

## CHAPTER II

### Administration

- Section I Corporate Authority, Mayor**  
Sec. 2-1-1 Mayor; Board of Trustees  
Sec. 2-1-2 Mayor - powers  
Sec. 2-1-3 Mayor Pro Tem  
Sec. 2-1-4 Acting Mayor
- Section II Board of Trustees**  
Sec. 2-2-1 Board of Trustees – qualifications, vacancies  
Sec. 2-2-2 Procedure – regular and special meetings  
Sec. 2-2-3 Intergovernmental contracts  
Sec. 2-2-4 Oath and bond  
Sec. 2-2-5 Removal from office  
Sec. 2-2-6 Removal from office; Trustee/Mayor
- Section III Reserved**
- Section IV Town Administrator**  
Sec. 2-4-1 Appointment  
Sec. 2-4-2 Functions and duties  
Sec. 2-4-3 Administrative organization  
Sec. 2-4-4 Relationship of Board to Town Administrator  
Sec. 2-4-5 Intent of ordinance
- Section V Town Clerk**  
Sec. 2-5-1 Appointment  
Sec. 2-5-2 Oath and bond  
Sec. 2-5-3 Duties
- Section VI Town Treasurer**  
Sec. 2-6-1 Appointment  
Sec. 2-6-2 Oath and bond  
Sec. 2-6-3 Duties
- Section VII Town Attorney**  
Sec. 2-7-1 Appointment  
Sec. 2-7-2 Duties
- Section VIII Salaries of Town Officers**  
Sec. 2-8-1 Salaries and compensation  
Sec. 2-8-2 Personnel policies
- Section IX Rules of Procedure**  
Sec. 2-9-1 Purpose and applicability  
Sec. 2-9-2 Quasi-judicial hearings  
Sec. 2-9-3 Rights of participants  
Sec. 2-9-4 Order of procedure  
Sec. 2-9-5 Rules of evidence  
Sec. 2-9-6 Deliberation and notice of decision  
Sec. 2-9-7 Judicial enforcement and review  
Sec. 2-9-8 Administrative hearings  
Sec. 2-9-9 Commencement of proceedings  
Sec. 2-9-10 Referral to hearing body  
Sec. 2-9-11 Public notice  
Sec. 2-9-12 Preserving order  
Sec. 2-9-13 Adjournments

**Section X****Police Department**

- Sec. 2-10-1 Creation; Composition
- Sec. 2-10-2 Departmental rules and regulations
- Sec. 2-10-3 Appointment, powers and duties of Chief of Police
- Sec. 2-10-4 Duties of police officers
- Sec. 2-10-5 Oath
- Sec. 2-10-6 Uniforms
- Sec. 2-10-7 Duty of citizens to aid
- Sec. 2-10-8 Extraterritorial duty

**Section XI****Emergency Protection**

- Sec. 2-11-1 Purpose
- Sec. 2-11-2 Mayor's authority
- Sec. 2-11-3 Powers of Mayor
- Sec. 2-11-4 Penalties

## SECTION I

### Corporate Authority, Mayor

#### Sec. 2-1-1. Mayor; Board of Trustees.

The corporate authority of the Town of Eaton is by state law vested in a Board of Trustees, consisting of one (1) Mayor and six (6) Trustees, who shall be qualified electors residing within the limits of the corporation.

(1) Four-year terms for Trustees. At the April 4, 1972 election, six (6) Trustees shall be elected. The three (3) candidates for Trustee receiving the highest number of votes shall be elected for four-year terms, and the three (3) candidates for Trustee receiving the next highest number of votes shall be elected for two-year terms. At the next subsequent regular election and at each regular election thereafter, three (3) Trustees shall be elected to serve four-year terms.

(2) Four-year term for Mayor. At the April 4, 1972 election, and at the regular election every four (4) years thereafter, a Mayor shall be elected to serve a four-year term. (Ord. 304 §§1, 2, 1972)

#### Sec. 2-1-2. Mayor - powers.

(a) Mayor presides. The Mayor, or in his or her absence, one (1) of the Trustees, who may be elected Mayor Pro Tem, shall preside at all meetings of the Board of Trustees.

(b) Mayor member of Board. The Mayor shall be considered a member of the Board of Trustees.

(c) Mayor not vote - Tie. The Mayor shall not be entitled to vote on any matter before the Board, except in the case of a tie vote, the Mayor shall vote to break the tie.

(d) Mayor - Approval of ordinances and resolutions. Any ordinance adopted and all resolutions authorizing the expenditure of money or the entering into of a contract shall require the approval and signature of the Mayor before they are valid, except as hereafter provided.

