:** No former official or employee shall seek or obtain employment concerning matters upon which he or she took official action during his or her service with the Town for six months following termination of office or employment. This provision may be waived by the Town council or the Town manager.

(d) **Appearance and Participation after Termination:** No former official or employee shall appear before, or participate in, a Town board, commission, task force or similar body on which he or she was a member or served directly as an employee concerning any matter or on which he or she took official action during his or her service with the Town for twelve months following termination of office or employment. This prohibition may be waived by the Town council by appointment or vote, or by an order of a body having jurisdiction thereover.

(e) **Participation in Litigation after Termination:** No former official shall engage in any action or litigation in which the Town is involved on behalf of any other person or entity, if the action or litigation involves a matter upon which the person took official action during his or her service with the Town for twelve months following termination of service with the Town.

**Section 2-3-8. Employment of Relatives.** No official or employee shall appoint, hire, or advocate the appointment or hiring by the Town of any person who is his or her relative. In the event that an employee is concerned that the employee's decision to appoint, hire or advocate the appointment or hiring by the Town a person who is the employee's relative may cause an appearance of violating this section, the employee may request that the Town manager make such decision on the employee's behalf.

**Section 2-3-9. Voting on Resolution Adopting the Annual Fiscal Year Budget.** Nothing in this Article shall prohibit Town councilmembers from voting on the resolution adopting the annual fiscal year

budget, regardless of whether or not a Town councilmember may otherwise have a conflict of interest with respect to a line item contained in that budget.

### **Section 2-3-10. Enforcement.**

(a) Violations Prohibited: No person shall violate the requirements of this chapter.

(b) Complaints: A complaint alleging a violation of this chapter may be initiated by any of the following:

(1) Complaints Initiated by the Town Manager: The Town manager may initiate an investigation of any Town employee, other than those directly reporting to the Town council, if facts are alleged to the manager in any form that, if true, would constitute a violation of the provisions of this chapter.

(2) Complaints Initiated by a Citizen: A citizen of the Town may initiate an investigation of any Town councilmember, employee, or appointee to a Town board, commission, task force or similar body by filing a sworn statement with the Town clerk setting forth facts which, if true, would constitute a violation of a provision of this chapter.

(3) Complaints Initiated by the Town Council: The Town council may initiate an investigation of any of its employees, and of any Town councilmember or appointee to a Town board, commission, task force or similar body if facts are alleged to the council that, if true, would constitute a violation of the provisions of this chapter.

(c) Investigation of a Complaint: The Town manager (for Town employees) or the Town council (for all others) may appoint the Town attorney or a special counsel to conduct an investigation regarding a violation of this chapter. The Town attorney may request that the Town council or the Town manager appoint special counsel to investigate and prosecute any case that may cause the Town attorney to have a conflict of interest or may cause an appearance of impropriety under the provisions of this chapter, or may violate any rule regarding professional responsibility.

(d) Response to all Complaints Required: A public official or body, or appointee thereof, conducting an investigation pursuant to subsection (b) of this section shall prepare written findings of fact and conclusions of law in response to all complaints that shall be made available to the public upon completion of the investigation. The response may include a finding that the complaint has no merit, is frivolous, is groundless, or is brought for purposes of harassment.

(e) Limitations: No action may be taken on any complaint that is filed later than twelve months after a violation of this chapter is alleged to have occurred.

### **Section 2-3-11. Sanctions and Remedies for Violation.**

(a) Contracts Voidable: If a contract or sale is consummated contrary to the provisions of subsection 2-3-3(f), the Town council may void the contract or sale.

(b) Removal by Town Council: The Town council may remove any member of a Town board, commission, task force or similar body that it finds has willfully violated any provision of this chapter, or the Town manager or the Town council may direct the Town manager to remove any employees that it finds has willfully violated any provision of this chapter.

(c) Sanction Recommendations: If the party conducting an investigation pursuant to Section 2-3-10 finds that a Town councilmember or an appointee to a Town board, commission, task force or similar body, or employee has violated any provision of this chapter, the investigator shall provide its findings and recommendations to the Town manager or Town council, as appropriate, who or which in turn may take any of the following actions:

(1) In the case of a Town councilmember, a motion of censure;

(2) In the case of a Town employee, a motion of censure or a recommendation that the employee's appointing authority consider disciplining or discharging the employee;

(3) Removal as provided in subsection (b) of this section; or

(4) As an alternative or in addition to the sanctions imposed herein, the Town council may resolve that any person or entity causing, inducing, or soliciting a public official or public employee to violate this chapter may not be awarded any Town contract, grant, loan or any other thing of value for a period of twelve months or that any such contract, grant, loan or thing of value be terminated, repaid or forfeited.

(d) Civil Remedies: Any person affected by a Town transaction may commence a civil action in the District Court in and for the County of Gunnison for equitable relief to enforce the provisions of this chapter upon a showing of willful violation of any provision of this chapter. Before filing such an action, the person shall present the claim to the Town attorney to investigate in accordance with Subsection 2-3-9(c). The Town attorney or appointed special council shall have sixty days to act thereon. No civil action in district court pursuant to this subsection may be commenced later than twelve months after a violation of this chapter is alleged to have occurred.

