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ARTICLE 1

Elections

Sec. 2-1-10. Conduct of elections.

All elections shall be held and conducted in accordance with the Colorado Municipal Election Code of 1965. The City may by ordinance determine to follow all or part of the provisions of the Uniform Election Code for any election. (Ord. 2007-04 §1)

Sec. 2-1-20. Write-in candidate affidavit.

No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the City Clerk by the person whose name is written in prior to twenty (20) days before the day of the election, indicating that such person desires the office and is qualified to assume the duties of that office if elected. (Ord. 1983-3 §§1, 2; Ord. 2007-04 §1)

Sec. 2-1-30. Cancellation of election.

(a) When the only matter before the voters is the election of persons to office and when, at the close of business on the nineteenth day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent as set forth in Section 2-1-20 above, the City Clerk shall certify such fact to the City Council; and it shall hold a meeting and may instruct the City Clerk to cancel the election and by resolution shall declare the candidates elected.

(b) Notice of such cancellation of election shall be posted at each polling place and in not less than one (1) other public place. If possible, notice of such cancellation shall also be published. (Ord. 1983-3 §§3, 4; Ord. 2007-04 §1)

ARTICLE 2

Mayor and City Council

Sec. 2-2-10. City Council; terms, authority, qualifications and vacancies.

(a) Terms. The City Council shall consist of four (4) Councilmembers and the Mayor. Councilmembers shall be elected to serve overlapping terms of four (4) years.

(b) Authority. The City Council shall constitute the legislative body of the City, shall have the power and authority, except as otherwise provided by statute, to exercise all power conferred upon or possessed by the City, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof.

(c) Qualifications. Each Councilmember shall be a resident of the City and a registered elector therein. If any Councilmember shall move from or become, during the term of his or her office, a nonresident of the City, he or she shall be deemed thereby to have vacated his or her office.

(d) Vacancies. In case of the death, resignation, vacation or removal for cause of any of the Trustees during their term of office, the City Council, by a majority vote of all remaining members thereof, may select and appoint, from among the duly qualified electors of the City, a suitable person to fill the vacancy. The person so appointed shall hold office until the next regular election and until his or her successor is elected and qualified. If the term of the person creating the vacancy was to extend beyond the next regular election, the person elected to fill the vacancy shall be elected for the unexpired term. Where vacancies exist in the offices of Councilmember and successors are to be elected at the next election to fill the unexpired terms, the two (2) candidates for Councilmember receiving the highest number of votes shall be elected to four-year terms, and the candidates receiving the next highest number of votes, in descending order, shall be elected to fill the unexpired terms. (Ord. 2007-04 §1)

Sec. 2-2-20. Mayor.

(a) The Mayor shall be elected to serve a term of four (4) years. The Mayor shall meet the same qualifications as a Councilmember and, in the event of a vacancy in the office of Mayor, such vacancy shall be filled in the same manner as a vacancy in the office of Councilmember, as set forth in Section 2-2-10 above.

(b) The Mayor shall be the presiding and executive officer of the City Council and shall vote when there is a tie, except in passing ordinances. In the election of such City officers as are to be elected by the City Council, the Mayor shall vote as other members of the City Council. The Mayor shall perform such duties as may be required of him or her by statute or ordinance. Insofar as is required by statute and for all ceremonial purposes, the Mayor shall be the executive head of the City.

(c) The Mayor shall be an ex officio member of all standing committees of the City.

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

(e) Except as may be required by statute, the Mayor shall exercise only such powers as the City Council shall specifically confer upon him or her. (Prior code 2.04.010; Ord. 2007-04 §1)

Sec. 2-2-30. Mayor Pro Tem.

At the first regular meeting in each fiscal year, the City Council shall elect one (1) of its members as Mayor Pro Tem for the ensuing year. In the absence or disability of the Mayor, the Mayor Pro Tem shall have all of the power and authority of the Mayor, shall perform all the duties of the Mayor, and shall be entitled to receive the same compensation while serving in such capacity. (Prior code 2.04.020; Ord. 2007-04 §1)

Sec. 2-2-40. Acting Mayor.

In the event of the absence or disability of both the Mayor and the Mayor Pro Tem, the City Council may designate another Councilmember to serve as acting Mayor during such absence or disability. (Ord. 2007-04 §1)

Sec. 2-2-50. Compensation.

(a) The Mayor shall receive such monthly salary for his or her services as set by ordinance of the City Council.

(b) Each Councilmember shall receive such monthly compensation for his or her services as set by ordinance of the City Council.

(c) The compensation paid to any member of the City Council, including the Mayor, shall not be increased or diminished for the term of office for which he or she has been elected or appointed. Any Mayor or Councilmember who has resigned or vacated an office prior to the end of his or her elective or appointed term shall not be eligible to election or reappointment to the same during such term if the rate of compensation has been increased. (Prior code 2.04.010; Ord. 2007-04 §1)

Sec. 2-2-60. Regular meetings.

The City Council shall meet in regular session, at such times and such places as designated by the City Council by resolution or motion. (Prior code 2.08.030; Ord. 2007-04 §1; Ord. 2007-16)

Sec. 2-2-70. Special meetings.