(e) Mayor - Disapproval of ordinances and resolutions. Such ordinance or resolution shall be presented to the Mayor within forty-eight (48) hours after the action of the Board for his or her signature approving the same. If he or she disapproves, he or she shall return such ordinance or resolution to the Board at its next regular meeting with his or her objections in writing.

(f) Town Board - Override of veto. At the next regular meeting, the Town Board shall cause the objections to the ordinance or resolution to be entered into the minutes of such meeting and, at such meeting or at the next regular meeting, shall consider the question: "Shall the ordinance or resolution, notwithstanding the Mayor's objections, be passed?" If two-thirds ( $\frac{2}{3}$ ) of the members of the Board of Trustees vote in the affirmative, such resolution shall be valid and such ordinance shall become a law the same as if it had been approved by the Mayor.

(g) Mayor - Failure to sign or approve. If the Mayor fails to return to the next subsequent meeting of the Town Board any resolution or ordinance presented to him or her for his or her approval, the same shall become a valid ordinance or resolution, as the case may be, in like manner as if it had been approved by him or her. (Ord. 372 1984)

#### Sec. 2-1-3. Mayor Pro Tem.

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

**Sec. 2-1-4. Acting Mayor.**

In the event of absence or disability of both the Mayor and Mayor Pro Tem, the Trustees may designate another of its members to serve as Acting Mayor during such absence or disability.

**SECTION II**

**Board of Trustees**

**Sec. 2-2-1. Board of Trustees – qualifications, vacancies.**

The Board of Trustees shall constitute the legislative body of the Town and shall have power and authority, except as otherwise provided by statute, to exercise all power conferred upon or possessed by the Town, and shall have the power and authority to adopt such ordinances and resolutions as it shall deem proper in the exercise thereof.

(1) Qualifications. Each Trustee shall be a resident of the Town and a registered elector herein. If any Trustee shall move from, or become, during the term of his or her office, a nonresident of the Town, he or she shall be deemed thereby to have vacated his or her office, upon the adoption by the Board of Trustees of a resolution declaring such vacancy to exist.

(2) Vacancies. The Board of Trustees shall have power by appointment to fill all vacancies in the Board or in any other elected office, and the person so appointed shall hold office until the next regular election and until his or her successor is elected and qualified. 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 a vacancy exists in the office of Trustee and a successor or successors are to be elected at the next election to fill the unexpired term or terms, the candidates, at the next election, shall designate on their nominating petitions whether they are running for a four-year term or a two-year term, and the ballot shall designate those candidates nominated and running for a four-year term and shall designate those candidates nominated and running for a two-year term. (Ord. 368 §1, 1982)

**Sec. 2-2-2. Procedure – regular and special meetings.**

(a) Regular meetings. The Trustees shall hold regular meetings at least once each month, the frequency, date and time to be set by resolution passed by the Board of Trustees; provided, however, that when the fixed date for any regular meeting of the Board falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding business day not a holiday. All regular meetings of the Board will be held in the Town Hall unless the Board of Trustees chooses another venue and gives public notice.

(b) Special meetings. The Mayor may convene the Board at any time. Whenever a special meeting shall be called, a summons or a notice in writing signed by the Mayor shall be served upon or mailed to the post office address of each member of the Board, either in person or by notice left at his or her place of residence, stating the date and hour of the meeting and the purpose for which such meeting is called,

and no business shall be transacted thereat, except such as is stated in the notice. The notice may be waived by unanimous vote of the Board. If the Mayor is absent from the Town, a special meeting may be convened by a majority of the Board.

(c) Quorum. No action shall be taken unless a quorum is present. A majority of the Board of Trustees shall constitute a quorum. A lesser number may adjourn from time to time and compel the attendance of absent members. Any member of the Board, at any regular or special meeting, may, in writing, demand the attendance of the absent members, which said demand shall be entered on the record forthwith by the Town Clerk, who shall thereupon notify the absent members of the time and place of the meeting.

(d) Agenda. All reports, communications, ordinances, resolutions, contracts, documents or other matters to be submitted to the Board shall, at least by Tuesday prior to each meeting, be delivered to the Town Administrator, whereupon the Town Administrator shall immediately arrange a list of such matters according to the order of business. Each Trustee, the Mayor, the Police Chief, the Town Clerk and the Town Attorney will be furnished with a copy of the order of business, together with a copy of the minutes of the last preceding meeting, prior to the Board meeting and as far in advance of the meeting as time for preparation will permit.

