

Title 2

ADMINISTRATION AND PERSONNEL

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Chapter 2.04

Board of Trustees and Mayor

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- 2.04.260 Trustees term of office.
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- 2.04.280 Mayor and trustee compensation.

2.04.010 Generally.

The rules of procedure and order of business in this Chapter govern the proceedings and business that may come before the Board of Trustees of the Town at the meetings thereof. (Prior code §1-24(part))

2.04.020 Suspension of rules of procedure.

The rules of procedure and order of business shall be strictly adhered to by the Board of Trustees, unless temporarily suspended by two-thirds vote of the members present. (Prior code §1-24(Rule 1))

2.04.030 Regular meetings—Special meetings—Work sessions.

A. The Board of Trustees shall meet regularly at least twice each month when there is Town business to be addressed. Regular meetings shall be conducted at the Town Hall or at such other place within the Town

as designated by the Board of Trustees with public notice as required by law. The Board of Trustees shall prescribe by resolution the day and hour of its regular meetings.

B. The Mayor and any two members of the Board of Trustees may call special meetings by notice to each of the members in accordance with Section 2.04.170. The Board of Trustees may also call special meetings by action taken at any regular or special meeting, in which case notice shall be given to each of the members in accordance with Section 2.04.170.

C. The Board of Trustees shall hold work sessions, as needed, at Town Hall or at such other place designated by the Board of Trustees with public notice as required by law. The Board of Trustees shall prescribe by resolution the day and hour of its regular work sessions.

D. All meetings shall be open to the public as provided by law. (Ord. 779 §1, 2011; Ord. 605 §1, 2006; Ord. 419 §1, 1999; Ord. 246 §10, 1988; prior code §1-24(Rule 2))

2.04.040 Petition for special meetings.

The Mayor, or in his or her absence the Mayor Pro Tem, shall call a special meeting when a petition for the same is presented to him signed by any three members of the Board of Trustees, but no such call shall be made unless twenty-four hours' notice of the time and place of such meeting be given to each and every member as hereinafter provided. (Prior code §1-24(Rule 3))

2.04.050 Mayor to preside at meetings—Absence of mayor.

The mayor, or in his or her absence the mayor pro tem, shall call the meeting of the board of trustees to order and preside at all meetings. In case of the absence of the mayor and mayor pro tem, one of the trustees in attendance may call the meeting to order, and, if a quorum is present, one of the trustees may be elected to preside at the meeting. (Ord. 671 §2, 2008; Ord. 246 §11, 1988; prior code §1-24(Rule 4))

2.04.060 Quorum—Fines for absence or disorderly behavior.

At all the meetings of the board of trustees, four of the trustees shall constitute a quorum for the transaction of business, but a minority may adjourn from day to day. The mayor shall not be counted for purposes of determining a quorum. A fine of twenty-five dollars per absence may be imposed by the board of trustees on any trustee absent from any meeting of the board, regardless of whether or not a quorum was present at such meeting, unless the board accepts from such trustee a good and sufficient excuse for each such absence. A fine of twenty-five dollars may be imposed by the board of trustees on any member of the board who acts in a disorderly fashion at any meeting of the board. (Ord. 549 §1, 2004; Ord. 246 §12, 1988; prior code §1-24(Rule 5))

2.04.070 Order of business.

At the hour appointed for the meeting, the members shall be called to order by the presiding officer. The clerk shall then call the roll, note the absentees and determine whether a quorum is present, and, if there is a quorum, the board shall proceed to business in the manner set forth in the agenda approved by the board. The order of business may be changed or suspended during any meeting by a majority vote of the members present. (Ord. 671 §3, 2008; Ord. 246 §13, 1988; prior code §1-24(Rule 6))

2.04.080 Speaking rules.

Previous to his or her speaking, every member shall address the presiding officer and shall not proceed with his or her remarks until recognized by the presiding officer. He or she shall not speak more than twice on the same subject nor longer than five minutes at any one time, except by permission of the board. No member shall leave the room while the board is in session, except by permission of the presiding officer. (Ord. 246 §14(a), 1988; prior code §1-24 (Rule 7))