(a) Any two (2) members of the City Council may call special meetings by written notice to each member of the City Council, personally served or left at the member's usual place of residence by the City Clerk, at least forty-eight (48) hours in advance of the meeting.

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

(c) Should the City Council convene for a special meeting pursuant to a request of an interested party for the purpose of accommodating time constraints of said interested party, the City Council may, in its discretion, assess fees for the special meeting against the interested party. The City Council may from time to time by resolution adopt a schedule of fees which may be assessed for special meetings. Said fees shall reasonably compensate the staff of the City and the City Attorney for time spent in preparation for attendance at special meetings. (Ord. 2007-04 §1)

Sec. 2-2-80. Attendance of absent Councilmembers.

The City Council, by a vote of a majority of the Councilmembers, may compel the attendance of a Councilmember who voluntarily and without lawful excuse absents himself or herself from any regular meeting of the City Council, any adjourned session of regular meeting, or any special meeting duly called and of which special meeting the absent Councilmember has had three (3) hours' actual notice. The City Council, by a majority vote as aforesaid, may upon motion authorize the Chief of Police to forthwith bring before the City Council any member so absenting himself or herself. (Prior code 2.08.010; Ord. 2007-04 §1)

Sec. 2-2-90. Fine for absence of Councilmember.

Any Councilmember who voluntarily and without lawful excuse absents himself or herself from any regular meeting of the City Council, any adjourned session of any regular meeting or any special meeting duly called, and of which special meeting the absent Councilmember has had three (3) hours' actual notice, shall be subject, upon motion of a majority of the City Council, to a fine of not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00). The amount of any fine so imposed, if not paid, shall be deducted from the salary of the Councilmember so fined. (Prior code 2.08.020; Ord. 2007-04 §1)

Sec. 2-2-100. Conduct of meetings; voting.

(a) Meetings of the City Council shall be conducted by the Mayor, according to *Robert's Rules of Order, Revised*.

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

(c) At the hour appointed for meeting, the members shall be called to order by the Mayor or, in his or her absence, by the Mayor Pro Tem, and the City Clerk shall proceed to call the roll, note the absentees and announce whether a quorum is present. If a quorum is present, the City Council shall proceed with the business before it, in the manner and order as established by the City Council. (Ord. 2007-04 §1)

Sec. 2-2-110. Ordinance approval.

(a) No ordinance shall be adopted or passed by the City Council unless the same has been previously introduced and read at a preceding regular meeting, and unless the same has been published in full, at least ten (10) days before its passage, in a newspaper of general circulation published in the City. Such previous introduction of such ordinance at such preceding meeting and the fact of its publication in such newspaper shall appear in the certificate and attestation of the City Clerk on such ordinance after its final passage and adoption.

(b) Upon the question of the adoption or rejection of any proposed ordinance, or upon any resolution or order involving the expenditure of money or the awarding of any contract by the City, the "yeas" and "nays" shall be called and recorded, and a concurrence of a majority of Councilmembers shall be required to pass or adopt any such ordinance, resolution or order. (Prior code 1.12.010, 1.12.020, 1.12.030; Ord. 2007-04 §1)

Sec. 2-2-120. Boards and commissions.

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

- (1) Board of Adjustment; and

- (2) Planning Commission. (Ord. 2007-04 §1)

ARTICLE 3

Officers and Employees

Sec. 2-3-10. Appointed officers.

(a) In addition to the City officers provided for by law, the City Council may appoint a Fire Chief, a Chief of Police and such other police officers as may be deemed necessary and proper.

(b) The City Council may remove any appointive officer with or without cause at any time. Vacancies shall be filled by appointment of the City Council.

(c) The following officers of the City shall be appointed by a majority vote of all the members of the City Council:

- (1) City Administrator;
- (2) City Attorney;
- (3) City Clerk;
- (4) Municipal Judge;
- (5) Chief of Police; and
- (6) Fire Chief. (Prior code 2.24.010; Ord. 2007-04 §1)

Sec. 2-3-20. Powers and duties of officers.

Appointed officers of the City shall have such powers and perform such duties as are now or hereafter may be prescribed by state law and the ordinances of the City, shall further perform any additional duties required by the City Council, and shall be subject to the control and orders of the City Council. (Ord. 2007-04 §1)

Sec. 2-3-30. Oath of office.

When required by the City Council, every officer or employee of the City shall, before entering upon the duties of his or her office, take and subscribe to an oath that he or she will support the Constitutions and laws of the United States and State and the ordinances of the City, and that he or she will perform the duties of the office upon which he or she is about to enter, to the best of his or her ability. (Prior code 2.24.020, 2.24.030; Ord. 2007-04 §1)

Sec. 2-3-40. Accounting; report of officers.

(a) The City Clerk, Chief of Police, Municipal Judge, Street Supervisor, City Attorney and all other City officers, into whose hands come any funds belonging to the City, shall, before 3:00 p.m. on

the day succeeding the day when such funds have come into their custody, pay the same over to the City Treasurer, taking their receipts therefor. In the event the City Treasurer is absent, such officer shall deposit said funds in the bank where the City Treasurer's account is kept, receive a duplicate deposit slip and, upon presentation of such duplicate slip to the City Treasurer, receive the receipt therefor as if payment had been made to the City Treasurer. A failure or refusal of any officer to comply with the provisions of this Subsection shall be cause for removal from office, and such officer shall be deemed in default of his or her official bond.