(e) The order of business of a Board meeting shall be as follows:

(1) Call to order. The Mayor shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Board to order. The Mayor or temporary chairman shall preserve the order and decorum, decide all questions of order and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in *Robert's Rules of Order* unless otherwise provided by ordinance.

(2) Roll call. Before proceeding with the business of the Board, the Town Clerk or his or her deputy shall call the roll of the members, and the names of those present shall be entered in the minutes.

(3) Reading the minutes. Unless a reading of the minutes of a Board meeting is required by a member of the Board, the minutes of the preceding meeting, which have been furnished by the Town Clerk to each Trustee, shall be considered approved if correct, and errors rectified if any exist.

(4) Petitions. Petitions, remonstrances, communications and comments or suggestions from citizens present shall be heard by the Board. All such remarks shall be addressed to the Board as a whole, and not to any member thereof. Such remarks shall be limited to a reasonable time and such determination will be in the discretion of the presiding officers. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer.

(5) Reports by officers. Town officials and/or committees shall present such reports as may be required by the Board.

(6) Old business. The Board shall consider any business that has been previously considered and which is still unfinished.

(7) New business. The Board shall consider any business not heretofore considered, including the introduction or readings of ordinances and resolutions.

(8) Other business. Prior to adjournment, the Board shall, as it deems necessary, consider such business as is not specifically provided for herein.

(9) Adjournment. The Board may, by a majority vote of those present, adjourn from time to time to a specific date and hour. A motion to adjourn shall always be in order and decided without debate.

(f) Resolution or motion required - Roll call vote. Every subject coming before the Board for its action shall be submitted by resolution or motion. The Town Clerk shall call the roll and the vote thereon shall be taken by ayes and nays for all ordinances and resolutions of the Board.

(g) Adoption of ordinances. No ordinance shall be passed finally on the date it is introduced, except in cases of special emergency, for the preservation of the public peace, health or safety and then only by the affirmative vote of three-fourths ( $\frac{3}{4}$ ) of the voting members of the Board. In all other cases, an ordinance shall be introduced and read at one (1) regular meeting of the Board, and if the ordinance is passed on first reading, the ordinance shall be read by title only and again voted upon at the next regular meeting of the Board. If the ordinance receives the required vote on its second reading, the same shall be duly adopted.

(h) Vote required. The Mayor shall not vote upon any question except in the case of a tie vote, when he or she shall cast a vote. All ordinances, all resolutions or orders for the appropriation of money, all resolutions or orders to enter into contract, and all appointments of officers shall require for the passage or adoption the concurrence of a majority of all the members elected to the Board. In all other matters a majority of the votes cast is sufficient for passage, except in cases of special emergency for the preservation of the public peace, health or safety, and then only by the affirmative vote of three-fourths ( $\frac{3}{4}$ ) of the members of the Board.

(i) Publication of ordinances. All ordinances, as soon as may be possible after their passage, shall be recorded in a book kept for that purpose, and authenticated by the signature of the Mayor and Clerk. All ordinances of a general or permanent nature, and those imposing any fine, penalty or forfeiture, shall be published in the *North Weld Herald*. Such ordinances shall not take effect until thirty (30) days after such publication, except for ordinances calling for special elections or necessary for the immediate preservation of the public peace, health or safety, which shall take effect in five (5) days. The reasons making the ordinance necessary for the immediate preservation of the public peace, health or safety shall be set forth in a separate section. Codes may also be adopted by reference as provided by state law.

(j) Committees. Any question pending before the Board may be referred to a special committee for its consideration and report. When a question has been referred to a committee, such committee shall report thereon with its recommendation at a future meeting.

(k) Suspension of the rules. Any of the provisions of this Section may be temporarily suspended in connection with any matter under consideration by a recorded vote of three-fourths ( $\frac{3}{4}$ ) of the voting members present, except that this shall not be construed to permit any action that is contrary to state statute. (Ord. 510 §1, 2003)

### **Sec. 2-2-3. Intergovernmental contracts.**

The Board of Trustees shall have the authority on behalf of the Town to enter into contractual arrangements with one (1) or more other local governments for the performance of any governmental service, activity or undertaking which could be performed by each of the local governments. Any such contract shall set forth fully the purposes, powers, rights, obligations and responsibilities, financial and

otherwise, of the contracting parties. Such contract may be approved by the Board by resolution or by ordinance.

**Sec. 2-2-4. Oath and bond.**

All officers elected or appointed in any capacity shall take an oath to support the Constitution of the United States and the Constitution of the State of Colorado. The Board of Trustees may provide that the payment of premiums on surety bonds of any officer of the Town shall be made from funds so designated by the Board.