(e) Defense: It shall be a defense to any charge of a violation of this chapter if the Town councilmember, employee, or appointee to a Town board, commission, task force or similar body obtained an advisory opinion pursuant to Section 2-3-12, "Advisory Opinions and Outside Counsel Appointment," and was acting in accordance with the advice provided thereby.

#### **Section 2-3-12. Advisory Opinions and Outside Counsel Appointment.**

(a) Town Attorney to Provide Advisory Opinions: Any Town councilmember, employee, or appointee to a Town board, commission, task force or similar body may request the Town attorney for an advisory opinion whenever a question arises as to the applicability of this chapter to a particular situation.

(b) Appointment of Outside Counsel: If a significant controversy arises under this chapter, the Town attorney may appoint a neutral outside counsel to assist in resolving the issue.

**Section 2-3-13. Exemptions from Article.** Nothing in this chapter shall be deemed to apply to a Town employee or appointee to a Town board, commission, task force or similar body who appears before any such body to urge action on a policy or issue of a general "civic nature." (Ord 4, 2004)

## ARTICLE 2-4

### PUBLIC IMPROVEMENT CONTRACTS

#### Section 2-4-1. Bid Procedure for Public Improvement Contracts.

A. Any public improvement project undertaken by the Town of Crested Butte, where the contract amount of such project is estimated to be in excess of twenty-five thousand dollars (\$25,000.00), shall be put up for bid under the procedures specified in 2-4-1(B) of this Code. (rev. Ord 13, 1997)

B. Whenever the Town Manager or his agent determines that the amount of a public improvement project is in excess of \$25,000.00, and meets the other stated requirements of (A), above, the contract shall not be let unless and until said Town Manager or his agent places an advertisement in a local newspaper of general circulation requesting bids on such contract. Said advertisement shall appear once each week for two consecutive weeks. Further, said advertisement shall specify the nature of the contract work to be performed; the location where detailed plans and specifications, if any, may be viewed or obtained; the date, place and hour where bids will be opened; and any bond or other requirements necessary for consideration of the bid. (rev. Ord 13, 1997)

C. After the procedures specified in (B), above, have been completed, the bids received shall be opened at the date, time and place specified in the advertisement for the bids. The contract shall be awarded to the lowest reliable and responsible bidder who otherwise conforms to bid consideration and contract completion requirements.

## ARTICLE 2-5

### GRIEVANCE POLICY AND PROCEDURE FOR PERSONS WITH DISABILITIES

**Section 2-5-1. Policy and Grievance Procedures.** It shall continue to be the policy of the Town to receive, investigate and attempt resolution of complaints by employees and other citizens with disabilities that they have been subjected to discrimination by the Town in its employment practices and policies or the provision of services, activities, programs or benefits based upon their past or current disabilities, whether real or perceived, or based upon their association with an individual with a disability.

Employees of the Town and other citizens who believe that they have been subjected to discrimination in violation of state or federal law based upon their past or current disability, whether real or perceived, or their association with an individual with a disability, may file a grievance with the Town under the provisions set forth herein. Said employees and others should submit their written grievances directly to the ADA Coordinator (who is the Town Manager or his or her designee) as soon as possible, but no later than sixty calendar days following the grieved action. Alternative means of filing grievances, such as personal interviews or a tape recording of the grievance, will be made available for persons with disabilities upon request. Within fifteen calendar days after receipt of the grievance, the ADA Coordinator will meet with the grievant to discuss the grievance and possible resolutions. Within fifteen calendar days after the meeting, the ADA Coordinator will respond in writing, and, where appropriate, in a format accessible to the grievant, such as large print, Braille, or audio tape. The response will explain the Town's position and offer options for substantive resolution of the grievance, if it is found to have merit. If The ADA Coordinator does not satisfactorily resolve the grievance or take any action to do so within said fifteen calendar days, the employee or other citizen may request in writing or as is otherwise appropriate that the Town Council consider his or her grievance, provided that said request is made within thirty calendar days after the ADA Coordinator's receipt of the original grievance.

The Town Council shall, within fifteen calendar days after receipt of the appeal, meet with the grievant to discuss the grievance and possible resolutions. Within fifteen calendar days after that meeting, the Town Council will respond in writing, and, where appropriate, in a format accessible to the grievant, with a final resolution of the grievance.

The deadlines of this Section 2-5-1 may be extended with the mutual consent of the grievant and the Town.

A record of the grievance and the actions taken to resolve it shall be maintained by the Town for at least three years. {rev. 3/1/93}

## ARTICLE 2-6

### DISCRIMINATORY PRACTICES PROHIBITED {adopt. 4/5/93}

**Section 2-6-1. Declaration of Policy.** It shall be the policy of the Town to prevent discrimination against anyone because of their race, color, creed, religion, ancestry, national origin, sex, age, marital status, physical or mental disability, sexual orientation, family responsibility or political affiliation. The purpose of this Article is to establish guidelines for nondiscrimination within the Town by identifying those acts or actions which are incompatible with the best interests of the Town's residents and visitors.