(b) The City Clerk, Chief of Police, Municipal Judge, Street Supervisor, City Attorney and such other officers as the City Council may require shall, at the first regular meeting of the City Council in each month, and more often if required, submit to the City Council a report in writing showing all moneys received by them, when and on what account received, and when the same were paid over to the City Treasurer. Such report shall contain such other information as the City Council may require. A failure or refusal of any officer to make said report as provided in this Subsection shall be sufficient cause for removal from office. (Prior code 2.24.040, 2.24.050; Ord. 2007-04 §1)

Sec. 2-3-50. City Administrator.

(a) There is hereby created and established the position and office of City Administrator of the City.

(b) The purpose of the office of the City Administrator is to provide the centralization of the administrative responsibilities of the City, to be the administrative head of the City government under the direction and control of the Mayor and City Council and to be responsible to the Mayor and City Council for the efficient conduct of the office.

(c) The City Administrator shall be appointed by a majority of the City Council, including the Mayor. The City Administrator shall be appointed on the basis of training, experience and merit alone, and need not be a resident of the City or the State when appointed. He or she shall devote full time to the diligent prosecution of the office and shall have no other conflicting or distracting employment.

(d) The City Administrator shall be compensated for services as the Mayor and City Council may from time to time determine.

(e) The City Administrator shall be the chief administrative officer of the City government. The duties and authority of the City Administrator shall be:

(1) To enforce the laws, ordinances and policies of the City and contracts to which the City is a party.

(2) To be responsible to the Mayor and City Council for the efficient administration of all administrative departments of the City.

(3) To superintend and generally manage all City departments, personnel and all properties of the City, including appliances, vehicles and equipment used in connection therewith.

(4) To recommend to the Mayor and City Council the adoption of such measures as he or she deems necessary, and to attend City Council meetings with the right to take part in discussions but not to vote.

(5) To establish, subject to approval of the Mayor and City Council, appropriate personnel rules and regulations governing officers and employees of the City.

(6) To administer and be responsible for all departments and divisions of the City which are under the direction of the Mayor and City Council, including the Police and Fire Departments. The offices of the City Attorney and the Municipal Judge shall be responsible to the Mayor and City Council.

(7) To appoint and remove all officers and employees in the administrative service of the City, except the City Attorney, City Clerk and Municipal Judge.

(8) To purchase property, equipment, supplies and services for which amounts have been budgeted and appropriated, and to enter into contracts for such purchases, where the total cost of such purchase does not exceed the amount of twenty thousand dollars (\$20,000.00).

(9) To declare and rescind, with the concurrence of the Fire Chief, fire bans and other restrictions on open burning, fires and fireworks within the City limits.

(10) To perform such other duties as may be prescribed by ordinance or by direction of the Mayor and City Council.

(f) The City Administrator shall nominate a department head or other employee of the City to serve as Acting City Administrator during the temporary disability or absence from the City of the City Administrator. Such nominee, when confirmed and approved by the Mayor and City Council, shall perform all the duties and exercise all the powers of the City Administrator, but shall receive no additional compensation therefor.

(g) Nothing in this Section is to be interpreted so as to impair the responsibility of the Mayor and City Council for the overall operation of the City as required by state law. (Ord. 2001-5 §§1—7; Ord. 2007-04 §1; Ord. 2007-09 §1; Ord. 2008-9; Ord. 2011-11 §§1, 2)

Sec. 2-3-60. City Attorney.

(a) It is the duty of the City Attorney to attend all meetings of the City Council and to render opinions upon such legal questions as may be submitted by the Mayor, City Council, any committee thereof or any City officer. The City Attorney shall attend the sessions of the Municipal Court and prosecute all cases for the violation of any City ordinance; and shall, when directed by the Mayor or City Council, appear on behalf of the City and prosecute or defend any suit brought by or against the City.

(b) The City Attorney is authorized to make and execute any undertaking on behalf of the City that may be necessary in any suit or proceeding to which the City is a party. (Prior code 2.12.010, 2.12.020)

Sec. 2-3-70. City Treasurer.

The duties of the City Treasurer shall be such as are prescribed by state statutes. The City Treasurer shall, before the close of banking hours each day, deposit in a bank all funds belonging to the City to his or her account as City Treasurer, and shall keep a separate account of each fund or appropriation and the debits or credits belonging thereto. The Finance Director shall serve as the City Treasurer. (Prior code 2.16.010)

Sec. 2-3-80. City Clerk.

The City Clerk shall be provided an office by the City, and it shall be his or her duty to be in attendance at his or her office at all times during business hours for the transaction of official business. The City Clerk shall keep in his or her office an ordinance book, a warrant book showing all warrants issued and outstanding, a license register, cash and account books, and such other books and records as may be proper and necessary for the proper conduct of his or her office. The City Clerk shall be the custodian of the City Seal and shall countersign all warrants and other instruments necessary to be attested by the City Seal. The City Finance Director shall also serve as the City Treasurer. (Prior code 2.20.010)

Sec. 2-3-90. Street Supervisor.