**Sec. 2-2-5. Removal from office.**

Any officer or employee appointed by the Board of Trustees may be removed from office or suspended for a specific time, with or without pay, by a vote of three-fourths ( $\frac{3}{4}$ ) majority of all Board members whenever such officer shall, after a hearing before the Board, be found guilty of a dereliction or violation of his or her duty or conduct unbecoming an officer or incompetency.

**Sec. 2-2-6. Removal from office; Trustee/Mayor.**

Frequent absences from meetings by a Board member or the Mayor deny the Board of Trustees that person's input and denies the citizens of Eaton representation. Any Trustee or the Mayor may be removed from office by a vote of three-fourths ( $\frac{3}{4}$ ) majority of all remaining Board members whenever such Trustee or Mayor shall, after a hearing before the Board of Trustees, be found guilty of official misconduct. Official misconduct includes, but is not limited to, having more than two (2) consecutive absences from Board meetings (whether work session, special meeting or regular Board of Trustees meetings) or six (6) absences within a one-year period. Board members may consider, in determining whether to declare misconduct, the causes for such absences, such as health and family problems or job constraints. Removal of such Trustee or Mayor shall only be made under procedures pursuant to state law. (Ord. 504 §1, 2003)

**SECTION III**

**Reserved**

**SECTION IV**

**Town Administrator**

**Sec. 2-4-1. Appointment.**

The Board of Trustees, at its regular meeting after each biannual election, shall appoint a Town Administrator. In the event a vacancy occurs in the position, the Board shall appoint a Town Administrator within ninety (90) days after the vacancy occurs. The Town Administrator shall hold office at the pleasure of a majority of the Board. He or she shall be selected solely on the basis of his or her executive and administrative qualifications with special reference to his or her training and experience. He or she shall be compensated for his or her services as the Board may from time to time determine. At the time of his or her appointment, he or she need not be a resident of the Town or State, but during tenure of office, he or she shall reside within the Town. (Ord. 510 §1, 2003)

**Sec. 2-4-2. Functions and duties.**

The Town Administrator shall be the chief administrative officer of the Town government. His or her functions and duties shall be:

- (1) To be responsible to the Board for the efficient administration of all administrative departments of the Town government.
- (2) To appoint, subject to review by the Board, the heads of Town departments, other than the Municipal Judge and Town Attorney.
- (3) To recommend an annual budget to the Board to administer the budget as finally adopted, and to keep the Board fully advised at all times as to the financial condition of the Town.
- (4) To recommend to the Board for adoption such measures as he or she may deem necessary, and to attend Board meetings with the right to take part in discussions but not to vote.
- (5) To establish, subject to Board approval, appropriate personnel rules and regulations governing officers and employees of the Town.
- (6) To perform such other duties as may be prescribed by ordinance or by direction of the Board.

**Sec. 2-4-3. Administrative organization.**

The Town Administrator shall propose a plan of administrative organization to the Board within sixty (60) days after his or her appointment which, if approved by the Board, shall be adopted by ordinance. The administrative plan shall provide for such departments and officers as may be deemed necessary for the efficient administration of the Town. All such officers shall be appointed by the Town Administrator; subject to review by the Board, except the Town Clerk who shall be appointed by the Board unless otherwise provided.

**Sec. 2-4-4. Relationship of Board to Town Administrator.**

Neither the Mayor nor any member of the Board shall in any way interfere with the Town Administrator in his or her exercise of the powers and duties granted by this ordinance. Except for the purpose of inquiry, the Mayor and members of the Board shall deal with the Town Administrator solely through the Town Board, and neither the Mayor nor any member of the Board shall give orders to any of the subordinates of the Town Administrator.

**Sec. 2-4-5. Intent of ordinance.**

Nothing in this ordinance shall impair the responsibility of the Board for the overall operation of the Town government as required by the laws of the State of Colorado.

**SECTION V**

**Town Clerk**

**Sec. 2-5-1. Appointment.**

The Board of Trustees at its first regular meeting after each biennial election shall appoint some qualified person as Town Clerk. In case a vacancy should occur in the office of Town Clerk, the Board shall appoint a Town Clerk for the unexpired term.

**Sec. 2-5-2. Oath and bond.**

Before entering upon the duties of the office, the Town Clerk shall take an oath of office and furnish a surety bond in the amount of thirty thousand dollars (\$30,000.00) conditioned upon the faithful discharge of his or her duties as Town Clerk.