2.04.090 Calls to order.

Any member called to order shall immediately suspend his or her remarks and resume his or her seat unless permitted to explain. (Ord. 246 §14(b), 1988; prior code §1-24(Rule 8))

2.04.100 Motions to reconsider.

A motion to reconsider a vote shall only be made at the same meeting or at the next succeeding meeting, provided no action shall have been taken on the same. (Ord. 246 §14(c), 1988; prior code §1-24 (Rule 9))

2.04.110 Requests for written versions of motions or resolutions.

All motions and resolutions shall be reduced to writing if required by any member of the board, and when seconded and stated by the chair or read by the clerk shall be open for consideration. (Ord. 246 §14(d), 1988; prior code §1-24(Rule 10))

2.04.120 Motions to adjourn.

A motion to adjourn shall always be in order, shall have precedence over all motions, and shall be decided without debate. (Ord. 246 §14(e), 1988; prior code §1-24(Rule 11))

2.04.130 Voting requirements—Committee appointments.

Every member present shall be required to vote on all questions, except when excused by the Board. The Mayor shall not be counted for purposes of determining the requisite majority on any matter to be voted on by the Board. All committees shall be appointed by the presiding officer unless otherwise ordered by a majority vote of the Board, and in that case they shall be appointed by ballot. (Ord. 549 §2, 2004; Ord. 246 §14(f), 1988; prior code §1-24(Rule 12))

2.04.140 Reserved.

2.04.150 Oral reports.

All reports may be oral and shall be addressed to the Board. (Ord. 246 §15, 1988; prior code §1-24(Rule 14))

2.04.160 Order and decorum.

The presiding officer shall preserve order and decorum and shall decide all questions of order, subject, however to the right of appeal to the Board. (Ord. 246 §14(h), 1988; prior code §1-24(Rule 15))

2.04.170 Service of notice of special meetings.

Notice of special meetings shall be served on each Trustee personally or by leaving the same at his or her usual place of residence or business or by electronic mail sent to the Trustee's e-mail address. The notice shall be served at least twenty-four hours before the meeting shall convene. The Chief of Police or his or her designee, and the Town Attorney, unless he or she shall be prevented by sickness or unavoidable circumstances or unless excused by the Mayor, shall attend all meetings of the Board of Trustees. (Ord. 779 §2, 2011; Ord. 246 §14(i), 1988; prior code §1-24(Rule 16))

2.04.180 Appeals from decisions.

Appeals shall be allowed from all decisions of the chair to the Board of Trustees, and a two-thirds vote of all of the members present shall be required to sustain such an appeal. (Ord. 246 §14(j), 1988; prior code §1-24(Rule 17))

2.04.190 Reserved.

2.04.200 Records of proceedings.

The Board shall keep records of its proceedings which shall be open for inspection to the public at all reasonable hours. (Ord. 246 §17, 1988; prior code §1-24(Rule 20))

2.04.210 Executive session.

When the Board is in executive session, the room will be cleared of all persons except the Town officers. All proceedings in executive session shall be kept secret. (Ord. 246 §14(k), 1988; prior code §1-24(Rule 19))

2.04.220 Enforcement of rules of procedure—Fine.

The Board shall make and enforce the rules of procedure and compel their enforcement by a fine not exceeding five dollars. (Ord. 246 §114(l), 1988; prior code §1-24(Rule 21))

2.04.230 Mayor to vote in case of tie.

The Mayor shall be elected and hold his or her term of office for two years. The Mayor of the Town shall not be entitled to vote on any matter that comes before the Board of Trustees, except in the case of a tie vote. (Ord. 549 §3, 2004; Ord. 177 §1(part), 1982; prior code §1-42)

2.04.240 Ordinance review by Mayor.

Any ordinance adopted by the Board of Trustees and all resolutions of the Board of Trustees authorizing the expenditure of money or the entering into of a contract shall be subject to disapproval by the Mayor as provided by state law. (Ord. 177 §1(part), 1982; prior code §1-43)