(a) The Street Supervisor shall have immediate charge of the construction and repair of streets, alleys, bridges, sidewalks and crossings of the City, and shall report to the City Council all needed construction or repairs for its action and instruction.

(b) The Street Supervisor shall observe and execute all instructions of the Mayor or committee on streets, bridges and alleys, and shall incur no expense and contract no indebtedness on behalf of the City, except when expressly authorized so to do; provided, however, that in case of any emergency arising requiring immediate action, he or she may make such temporary repairs as may be necessary until the next regular meeting of the City Council. The Street Supervisor shall have immediate charge of any supervision of all persons employed upon the streets of the City and, for this purpose, he or she shall have all the power and authority of a police officer. (Prior code 2.24.060; Ord. 2007-04 §1)

Sec. 2-3-100. City Engineer.

The City Engineer shall inspect and pass upon the construction of all public works ordered by the City, and shall make out plans, specifications and estimates thereof. The City Engineer shall do the surveying and engineering ordered by the City, and shall perform such other duties not inconsistent with his or her employment as the City Council may require. He or she shall preserve all plans, maps, notes, surveys, books, papers and documents pertaining to his or her office, which shall be open to inspection at all reasonable hours, and shall have all such records delivered to his or her successor in office. (Prior code 2.24.070; Ord. 2007-04 §1)

Sec. 2-3-110. Chief of Police.

In addition to the general powers conferred by the law, the Chief of Police shall have general supervision of the police force of the City, and shall have authority to peremptorily relieve any police officer from duty pending action by the City Council. (Prior code 2.24.090; Ord. 2007-04 §1)

Sec. 2-3-120. Removal of City officers.

By a majority vote of all members of the City Council, the Mayor, City Clerk, City Treasurer, any member of the City Council or any other officer of the City may be removed from office. When any elected officer ceases to reside within the limits of the City, he or she may be removed from office pursuant to this Section. Appointed officers or employees of the City need not reside within the limits of the City. A Municipal Judge may be removed during his or her term of office only for cause, as set forth in Section 13-10-105(2), C.R.S. (Ord. 2007-04 §1)

Sec. 2-3-130. Social Security.

In the opinion of the City Council, the extension of the social security system to employees and officers of the City will be of great benefit not only to the employees and officers by providing that said employees and officers may participate in the provision of the old-age and survivors insurance system, but also to the City by the efficiency of its government. (Ord. 2007-04 §1)

ARTICLE 4

Municipal Court

Sec. 2-4-10. Creation of Municipal Court.

There is hereby created a qualified Municipal Court of record for the City, established pursuant to and governed by the provisions of state law. (Ord. 1993-1 §1; Ord. 2007-04 §1)

Sec. 2-4-20. Original jurisdiction.

The Municipal Court shall have original jurisdiction of all cases arising under the provisions of this Code and ordinances of the City, with full power to punish violators thereof by the imposition of such fines and penalties as are prescribed in this Code or by ordinance. (Ord. 1993-1 §3; Ord. 2007-04 §1)

Sec. 2-4-30. Appointment of Municipal Judge.

The City Council shall appoint a Municipal Judge to preside over the Municipal Court. The Municipal Judge shall be admitted to the Colorado Bar, and shall be currently licensed to practice law in the State of Colorado. The City Council shall determine such other qualifications, interview any and all applicants for the office of Municipal Judge, impose such additional requirements on the appointment of the Municipal Judge as the City Council deems necessary and proper. Additional judges as may be needed to transact the business of the Municipal Court may be appointed by the City Council for such terms as necessary. (Ord. 1993-1 §2; Ord. 2007-04 §1)

Sec. 2-4-40. Oath of office; bond.

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

(b) The bond requirements of Section 13-10-109, C.R.S., shall apply and the Municipal Judge and/or Municipal Court Clerk shall execute the performance bond as required by said statute. (Ord. 1993-1 §6; Ord. 2007-04 §1)

Sec. 2-4-50. Municipal Court Clerk.

The City Council hereby establishes the position of Municipal Court Clerk, whose duties shall be those assigned by the Municipal Judge. At the discretion of the City Council, the Municipal Judge shall serve as ex officio Municipal Court Clerk until such time as the City Council determines that the business of the Municipal Court is sufficient to warrant a separate part-time or full-time Municipal Court Clerk. At such time, the then-presiding Municipal Judge shall appoint the Municipal Court Clerk. (Ord. 1993-1 §5; Ord. 2007-04 §1)

Sec. 2-4-60. Compensation of Municipal Judge and Municipal Court Clerk.

The compensation to be paid to the Municipal Judge and/or Municipal Court Clerk shall be set by the City Council. (Ord. 1993-1 §9)

Sec. 2-4-70. Court facilities.

The City Council shall provide Municipal Court facilities and supplies as required by Section 13-10-110, C.R.S. (Ord. 1993-1 §7)

Sec. 2-4-80. Sessions generally.

(a) There shall be regular sessions of the Municipal Court for the trial of cases as may be fixed by the Municipal Judge. The Municipal Judge may hold special sessions of court at any time, including Sundays, holidays and evenings. All sessions shall be open to the public.