**Sec. 2-5-3. Duties.**

The Town Clerk shall perform the following duties:

(1) He or she shall be the Town Clerk of the Board and shall attend all meetings of the Board and shall keep a permanent journal of its proceedings.

(2) He or she shall be the custodian of all of the Town's records and such records shall be open at all reasonable times for inspection by electors of the Town.

(3) He or she shall certify by his or her signature all ordinances and resolutions enacted or passed by the Board.

(4) He or she shall provide and maintain in his or her office a supply of forms for all petitions required to be filed for any purpose provided by the Board.

(5) He or she shall countersign all checks drawn on the Town account.

(6) He or she shall be custodian of all bonds of all officers or employees of the Town.

(7) He or she shall perform such other duties as may be prescribed for him or her by law or by the Board of Trustees.

**SECTION VI**

**Town Treasurer**

**Sec. 2-6-1. Appointment.**

The Board of Trustees, at its first regular meeting after each biennial election, shall appoint some qualified person as Town Treasurer. In case a vacancy should occur in the office of Town Treasurer, the Board shall appoint a Town Treasurer for the unexpired term. The Board may in its discretion appoint the Town Clerk or Town Administrator as Town Treasurer.

**Sec. 2-6-2. Oath and bond.**

Before entering upon the duties of the office, the Town Treasurer shall take an oath of office and furnish a surety bond in the amount of fifty thousand dollars (\$50,000.00), to be approved by the Board of Trustees, conditioned upon the faithful performance of his or her duties as Town Treasurer and that, when he or she shall vacate such office, he or she will turn over and deliver to his or her successor all monies,

books, papers, property or things belonging to the Town of Eaton and remaining in his or her charge as Town Treasurer.

**Sec. 2-6-3. Duties.**

The Town Treasurer shall perform the following duties:

(1) The Town Treasurer shall receive all monies belonging to the Town and give receipts therefor; shall keep his or her books and accounts in such manner as may be prescribed by the Board; shall keep a separate account of each fund or appropriation and the debts and credits belonging thereto; and shall report to the Board, at each regular monthly meeting thereof, the state of the treasury at the date of such account and the balance of money in the treasury. He or she shall also accompany such statement of accounts with a statement of all monies received in the treasury deemed and paid by him or her, and such warrant and their supporting vouchers shall be delivered and filed in the Town Clerk's office upon every day of such statement. All books and accounts of the Town Treasurer shall always be subject to inspection of any member of the Board.

(2) Town Treasurer's annual report. Annually within sixty (60) days after the close of the fiscal year, the Town Treasurer shall make out and file with the Town Clerk a full and detailed account of all receipts and expenditures of the Town, and all of his or her transactions as Town Treasurer during the preceding fiscal year, and shall show in such account the state of the treasury at the close of the fiscal year.

(3) If there shall be no funds in his or her hands for the payment of any Town warrant presented to him or her for such payment, it shall be his or her duty to register such warrants in a book to be kept by him or her for that purpose, and he or she shall endorse upon all such warrants so presented to him or her the time and date of such registry. Whenever he or she shall pay such warrant, he or she shall enter the payment and the amount of interest allowed or paid on such warrant in the registry.

(4) He or she shall perform all other duties, keep all records and make all reports that are required by other provisions of this Code or by the laws of the State of Colorado.

**SECTION VII**

**Town Attorney**

**Sec. 2-7-1. Appointment.**

The Board of Trustees, at its first regular meeting after each biennial election, shall appoint some qualified attorney admitted to practice law in the State of Colorado as the Town Attorney and shall fix his or her compensation. The appointment shall be at the pleasure of the Board.

**Sec. 2-7-2. Duties.**

The Town Attorney shall perform the following duties:

(1) He or she shall act as legal advisor to, and be attorney and counsel for, the Board and shall be responsible solely to the Board. He or she shall advise any officer or department head of the Town in matters relating to his or her official duties and shall file with the Clerk a copy of all written opinions given by him or her.

(2) Upon request of the Town Board, he or she shall prosecute ordinance violations and he or she shall conduct for the Town cases in Municipal Court. He or she shall file with the Town Clerk copies of such records and files relating thereto.

(3) He or she shall prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to him or her by the Board and shall promptly give his or her opinion as to the legal consequences thereof.

(4) He or she shall call to the attention of the Board all matters of law, and changes or developments therein, affecting the Town.

(5) He or she shall perform such other duties as may be prescribed for him or her by the Board.

(6) The Town Board may separate the Town Attorney functions of "advisor" and "prosecutor" and hire separate attorneys to provide these functions.