2.04.250 Write-in votes.

No write-in vote cast in any Town municipal election conducted pursuant to the Municipal Election Code, Section 31-10-101, et seq., C.R.S., shall be counted unless an affidavit of intent has been filed with the Town Clerk by the person whose name is written in prior to twenty days before the day of election indicating that such person desires the office and is qualified to assume the duties of that office if elected. No write-in vote

cast in any Town municipal election conducted pursuant to the Uniform Election Code, Section 31-10-101, et seq., C.R.S., shall be counted unless an affidavit of intent has been filed with the Town Clerk by the person whose name is written in on or before the close of business on the sixty-fourth day before the election indicating that such person desires the office and is qualified to assume the duties of that office if elected. (Ord. 386 §1, 1998; Ord. 176 §1, 1982; prior code §1-44)

2.04.255 Cancellation of election.

In any Town municipal election, if the only matter before the voters is the election of persons to office and if, 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, the Town Clerk, if instructed by resolution of the Board of Trustees either before or after such date, shall cancel the election and by resolution declare the candidates elected. Upon such declaration the candidates shall be deemed elected. Notice of any such cancellation shall be published at least once and shall be posted at each polling place and in not less than one other public place within the Town. (Ord. 386 §2, 1998)

2.04.260 Trustees term of office.

At the April 4, 1972, election, six Trustees shall be elected. The three candidates for Trustee receiving the highest number of votes shall be elected for four-year terms, and the three candidates for Trustee receiving the next highest numbers of votes shall be elected for two-year terms. At the next subsequent regular election and at each regular election thereafter, three Trustees shall be elected to serve four-year terms. (Prior code §1-38)

2.04.270 Board of Trustees vacancies.

A vacancy in the Board of Trustees shall be filled in the manner provided in Section 31-4-303, C.R.S. (Ord. 269 §1, 1990; Ord. 200 §1, 1984; prior code §1-39)

2.04.280 Mayor and Trustee compensation.

A. Compensation – Mayor. The Mayor of the Town shall be compensated at the rate of three hundred dollars per month. Such rate shall apply only upon commencement of the Mayor's term of office following an election held on or after April 6, 2010.

B. Compensation – Trustees. Each Trustee shall be compensated at the rate of two hundred fifty dollars per month. Such rate shall apply only upon commencement of the term of office of a Trustee whose position is subject to an election held on or after April 6, 2010.

C. Restrictions on Reappointment or Reelection. Any Trustee or Mayor who has resigned or vacated an office prior to the end of his or her elective or appointive term shall not be eligible for reelection or reappointment to such office during such term if during such term the compensation has been increased.

D. Other Compensation. The Mayor and Trustees may be reimbursed for expenses incurred in the performance of Town business, provided that such expenses are itemized and approved by the Board of Trustees. (Ord. 729 §1, 2009; Ord. 327 §1, 1996; Ord. 198 §2, 1984; prior code §1-40)

Chapter 2.08

Town Officers Generally

Sections:

- 2.08.010 Officers, appointment, term.
- 2.08.020 Oath, bond.
- 2.08.030 Failure to execute oath, bond.
- 2.08.040 Insufficient bond.
- 2.08.050 Removal of officers—Causes—Notice.
- 2.08.060 Misconduct or malfeasance.
- 2.08.070 Compensation.

2.08.010 Officers, appointment, term.

A. There shall be appointed by the board of trustees, no later than thirty days after the organization thereof in each election year, a town attorney, a town treasurer, a town clerk, a town marshal, a municipal judge and such other officers as from time to time shall be necessary for the proper government and control of the town, and the appointees shall hold their respective offices until their successors are appointed and qualified unless sooner removed according to law as hereinafter provided.