(b) Where the nature of the case is such that it would be in the best interest of justice to exclude persons not directly connected with the proceedings, the Municipal Judge may order that the courtroom be cleared. (Ord. 2007-04 §1)

Sec. 2-4-90. Rules of procedure.

The Municipal Court shall hear and try all alleged violations of ordinance provisions of the City. The terms and provisions of Section 13-10-101 et seq., C.R.S., and the Colorado Municipal Court Rules of Procedure shall govern the creation and operation of the Municipal Court. In addition, the Municipal Judge shall have full power and authority to make and adopt such other rules and regulations for conducting the business of the Municipal Court, consistent with the Municipal Court Rules of Procedure. (Ord. 1993-1 §4; Ord. 2007-04 §1)

Sec. 2-4-100. Court costs.

The powers, procedures, fines, penalties and appeal procedures for the Municipal Court shall be as set forth in Section 13-10-101 et seq., C.R.S. The costs of a matter before the Municipal Court which may be assessed against a party who pleads guilty or nolo contendere, who enters a plea agreement or who, after trial, is found guilty of violation of an ordinance, are hereby set at thirty dollars (\$30.00)

pursuant to Section 13-10-113(3), C.R.S. The amount of such costs assessed may be changed from time to time by ordinance adopted by the City Council. (Ord. 1993-1 §8; Ord. 2007-04 §1)

Sec. 2-4-110. Contempt power.

(a) When the Court finds any person to be in contempt, the Court may vindicate its dignity by imposing on the contemnor a fine not to exceed three hundred dollars (\$300.00) and imprisonment not to exceed a term of ten (10) days.

(b) In cases of indirect contempt, the alleged contemnor shall have all the rights, privileges, safeguards and protections of a defendant in a petty offense case, including but not limited to a formal written complaint, arraignment and trial by jury. (Ord. 2007-04 §1)

ARTICLE 5

Fire Department

Sec. 2-5-10. Control.

The Fire Department shall be under the control of the Fire Chief, subject to the direction of the City Administrator and City Council. (Prior code 2.28.010; Ord. 2007-04 §1)

Sec. 2-5-20. Officers.

The officers of the Fire Department shall consist of a Fire Chief, Assistant Fire Chief and such other officers and firefighters as shall be provided for by the City Council. Said officers and firefighters shall receive such monthly salary as the City Council may prescribe. (Prior code 2.28.020; Ord. 2007-04 §1)

Sec. 2-5-30. Volunteers.

In addition to the officers and firefighters provided for in Section 2-5-20 above, there may be located at such other places, as the City Council may determine, two (2) or more volunteer companies who shall control and operate fire trucks and other apparatus at such places as may be designated by the City Council. Such volunteer companies may be composed of not more than twelve (12) members, shall at all times be under the control of the Fire Chief and shall be subject to all ordinances, rules and regulations adopted for government of the Fire Department. (Prior code 2.28.030; Ord. 2007-04 §1)

Sec. 2-5-40. Powers and duties of Fire Chief.

The Fire Chief shall be responsible for the discipline, good order and proper conduct of the entire Fire Department and for the care and condition of the fire stations, fire trucks and other apparatus and property of the Fire Department. The Fire Chief shall have command and control of all officers, firefighters, volunteers and other members of the Fire Department, and shall likewise have control of persons present at fires and shall exercise all the powers of a police officer when present at fires. (Prior code 2.28.040; Ord. 2007-04 §1)

Sec. 2-5-50. Records and reports.

The Fire Chief shall keep, or cause to be kept, a record of the names, ages and residences of all paid and volunteer members of the Fire Department, the date of their admission and discharge, and expenses connected with the Fire Department and each company thereof. The Fire Chief shall also maintain a record of all fires that may occur, giving a statement of the date, cause, if known, the approximate loss, the amount of insurance and such other facts as he or she may deem of importance. He or she shall make a report to the City Council of all said facts at the end of each month, and shall also submit his or her annual report at the end of each fiscal year. (Prior code 2.28.050; Ord. 2007-04 §1)

Sec. 2-5-60. Volunteer company officers.

Each volunteer company may elect its foreman, assistance foreman and other officers, subject to the approval of the City Council. All appointments to the paid Fire Department may be made from among the deserving members of the volunteer companies with the approval of the City Council. (Prior code 2.28.120; Ord. 2007-04 §1)

Sec. 2-5-70. Foreman of volunteer companies.

The foreman of each volunteer company shall have immediate charge of the firefighters, volunteers and apparatus belonging to such company. The foreman shall cause all the orders of the Fire Chief to be promptly executed; shall see that the fire apparatus and other property of the Fire Department committed to his or her charge, and the buildings in which the same are kept, are at all times neat and clean and in good condition for immediate use; and shall cause to be kept such company records as may be required by the Fire Chief or Fire and Police Committee. (Prior code 2.28.060; Ord. 2007-04 §1)

Sec. 2-5-80. Member duties.