## **SECTION VIII**

### **Salaries of Town Officers**

#### **Sec. 2-8-1. Salaries and compensation.**

The Board of Trustees shall fix the salaries and compensation of all officers and employees of the Town.

#### **Sec. 2-8-2. Personnel policies.**

The pay schedule, position classification, compensation classification, discipline and discharge of employees and holidays and leaves may be as established by resolution of the Board.

## **SECTION IX**

### **Rules of Procedure**

#### **Sec. 2-9-1. Purpose and applicability.**

The purpose of the rules of procedure contained herein is to provide a uniform, consistent and expeditious method of procedure for the conduct of all hearings held before the Board of Trustees or any board, commission or official of the Town. The provisions of this ordinance shall be applied uniformly in all such hearings; provided, however, that any board, commission or official may supplement the provisions of this ordinance by the adoption of further rules of procedure not inconsistent herewith. All rules adopted to supplement the provision of this ordinance by any board, commission or official shall be reduced to writing and copies thereof shall be made available to the public.

#### **Sec. 2-9-2. Quasi-judicial hearings.**

The provisions of Sections 2-9-2 through 2-9-7 shall be applicable only to those hearings where the Board of Trustees, board, commission or official is called upon to exercise a power of a judicial or quasi-judicial nature, which, for purposes of this ordinance, shall be deemed to consist of the following:

(1) Hearings before the Board of Trustees upon application for the issuance or hearings for the suspension or revocation of a liquor or fermented malt beverage license, upon ordinances which zone or re-zone realty; and upon all appeals from the decisions of any Town official, board or commission, where such an appeal is otherwise authorized, and which requires an evidentiary hearing to determine such appeal.

(2) Hearings before the Board of Zoning Adjustment upon appeals from any decision of the Building Inspector or upon request for a variance or exception from the terms of any ordinance.

(3) Hearing before any board, commission or official respecting the issuance, suspension or revocation of any license issued by the Town.

### **Sec. 2-9-3. Rights of participants.**

All quasi-judicial hearings shall be conducted under procedures designed to insure all interested parties due process of law and shall, in all cases, provide for the following:

(1) The administration of oaths to all parties or witnesses who appear for the purpose of testifying upon factual matters.

(2) The cross-examination, upon request, of all witnesses by the interested parties.

(3) The stenographic, or other verbatim, reproduction of all testimony presented in the hearing, or an adequate summary of such testimony.

(4) A clear decision by the hearing body which shall set forth the factual bases and reasons for the decision rendered.

### **Sec. 2-9-4. Order of procedure.**

In all quasi-judicial hearings, the following order of procedure shall be followed:

(1) Presentation of those documents showing the regularity of the commencement of the proceedings and the form of the public notice given.

(2) Presentation of evidence by the applicant, petitioner, appealing party or complainant.

(3) Presentation of evidence in support of the applicant, petitioner, appealing party or complainant by any other person.

(4) Presentation of evidence from any person opposing the application, petition, appeal or complaint.

(5) Presentation of evidence in opposition or rebuttal to the matters presented by the opposition.

(6) All documents or other items of physical evidence shall be marked as exhibits with such identifying symbols as may be necessary to determine the exhibit referred to by any witness or other person.

### **Sec. 2-9-5. Rules of evidence.**

The hearing body shall not be required to observe any formal rules of evidence, but may consider any matter which a majority thereof concludes is reasonably reliable and calculated to aid the hearing body in reaching an accurate determination of the issues involved.

**Sec. 2-9-6. Deliberation and notice of decision.**

Each hearing body is hereby authorized to deliberate upon the issues presented at the hearing in private, nonpublic sessions; provided that no decision shall be effective, except upon a vote of the members of the hearing body, conducted in an open session thereof, which shall be duly recorded in the minutes of the public body. Written copies of all decisions shall be delivered to the applicant, petitioner, appellant, complainant and other interested party requesting same.

**Sec. 2-9-7. Judicial enforcement and review.**

Any party aggrieved by any decision rendered by the hearing body in any quasi-judicial hearing, as well as department heads or authorized officials of the Town, or the Town itself, may apply to have said decision reviewed by a court of competent jurisdiction, in accordance with the provisions of the Colorado Rules of Civil Procedure.

**Sec. 2-9-8. Administrative hearings.**

All other hearings before the Board of Trustees or any board, commission or official shall be deemed to be administrative hearings, the purpose of which is to obtain information to enable the Board to determine legislative policy or to enable any board, commission or official to make recommendations to the Board on pending legislation. Such hearing shall be conducted in compliance with the provisions of Sections 2-9-9 through 2-9-13 hereof and in such a manner so as to enable any person desiring to be heard a reasonable opportunity for the presentation of his or her views.