B. All appointment of officers shall be by motion or ballot, and the concurrence of a majority of all the trustees elected shall be required, and the names of the trustees voting and the number of the votes each candidate receives shall be recorded. All vacancies in office shall be filled in the same manner as original appointments. (Ord. 671 §6, 2008; Ord. 499 §1, 2002; Ord. 433 §1, 1999; Ord. 246 §1, 1988; Ord. 240 §1, 1987; Ord. 189 §1, 1983; prior code §1-4)

2.08.020 Oath, bond.

Before entering upon the duties of their respective offices, each person appointed to any office shall take and subscribe an oath or affirmation to support the Constitution of the United States and the state of Colorado and to faithfully perform the duties of the office upon which he or she is about to enter. The board shall require from the treasurer, and may require from such other officers as it determines proper, a bond, with proper penalty and surety, for the care and disposition of municipal funds in their hands and the faithful discharge of the duties of their offices. The oath and bond, when approved as aforesaid, shall be filed with the town clerk except any required of the town clerk which shall be filed with the town treasurer. (Ord. 671 §7, 2008; prior code §1-5)

2.08.030 Failure to execute oath, bond.

Any officer appointed by the board of trustees, who shall fail to take the oath of office or give a sufficient bond as aforesaid for ten days after he or she shall receive notice of his or her appointment, shall be deemed to have declined such office, and the same shall be declared vacant by the board of trustees, who shall at once proceed to appoint as in the case of a vacancy. (Prior code §1-6)

2.08.040 Insufficient bond.

In the event that the official bond of any officer in the town shall, after taking an approval thereof, be deemed insufficient by the board of trustees, the board of trustees shall require such officer to give a new bond, and shall designate the time in which the bond shall be furnished, which shall not be less than five days, and in case such officer shall not furnish a new bond with sureties, as provided in Section 2.08.020, the office shall be declared vacant and the vacancy shall be filled by appointment as in other cases. (Prior code §1-10)

2.08.050 Removal of officers—Causes—Notice.

By a majority vote of all members of the board of trustees, the mayor, the clerk, the treasurer, the marshal, any member of the board or any other officer of the town may be removed from office. No such removal shall be made without a charge in writing and an opportunity of hearing being given unless the officer against whom the charge is made has moved out of the limits of the Town. When any officer ceases to reside within the limits of the Town, he or she may be removed from office pursuant to this Section. A Municipal Judge may be removed during his or her term of office only for cause, as set forth in CRS 13-10-105(2), as amended. (Ord. 246 §2, 1988; prior code §1-7)

2.08.060 Misconduct or malfeasance.

If any of the officers named in this Chapter shall be charged with misconduct or malfeasance in office, the Mayor shall, upon the written request of not less than four members of the Board of Trustees, suspend such officer until trial can be had upon such charge, and in the event of such suspension, it shall be the duty of the Board of Trustees to proceed to a trial at the earliest possible date. (Prior code §1-8)

2.08.070 Compensation.

Each officer mentioned in this Chapter shall receive such compensation for his or her services as the Board of Trustees may determine from time to time. (Ord. 246 §3, 1988; prior code §1-9)

Chapter 2.12

Town Manager

Sections:

- 2.12.010 Position established.
- 2.12.020 Term.
- 2.12.030 Powers and duties.
- 2.12.040 Personnel and employees.
- 2.12.050 Compensation.

2.12.010 Position established.

There is created the position of Town Manager of the Town. (Ord. 671 §11, 2008)

2.12.020 Term.

The Town Manager shall be hired and serve for an indefinite term, shall serve at the pleasure of the Board of Trustees, and may be removed by a majority vote of the entire Board of Trustees. (Ord. 671 §11, 2008)

2.12.030 Powers and duties.

A. The Town Manager shall be the chief administrative office of the Town and shall be responsible for administration of the matters placed in the charge of the Town Manager by the Board of Trustees.

B. The Town Manager's duties and responsibilities shall include, without limitation, the following:

1. Perform supervisory and professional work in development of intergovernmental relations, planning and development, engineering, building inspection, capital projects, legislative compliance and economic development as such work is consistent with the goals and objectives of the Board.

2. Oversight of Town employees and contract staff as depicted in the adopted organization chart.

3. Ensure smooth implementation of all Town policies in the areas of economic development, planning and development, engineering and inspection with regard to the duties of the Town staff.

4. Assess governmental operations to ensure compliance with federal, state and county legislative requirements regarding economic development, land use planning and development, engineering and inspection, and bring policy recommendations regarding the same before the Board of Trustees.

5. Manage land use planning and development activities with other municipalities and state and regional agencies.

6. Promote the development and negotiation of intergovernmental agreements or other cooperative agreements with both public and private entities.