All members of the Fire Department shall perform such duties as may be prescribed by the Fire Chief, Assistant Fire Chief and foreman of their respective companies. All paid officers and firefighters shall wear such uniforms as may be prescribed by the Fire and Police Committee, to be furnished at the firefighters' expense. The Fire Chief or, in his or her absence, the Assistant Fire Chief, may at any time suspend any member of the Fire Department from duty, which suspension shall remain in effect until acted upon by the City Council. (Prior code 2.28.070; Ord. 2007-04 §1)

Sec. 2-5-90. Liquor prohibited.

No spirituous or fermented liquors shall be permitted in any engine house or other building used by the Fire Department, and any member of the Fire Department found drunk or intoxicated on duty shall be liable to immediate discharge. (Prior code 2.28.080)

Sec. 2-5-100. Persons present at fires.

Every person present at a fire shall be subject to the orders of the Fire Chief, Assistant Fire Chief or foremen in extinguishing a fire or removing or protecting property. Any person who neglects or refuses to obey any reasonable order of any such officer shall, upon conviction thereof, be punished

in accordance with the provisions of Section 1-4-20 of this Code; and any officer of the Fire Department shall have power and authority to arrest any such person. (Prior code 2.28.090; Ord. 2007-04 §1)

Sec. 2-5-110. Absence from duty.

No officer or firefighter shall absent himself or herself from duty without permission of the Fire Chief. (Prior code 2.28.150)

ARTICLE 6

Police Department

Sec. 2-6-10. Creation; composition.

There is hereby created a Police Department for the City, which shall consist of one (1) Chief of Police and as many police officers as may from time to time be deemed necessary for the safety and good order of the City. (Prior code 2.32.010; Ord. 2007-04 §1)

Sec. 2-6-20. Departmental regulations.

The Police Department shall be operated and managed in accordance with such additional rules and regulations not in conflict with this Article as the Chief of Police deems necessary and advisable for the regulation of the Police Department. Each police officer shall be furnished with a printed copy of such regulations, together with a copy of this Article. (Prior code 2.32.110; Ord. 2007-04 §1)

Sec. 2-6-30. Chief of Police; appointment and duties.

(a) The City Council, upon the recommendation of the City Administrator, shall appoint a Chief of Police to be the head of the Police Department. It shall be the duty of the Chief of Police to:

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

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

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

(b) Before entering upon the duties of such office, the Chief of Police shall take and subscribe to an oath that he or she will support the Constitution of the United States, the Constitution and laws of the State and ordinances of the City, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter. (Prior code 2.32.020; Ord. 2007-04 §1)

Sec. 2-6-40. Appointment of officers.

The Chief of Police shall have the power to assign any officer or patrolman to any position and may, when necessary, employ detectives for work requiring special ability and experience in that line. If any member of the force is assigned to a special position, he or she shall be entitled to the salary attached to such office by ordinance. (Prior code 2.32.030; Ord. 2007-04 §1)

Sec. 2-6-50. Duties of police officers.

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

- (1) They shall perform all duties required by the Chief of Police.
- (2) They shall be the enforcement officers of the City and shall see that the provisions of the ordinances of the City and the laws of the State are complied with.
- (3) They shall execute and return all writs and processes to them directed by the Municipal Judge in any case arising under a City ordinance, and they may serve the same in any part of the County.
- (4) They shall aid and assist the Fire Department in preventing fires, in giving alarms in case of fire and in keeping the street or ground adjacent to the fire free from people liable to obstruct the Fire Department in the performance of its duty. (Prior code 2.32.080; Ord. 2007-04 §1)

Sec. 2-6-60. Oath of officers.

Before entering upon the duties of his or her office, each police officer shall take and subscribe an oath that he or she will support the Constitution of the United States, the Constitution and laws of the State and the ordinances of the City, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter. (Ord. 2007-04 §1)

Sec. 2-6-70. Unauthorized absence.

The Chief of Police shall not absent himself or herself from duty without permission of the Mayor. Any police officer who is absent from duty for a period of twenty-four (24) hours without permission of the Chief of Police shall be deemed by the Chief of Police as having resigned. Any police officer guilty of such absence shall not thereafter serve on the police force unless reinstated by the Chief of Police. (Prior code 2.32.070; Ord. 2007-04 §1)

Sec. 2-6-80. Gifts.

No member of the Police Department shall receive any gift, fee or emolument for any police service rendered, in addition to his or her regular compensation; however, the Chief of Police may, with the consent of the City Council, permit any member of the police force to retain a present given to him or her on account of specially meritorious service rendered or performed while in the discharge of his or her duty. (Prior code 2.32.090; Ord. 2007-04 §1)

Sec. 2-6-90. Cause for suspension.

(a) Any member of the Police Department may be suspended by the Chief of Police for any of the following causes:

- (1) Intoxication;
- (2) Any act of insubordination;
- (3) Disrespect to his or her superior officers;
- (4) Any act of tyranny;
- (5) Neglect of duty;
- (6) Violation of department rules and regulations; or
- (7) Neglect of or disobedience of orders.

(b) The Chief of Police shall enforce the rules by the suspension of any officer guilty of a violation of the same.

(c) Such suspension shall be reported to the City Council at its next regular meeting. Upon evidence being presented to the City Council of the commission of any of such offenses, the suspended member of the Police Department may be punished by reprimand, forfeiture of pay or dismissal from the force. (Prior code 2.32.200; Ord. 2007-04 §1)

Sec. 2-6-100. Records of Department.