**Section 2-6-2. Definitions.** For the purposes of this Article, unless otherwise apparent from the context, the following definitions apply:

(a) "Discrimination" or "to discriminate" means, without limitation, any act which because of race, color, creed, religion, ancestry, national origin, sex, age, marital status, physical or mental disability, sexual orientation, family responsibility, or political affiliation, results in the unequal treatment or separation of any person or denies, prevents, limits or otherwise adversely affects the benefit or enjoyment by any person of employment, ownership or occupancy of real property or public services or accommodations. Such discrimination is unlawful and is a violation of this Article, provided, however, that the physical condition of an existing building or structure shall not, of itself, constitute discrimination.

(b) "Housing" means any building, structure, vacant land or part thereof during the period it is advertising, listed or offered for sale, lease, rent or transfer of ownership, and during the period while it is being sold, leased or rented. "Housing" shall not include transfers of property by will or gift.

(c) "Public services or accommodations" means any place of business engaged in any sales to the public and any place offering services, facilities, privileges, advantages or accommodations to the public.

(d) "Person" means any individual, firm, partnership, corporation, association, organization, unincorporated organization, labor union, government agency, incorporated society, statutory or common law trust, estate, executor, administrator, receiver, trustee, conservator, liquidator, trustee in bankruptcy, committee, assignee, officer, employee, principal or agent, legal or personal representative, real estate broker or salesperson or any agent or representative of any of the above.

(e) "Sexual orientation" means the choice of sexual partners, i.e., bisexual, homosexual or heterosexual.

**Section 2-6-3. Discriminatory Employment Practices Prohibited.** It shall be unlawful for any person who is an employer or employment agency, directly or indirectly, to discriminate against any person with regard to application for employment, hiring, occupational training, tenure, promotion, compensation, layoff, discharge, or any other term or condition of employment except when based upon a bona fide occupational qualification. This section 2-6-3 shall not apply to prohibit a religious organization or institution from restricting employment opportunities to persons of the religious denomination and advertising such restriction if a bona fide religious purpose exists for the restriction.

**Section 2-6-4. Discriminatory Housing Practices Prohibited.** It shall be unlawful for any person, directly or indirectly, to discriminate against or to accord adverse unlawful or unequal treatment to any other person with respect to the acquisition, occupancy, use and enjoyment of any housing, including the sale, transfer, rental or lease thereof. This Section 2-6-4 shall not apply to prohibit:

- (a) A person who seeks to share a dwelling unit with another from discriminating;
- (b) The owner of an owner occupied one-family dwelling from discriminating;
- (c) The owner of an owner occupied two-family dwelling or the owner or lessor of a housing facility devoted entirely to housing individuals of one sex from limiting lessees or tenants to the members of one sex; or
- (d) Any religious or denominational institution or organization that is operated, supervised, or controlled by a religious or denominational organization from limited admission or giving preference to persons of the same religion or denomination or for making such selection of buyers, lessees or tenants as will promote a bona fide religious denominational purpose.

**Section 2-6-5. Discriminatory Public Service and Accommodation Practices Prohibited.** It shall be unlawful for a person engaged in providing services or accommodations to the public to discriminate, directly or indirectly, against any other person by refusing to allow the full and equal use and enjoyment of the goods, services, facilities, privileges, advantages, including accommodations, and the terms and the conditions under which the same are made available to the public generally, or to provide adverse or unlawful or unequal treatment to any person in connection therewith. This Section 2-6-5 shall not apply to prohibit:

- (a) Persons from restricting admission to a place of public accommodation to individuals of one sex if such restriction bears a bona fide relationship to the goods, services, facilities, privileges, advantages, or accommodations of such place of public accommodation; or
- (b) Any religious or denominational institution that is operated, supervised, or controlled by a religious or denominational organization from limited admission to persons of the same religion or denomination as will promote a bona fide religious or denominational purpose.

**Section 2-6-6. Penalties and Civil Liability.**

- (a) Any person who violates the provisions of Sections 2-6-3 through 2-6-5 hereof shall be deemed guilty of an offense and upon conviction thereof shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or imprisonment for not more than one year, or both such fine and imprisonment, at the discretion of the court.
- (b) In addition, any person claiming to be aggrieved by an unlawful discriminatory act shall have a cause of action in any court of competent jurisdiction for compensatory damages or punitive damages, or both, and such other remedies as may be appropriate, including specifically the issuing of restraining orders and such temporary or permanent injunctions as are necessary to obtain complete compliance with this Article. In addition, the prevailing party shall be entitled to reasonable attorney fees and costs.
- (c) Whenever it appears that the holder of a permit, license, franchise, benefit, or advantage issued by the Town of Crested Butte is in violation of these Sections 2-6-3 through 2-6-5, notwithstanding any other action it may take or may have taken under the authority of the provisions of this Article, the Town may take such action regarding the temporary or permanent suspension of the violator's Town of Crested Butte business license, permit, franchise, benefit or advantage as it considers appropriate based on the facts disclosed to it.