7. Confer and coordinate with community leaders and groups on a wide range of issues established as goals and objectives of the Board.

8. Develop and implement an economic development program for the Town.

9. Manage the activities of any urban redevelopment authority or financing authority of the Town.

10. Perform administrative, supervisory and professional work in planning, coordinating and directing the operations of specifically assigned departments and Town staff.

11. Perform all duties related to budget preparation and administration, including advising the Board of the financial condition and future needs of the Town, and preparing and submitting annually to the Board a proposed budget for the Town.

12. Develop and implement strategies, policies and procedures to advance the goals and objectives of the Board of Trustees and various departments.

13. Oversight of functions and departments as assigned by the Board.

14. Coordinate and assess governmental operations to ensure effectiveness and efficiency, implement administrative programs and make policy recommendations regarding the same.

15. Exercise oversight and control over personnel hiring, training, evaluating and disciplinary action, except for positions that report directly to the Board of Trustees.

16. Develop and administer the Town's personnel policies and procedures, as well as employee benefit and compensation programs as set by the Board.

17. See that the ordinances of the Town and the applicable laws of the state are enforced and that the policies and procedures of the Town are followed.

18. Make recommendations to the Board of Trustees concerning the affairs of the Town.

19. Perform such other duties and responsibilities as required by the position description and any ordinance, resolution or motion of the Board of Trustees. (Ord. 731 §2, 2010; Ord. 712 §1, 2009; Ord. 671 §11, 2008)

2.12.040 Personnel and employees.

A. Except as expressly provided to the contrary in this Code, the Town Manager shall have the powers and duties to hire, suspend, transfer and remove Town employees.

B. Except for the purpose of inquiries, individual Board members or the Mayor shall deal with administrative services solely through the Town Manager, and neither the Mayor nor the Board of Trustees, nor any committee thereof, shall give orders to any of the subordinates of those employees directly appointed by the Board. (Ord. 778 §1, 2011)

2.12.050 Compensation.

The compensation of the Town Manager shall be as established by ordinance or resolution of the Board of Trustees. (Ord. 778 §1, 2011; Ord. 671 §11, 2008)

Chapter 2.14

Town Clerk

Sections:

- 2.14.010 Duties and responsibilities.
- 2.14.020 Fair housing information officer.
- 2.14.030 Pro tem.

2.14.010 Duties and responsibilities.

The Town Clerk of the Town shall:

A. Cause the ordinances of the Town to be published as required by law, superintend their publication, recording and placement in the permanent records of the Town along with resolutions, and examine the publication proof sheets and compare them with the original rolls;

B. Receive and file all papers to be filed among the Town records;

C. Keep a correct and detailed account of all funds relating to bonds issued and promissory notes given by the Town, specifying under what order or ordinance they were issued or given, when they were issued or given, the outstanding principal amount, to whom they were issued or given, for what purpose they were issued or given, when they are payable, where they are paid, and the amount and percentage of interest paid upon such bonds and promissory notes;

D. Make out and deliver to each person elected or appointed to any office in the Town a certificate of such election or appointment;

E. Furnish to the Town Attorney any record of documents in the Clerk's office that the Attorney may request to be used in any court and take receipts therefor. The Clerk shall also furnish any necessary, duly certified transcripts of the Town;

F. Serve as custodian of public records and perform the functions thereof as provided by law;

G. Attend all meetings of the board of trustees and make a fair and accurate record of all the proceedings, rules and ordinances made and passed by the board of trustees;

H. As soon as possible after their passage, record all ordinances in a book to be kept for that purpose and denominated the "ordinance book," in which the ordinances upon being so recorded shall be authenticated by the signatures of the mayor and clerk under the seal of the town;

I. Keep the town seal and affix it to all instruments and papers which, by ordinance, are required to be attested to by the town seal;

J. Have the custody of and safely keep all the records, documents, ordinances, resolutions and orders of the board of trustees, and such other papers, documents, books and other property as may be delivered into the clerk's custody;