(a) The Chief of Police shall keep all the records of the Police Department, including a book of record, in which the following information shall be entered:

- (1) All orders issued;
- (2) A list of suspicious persons and places in the City;
- (3) A record of reported crimes and misdemeanors committed in the City for which arrests have been made, and the disposition of all cases tried or the result of such arrests;
- (4) A record of houses of prostitution, assignation houses, gambling houses and disorderly houses of every kind, with the names of the owners and keepers thereof;
- (5) A record of stolen property reported to the Police Department; and
- (6) Such other and further information as may tend to assist the Police Department in the prevention and detection of crime;

(b) In addition to the above, the Chief of Police shall:

- (1) Look after the efficiency and discipline of the Police Department.
- (2) Make frequent inspection of the police officers and see that all property of the Police Department is accounted for by each member thereof.
- (3) Frequently inspect the jail and other buildings connected with the Police Department.
- (4) Diligently inquire into every complaint made by the citizens of laxity and misconduct in the performance of duty by any member of the Police Department and report the same to the City Council.
- (5) Receive all money or property alleged or supposed to have been feloniously obtained, or which is lost or abandoned, and thereafter taken into the custody of any member of the Police Department or into the custody of the Municipal Judge, and have general charge and custody of such property at Police Headquarters.

(c) When such money or property is seized or received as evidence by a police officer, the Chief of Police shall register each lot of such money and property in a book kept for that purpose, shall number the same in the book and on a ticket to be attached to said property or money, and shall record the name of the person from whom such money or property was taken, the name of the claimant, the time of seizure and the final disposition thereof.

(d) Whenever money or property as aforesaid is adjudged by the Municipal Judge to rightfully belong to a claimant or that the person arrested with the property is innocent of the offense alleged, then, upon the written order of the Municipal Judge, the Chief of Police shall deliver to such person such money or property, but not to any attorney, agent or clerk of such person.

(e) Whenever money or property is taken from such person arrested, which is alleged to have been feloniously obtained or to be the proceeds of a crime, the ownership of such money or property is claimed by or on behalf of a person other than the person arrested, and the accused person is held for trial or examination or is subsequently indicted for having stolen or feloniously obtained possession of said property and, on a trial on said indictment, is acquitted or discharged, or when a dismissal is entertained on such indictment, the Chief of Police shall not, without the consent of the City Council, deliver the money or property to the person or person's counsel except upon an order by a judge of the court in which said indictment was found, or by the Attorney having the charge and conduct of the prosecution. (Prior code 2.32.210; Ord. 2007-04 §1)

Sec. 2-6-110. Appointment of special police.

The Mayor shall have the power and authority, upon special occasions requiring it, to appoint one (1) or more special police officers as the Mayor may deem necessary; however, no such appointment shall be for a longer period than twenty-four (24) hours. (Prior code 2.32.230; Ord. 2007-04 §1)

Sec. 2-6-120. Fee schedules.

(a) The City Council hereby establishes the following table of fee schedules for services performed by the Police Department:

Table 2-A

<i>Fingerprinting</i>	<i>Fee</i>
Fingerprints for gaming license (resident)	\$10.00
Fingerprints for gaming license (nonresident)	25.00
Fingerprints for nongaming license (resident)	5.00
Fingerprints for nongaming license (nonresident)	25.00
Fingerprints, court-ordered	25.00

Table 2-B

<i>Vehicle Identification Number Verification</i>	<i>Fee</i>
VIN verification (resident)	\$ 5.00
VIN verification (nonresident)	10.00

(b) The residency status of an individual will be determined by providing a Colorado driver's license, Colorado identification card or current vehicle registration showing an address within the City limits.

(c) If an individual does not possess any of the above documents, a current water bill from the City may be used to prove residency. (Ord. 2000-7 §§1—3; Ord. 2007-04 §1)

ARTICLE 7

Historic Preservation Commission

Sec. 2-7-10. Creation.

(a) There is hereby established the Historic Preservation Commission (herein the "Commission"). (Ord. 1991-2 §3; Ord. 1999-04 §§1—3; Ord. 2000-01 §§1—4; Ord. 2007-04 §1)

Sec. 2-7-20. Membership.

(a) The Commission will consist of the members of the Planning Commission, or may consist of the same number of separate members as sit on the Planning Commission, as determined by the City Council. Notwithstanding any other provisions of this Chapter to the contrary, the number of members of the Historic Preservation Commission is set at five (5) to seven (7) regular members, as determined by the City Council, and as many as two (2) alternate members.

(b) Except as otherwise provided in this Article, the provisions and procedures regarding members and meetings of the Commission shall be the same as those provisions and procedures regarding the Planning Commission, as established in Article 9 of this Chapter. (Ord. 1991-2 §3; Ord. 1999-04 §§1—3; Ord. 2000-01 §§1—4; Ord. 2007-04 §1)

Sec. 2-7-30. Rules of order.

(a) The Commission shall adopt procedures for the transaction of its regular business not inconsistent with this Article, and shall provide for the time and place for holding regular meetings. The Commission shall provide for the calling of special meetings by at least two (2) members of the Commission or by the Mayor. All regular and special meetings called by the Commission shall be open to the public, and any person shall be entitled to appear and be heard on a matter before the Commission reaches its decision.