**Sec. 2-9-9. Commencement of proceedings.**

All proceedings conducted pursuant to the provisions of this ordinance shall be commenced in the manner provided by the ordinance or statute governing the matter.

**Sec. 2-9-10. Referral to hearing body.**

Upon receipt by the Town Clerk or the secretary of any board, commission or other appropriate officer of the Town of any application, petition, notice of appeal, complaint or other instrument initiating a hearing, the same shall be referred to the Board of Trustees, board, commission or official having jurisdiction over the matter, and a date, time and place for hearing thereon shall be set by said Board of Trustees, board, commission or official, who shall direct public notice thereof, to be given; provided, however, that the Board of Trustees or any board or commission may authorize its Clerk or secretary to set a date, time and place for hearing upon receipt of such instrument without the necessity for action by the Board of Trustees, board, commission or official.

**Sec. 2-9-11. Public notice.**

Public notice of the date, time and place of the public hearing shall be given in the manner provided by the ordinance or statute. In the absence of provisions specifically delineating the manner in which public notice is to be given, notice of the date, time, place and purpose of the hearing to be held shall be published once in that newspaper designated by the Board, not less than fifteen (15) days prior to the date of said hearing.

**Sec. 2-9-12. Preserving order.**

Each hearing body shall have the right to preserve order during the hearing and to take such steps, including the ejection of any disorderly or obstreperous person interfering with the proceedings as may be necessary, and the hearing body may, prior to any presentations and as a condition to the taking of testimony of any person to the material issues pending before it and to prevent duplicative or cumulative presentations, it may impose reasonable time restrictions on any person.

**Sec. 2-9-13. Adjournments.**

After commencement of any hearing, the hearing body may, if it is deemed necessary to obtain a full presentation, adjourn the hearing from time to time by publicly announcing the fact of such adjournment and the date, time and place when and where the adjourned hearing shall recommence, without the necessity of any further published notice thereof.

**SECTION X**

**Police Department**

**Sec. 2-10-1. Creation; Composition.**

There is hereby created a Police Department for the Town which shall consist of one (1) Town Marshal who shall be known as the Chief of Police and as many deputy marshals, who shall be known as policemen, as may be needed. (Ord. 530 §1, 2006)

**Sec. 2-10-2. Departmental rules and regulations.**

The Police Department shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be adopted by the Chief of Police with approval of the Town Administrator and in compliance with state and federal law. (Ord. 530 §1, 2006)

**Sec. 2-10-3. Appointment, powers and duties of Chief of Police.**

The Town Administrator shall appoint a Chief of Police who shall be the head of the Police Department and work under the supervision of the Town Administrator. It shall be the duty of the Chief of Police to:

- (1) See that the ordinances of the Town are duly enforced and the rules and regulations of the Police Department obeyed, and perform such duties as may be required by the Town Administrator.
- (2) Direct the operations of the Police Department, subject to the rules and regulations thereof.
- (3) Arrest any person violating any of the Town ordinances and take such violator before the Municipal Court for trial.
- (4) Render such accounts of the Police Department, his or her duties, and receipts as may be required, and keep the public records of his or her office open to inspection by the Board of Trustees at any time.
- (5) Before entering upon the duties of such office, the Chief of Police shall take and subscribe to an oath that he or she will support the Constitution and laws of the State, the Constitution of the

United States and ordinances of the Town, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter. (Ord. 530 §1, 2006)

**Sec. 2-10-4. 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 state and federal law.
- (2) They shall suppress all riots, disturbances and breaches of the peace, apprehend all disorderly persons in the Town and pursue and arrest any person fleeing from justice in any part of the State.
- (3) They shall be the enforcement officers of the Town and shall see that the provisions of this Code and the laws of the State are complied with. They shall arrest without process all persons engaged in a violation in their presence of any provision of this Code or the law of the State. Upon such arrest, they shall forthwith convey such offenders before the proper officer to be dealt with according to law; provided that they may incarcerate any person whom they shall arrest at a late and unusual hour of the night until the following morning; and provided further that, in the special cases relating to traffic and animal offenses, they may release an arrested person upon written promise to appear in Court.
- (4) They shall report such offenses as may come to their knowledge to the Chief of Police or they shall report the same to the Municipal Judge, securing a warrant for the arrest of offenders when desirable.
- (5) They shall execute and return all writs and process to them directed by the Municipal Judge in any case arising under a Town ordinance. (Ord. 530 §1, 2006)