K. Sign all permits and licenses issued in accordance with the provisions of the ordinances concerning the same;

L. Report at the regular meeting of the board of trustees the transactions of the clerk's office; and

M. Perform such other duties as may be required of the clerk by law or ordinance. (Ord. 671 §10, 2008; Ord. 246 §8, 1988; prior code §1-17.1)

2.14.020 Fair housing information officer.

The town clerk shall be appointed and designated as the representative of the town to function as the fair housing information officer. The duties of such officer shall include, but are not limited to, providing approved fair housing complaint forms, receiving complaints and forwarding them to appropriate

governmental agencies for further action and providing fair housing information to interested persons. (Ord. 671 §10, 2008; prior code §1-17.2)

2.14.030 Pro tem.

The board of trustees may also elect a clerk pro tem, who shall perform the duties of the town clerk during the clerk's absence or inability to act. (Ord. 671 §10, 2008; prior code §1-18)

Chapter 2.16

Town Treasurer

Sections:

- 2.16.010 Duties—Warrant process.
- 2.16.020 Reports.

2.16.010 Duties—Warrant process.

It shall be the duty of the town treasurer to receive, receipt for and safely keep all moneys belonging to the town and pay out of such moneys, such sum or sums as may be ordered paid by the board of trustees, and checks or drafts drawn upon accounts of the town shall be signed by two of the following three persons: the mayor, the mayor pro tem, the town clerk or the town treasurer, under the seal of the town, and shall state for what purpose the money was appropriated, the particular fund or appropriation to which the same is chargeable and the person to whom payable. The treasurer shall:

- A. Keep the sum of each fund separately from others charging each fund with all payments and crediting it with money received on account thereof;
- B. Keep a true and accurate account of all money belonging to the town and shall report to the board of trustees in writing once a month at the regular meeting, and more often if required, all moneys received and paid out by the town and the condition of each fund and all other business pertaining thereto;
- C. Keep all moneys belonging to the corporation in the name of the town on deposit in a bank designated by the board of trustees; and
- D. Keep all moneys belonging to the corporation separate and distinct from moneys of any other person or entity.

The treasurer is expressly prohibited from using, directly or indirectly, the corporation money in the treasurer's custody or keeping the same for personal use or benefit or that of any other person or persons. Any violation of this provision shall be grounds for immediate removal from office by the board of trustees which is authorized to declare the office vacant; in which case, a successor shall be appointed who shall hold office for the remainder of the time unexpired of such officer so removed. (Ord. 671 §12, 2008; Ord. 246 §6, 1988; prior code §1-15)

2.16.020 Reports.

The town treasurer shall annually, no later than March 1st, make out and file with the town clerk a full and detailed account of all receipts and expenditures and all transactions as treasurer during the preceding fiscal year. The town treasurer shall make out and file with the town clerk such statements of expenditures and other proceedings as are required by Section 31-20-202, C.R.S., which statements the clerk shall immediately cause to be printed or posted according to applicable statutes of the state of Colorado. (Ord. 671 §12, 2008; Ord. 246 §7, 1988; prior code §1-16)

Chapter 2.20

Town Marshal

Sections:

- 2.20.010 Duties.
- 2.20.020 Pound master.

2.20.010 Duties.

A. The town marshal shall be the principal ministerial officer of the town and shall have the same power that constables, sheriffs, police officers or other law enforcement officials have by law, co-extensive within the county in the cases of violation of the town ordinances, and for offenses committed within the corporate limits of the town.

B. He shall attend all meetings of the board of trustees and shall serve all notices of special meetings thereof and all other notices of the board of trustees or of the mayor.

C. He shall execute the process of the municipal judge.

D. He shall obey, and cause to be obeyed, all orders emanating from the board of trustees and shall perform such other duties as are now or may hereafter be required of him by law or ordinance.

E. He shall report to the board of trustees at their regular meeting the transactions of his office.

F. The town marshal shall have power and it shall be his duty to arrest with or without warrant or to issue a summons to any and all persons found by him violating any ordinance of the town and cause complaint to be made against them for such violation. (Ord. 251 §1, 1989; Ord. 246 §9, 1988; prior code §1-19)

2.20.020 Pound master.

The town marshal shall also be master of the town pound of the town. (Prior code §1-21)

Chapter 2.24

Town Attorney

Sections:

- 2.24.010 Duties and responsibilities.
- 2.24.020 Attorney to transmit money.