(b) The Commission shall keep a written record, which shall be open to public view, of its resolutions, proceedings and actions. The Commission shall submit a monthly report of its activities to the City Council and may make such recommendations to the City Council as it deems necessary to carry out the intent of this Article. Such reports shall review the Commission's decisions rendered during that previous month and outline the rationale for these decisions. The report shall be made available to the public.

(c) No final action shall be taken by the Commission which could in any manner deprive or restrict the owner of a property in its use, alteration, maintenance, disposition or demolition until such owner either has actual or constructive knowledge of the proceeding or is sent written notice offering opportunity to be heard. *Notice*, as used in this Subsection, shall be deemed one (1) publication in a newspaper of general circulation or sending written notice, regular first class mail, addressed to the last known address of the owner.

(d) Every recommendation or recommended decision shall include written findings of fact and shall specify the reasons for such action.

(e) The Secretary shall mail notice of any final action of the Commission to the applicant and any designated interested parties, and send a copy thereof to the City Council within five (5) business days following such action. (Ord. 1991-2 §4)

ARTICLE 8

Planning Commission

Sec. 2-8-10. Creation.

There is created a Planning Commission within and for the City, which shall be known as the "Planning Commission." (Ord. 1991-19 §14.1)

Sec. 2-8-20. Membership.

The Planning Commission shall consist of seven (7) regular members and first and second alternates. Alternates shall be called upon to serve when members are not able to attend a regularly scheduled meeting or when a Planning Commission member has been disqualified to serve on particular matters due to a conflict of interest. One (1) member of the Planning Commission may be a member of the City Council. Upon resignation of a Planning Commission member, the City Council

may consider the appointment of one (1) of the alternates or appoint a member from applications received after advertising for the vacancy. (Ord. 1991-19 §14.2; Ord. 1992-2 §5; Ord. 2007-04 §1)

Sec. 2-8-30. Qualifications; compensation.

All members of the Planning Commission shall be either persons who own property within the City or full-time residents residing within the City. Members shall be selected without respect to party affiliations. Members shall serve without compensation except for reasonable out-of-pocket expenses. (Ord. 1991-19 §14.3; Ord. 2007-04 §1)

Sec. 2-8-40. Terms of office.

(a) The terms of office for members who are members of the City Council shall be concurrent with and expire simultaneously with their terms of office as members of the City Council. All other members shall be appointed for three-year terms. All appointments to the Planning Commission shall occur in January of each year. During January 1995, three (3) members shall be appointed to a one-year term, two (2) members shall be appointed to a two-year term and two (2) members shall be appointed to a three-year term. Thereafter, in each succeeding January, all expired terms shall be for three-year terms. Vacancies occurring through the expiration of the term, death, resignation or expulsion, including expiration of the term of a City Councilmember due to his or her resignation or expiration of his or her term of office as a member of the City Council, shall be filled by an appointment for the duration of the unexpired term of the member leaving the Planning Commission.

(b) Existing members on the Planning Commission shall continue to serve until the expiration of their present terms or resignation, whichever occurs first, except for City Council positions, which shall expire at the time their tenure of office expires. Thereafter, terms of office shall be as provided for in Subsection (a) above. (Ord. 1991-19 §14.4; Ord. 1995-02 §1; Ord. 2007-04 §1)

Sec. 2-8-50. Appointment; removal.

All appointments, including vacancies, shall be made by the Mayor with the majority concurrence of the City Council. Members shall demonstrate good behavior and efficiency, and may be removed after public hearing before the City Council on grounds of insufficiency, neglect of duty, nonfeasance, misfeasance or malfeasance in office. (Ord. 1991-19 §14.5; Ord. 2007-04 §1)

Sec. 2-8-60. Organization; meetings.

The Planning Commission shall elect from its membership a Chair, and his or her term of office in such capacity shall be for one (1) year with eligibility for reelection. The Planning Commission shall adopt rules for its own organization and for the transaction of business not in conflict with ordinances of the City or state law. It shall also keep a public record of its proceedings. Meetings shall be held monthly or more frequently as the Planning Commission deems advisable. (Ord. 1991-19 §14.6; Ord. 2007-04 §1)

Sec. 2-8-70. Employees and consultants.

The Planning Commission may, with the consent of the City Council, appoint employees and professional staff members and may contract with professional planners, advisory members and other

consultants, provided that its expenditures, exclusive of gifts, shall be within the amounts appropriated for that purpose by the City Council. (Ord. 1991-19 §14.7)

Sec. 2-8-80. Powers.

The Planning Commission shall have full power and authority to act on matters granted to it by state statutes and, to the extent not inconsistent therewith, ordinances of the City. (Ord. 1991-19 §14.8; Ord. 2007-04 §1)

Sec. 2-8-90. City Council as Planning Commission.

Should the City Council determine that it is not feasible to appoint and maintain a separate Planning Commission, the City Council may act as the Planning Commission and may exercise and perform all of the duties of the Planning Commission as set forth in this Chapter. (Ord. 2007-04 §1)