**Sec. 2-10-5. Oath.**

Before entering upon the duties of his or her office, each police officer shall take and subscribe an oath that he or she will support the Constitution and laws of the State, the Constitution of the United States and the ordinances of the Town, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter. (Ord. 530 §1, 2006)

**Sec. 2-10-6. Uniforms.**

Every police officer shall wear at all times while on duty a uniform of the type and quality prescribed by the Chief of Police. (Ord. 530 §1, 2006)

**Sec. 2-10-7. Duty of citizens to aid.**

It shall be the duty of all persons, when called upon by any police officer, to promptly aid and assist such officer in the discharge of his or her duties. (Ord. 530 §1, 2006)

**Sec. 2-10-8. Extraterritorial duty.**

The Chief of Police may in his or her discretion, upon request of the chief of police or person exercising the functions thereof in any other jurisdiction, assign police officers under his or her control together with such equipment as he or she shall deem to be proper, to perform temporary duty in the requesting jurisdiction. (Ord. 530 §1, 2006)

## SECTION XI

### Emergency Protection

#### Sec. 2-11-1. Purpose.

The Town will from time to time in the future, in all probability, have within its corporate limits fire, flood, civil disturbances and riots; and, therefore, it is deemed in the best interest of the Town to exercise certain emergency police powers necessary to and incidental to the maintenance of the safety, health and welfare of the citizens of Eaton.

#### Sec. 2-11-2. Mayor's authority.

Emergency police powers shall be placed in the hands of the Mayor, and these powers are to be exercised only in the event of an emergency as herein contemplated and shall only be exercised for such period of time as the actual emergency exists; and further, said powers shall only be invoked after a declaration and proclamation of an emergency.

#### Sec. 2-11-3. Powers of Mayor.

In addition to any and all powers enumerated in this Code, the Mayor shall have further emergency powers necessary to preserve the peace and order of the Town as follows:

(1) The Mayor shall have the power to declare an emergency to exist when, in his or her opinion, one (1) or more of the following conditions exists:

- a. That there is extreme likelihood of danger of destruction of life or property.
- b. Unusual or extreme weather conditions, making use of Town streets or areas difficult or impossible.
- c. Civil unrest, commotion or uprising is imminent or exists.
- d. There is a stoppage or loss of electrical power affecting a major portion of the Town.

(2) The emergency shall be declared in a proclamation of the Mayor, which proclamation shall be delivered to the Chief of Police, who shall then see that said proclamation is delivered to all news media within the Town and who shall also use public address systems throughout the Town and immediately notify the public of said proclamation and that violators will be arrested and subject to penalty.

(3) After declaration of such emergency, the Mayor shall have the authority to exercise any or all of the following powers:

- a. To call upon regular and auxiliary enforcement agencies and organizations within or without the Town to assist in preserving and keeping the peace and the preservation of life and property of the citizenry of the Town.
- b. The power to close streets and sidewalks and to delineate areas within the Town where an emergency exists.

c. To impose a curfew upon all or any portion of the Town thereby requiring all persons in such designated curfew areas to forthwith remove themselves from the public streets, alleys, parks or other public places; provided, however, that physicians, nurses and ambulance operators performing medical services, utility personnel maintaining essential public services, firemen and Town-authorized or -requested enforcement officers and personnel may be exempted from such curfew.

d. To order the closing of any business establishments anywhere within the Town for the period of the emergency, such businesses to include, but not be limited to, those selling liquors, malt beverages, gasoline or firearms.

e. The power to do any and all acts necessary and incidental to the preservation of life, limb and property within the Town.

(4) The proclamation of specifying with exactness the area in which the emergency is declared to exist shall become effective upon its issuance and dissemination to the public by the appropriate news media.

(5)a. Any emergency proclaimed in accordance with the provisions of this ordinance shall terminate after forty-eight (48) hours from the issuance thereof, or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first; provided, however, upon declaration of a second or further emergencies to exist, the emergency powers set forth herein may be exercised during such further emergency period or periods, but never for more than forty-eight (48) hours in one (1) declared emergency period.

b. No emergency period shall extend beyond the next regular special or called meeting of the Board of Trustees unless at such meeting the declaration of emergency is specifically approved by resolution of the Board.

#### **Sec. 2-11-4. Penalties.**

Any person who shall willfully fail or refuse to comply with the order of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the Proclamation of Emergency authorized herein shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for a period not to exceed ninety (90) days, or by both such fine and imprisonment.