2.24.010 Duties and responsibilities.

A. It shall be the duty of the town attorney to institute and prosecute all suits for any recovery of fines and penalties, and imposition of jail, which may be brought under the provisions of the law of the state or the ordinances of the town, and also to institute and defend all suits which may be brought in any court by or against the town, or any of its officers in their official acts. He shall cause execution to be issued on judgments which may be recorded and attend to their collection. He shall, on presentation of the proper warrant, receive from the treasurer of the town, on demand, all money necessary to meet the costs, disbursements and expenses before the court above mentioned, and shall give the treasurer receipt for the same.

B. The town attorney shall draft all ordinances, leases, conveyances and all instruments of writing which may be required of him by ordinance, motion or order of the board of trustees, and it shall be his duty to act as legal advisor of the town in all matters, and he shall have the right to be heard on all questions before the board of trustees. (Ord. 246 §5, 1988; prior code §1-13)

2.24.020 Attorney to transmit money.

All money which may be received by the town attorney on account of the town shall be immediately paid by him to the town treasurer. (Prior code §1-14)

Chapter 2.28

Health Commissioner

Sections:

- 2.28.010 Appointment.
- 2.28.020 Bond.
- 2.28.030 Duties.
- 2.28.040 Enforcement of regulations--Notice.
- 2.28.050 Enforcement of regulations--Contagious disease.
- 2.28.060 Reports to board of trustees.

2.28.010 Appointment.

The board of trustees may appoint as health commissioner a citizen of the town who shall be a qualified voter therein and who shall hold his office for a period of one year or until his successor is appointed. (Prior code §8-2)

2.28.020 Bond.

The health commissioner shall give a good and sufficient bond for the faithful performance of his duties as may be fixed from time to time by the board. (Ord. 246 §69, 1988; prior code §8-3)

2.28.030 Duties.

It is the duty of the health commissioner to enforce all of the provisions contained in the code and ordinances of the town relating to the public health, and all amendments thereto, including but not limited to the town housing code. (Ord. 246 §70, 1988; prior code §8-4)

2.28.040 Enforcement of regulations--Notice.

Whenever he shall discover any violations of the provisions in Section 2.28.030 he shall serve any person or persons so offending with a written notice, and if within a reasonable time, or within the time stated in this code or ordinances, the provisions thereof shall not be complied with, he shall refer such matters to the town marshal or town attorney for prosecution (Ord. 246 §71, 1988; prior code §8-5)

2.28.050 Enforcement of regulations--Contagious disease.

Whenever any threat to public health shall become known to the commissioner of health to exist within the town, the health commissioner shall immediately enforce the necessary regulations contained in the code and ordinances of the town with all the amendments thereto to prevent the spread of such disease. (Ord. 246 §72, 1988; prior code §8-6)

2.28.060 Reports to board of trustees.

The health commissioner shall at each regular meeting of the board present a report of the sanitary condition of the town, and of any other matter relating thereto of which, in his opinion, the board ought to be informed. (Ord. 246 §73, 1988; prior code §8-7)

Chapter 2.32

Town Engineer

Sections:

- 2.32.010 Qualifications.
- 2.32.020 Duties.

2.32.010 Qualifications.

The town engineer must be a competent, practical civil engineer. (Prior code §1-22)

2.32.020 Duties.

A. All plans, designs, specifications and estimates for public improvements in the town shall be drawn and made by or approved by the town engineer, and all surveys, measurements, calculations and estimates necessary for the same shall be made by him, or under his direction, and receive his approval.

B. When thereunto ordered by the board of trustees the town engineer shall prepare, or cause to be prepared, profiles of the streets and blocks, boundaries for the establishment of official grade, and shall make, or cause to be made, such boundaries, alignment and elevation surveys as may be necessary for the purpose of preparing good and accurate maps of the town and additions thereto; which profiles, maps and plats shall be the property of the town and the town engineer shall be the custodian thereof.

C. The town engineer shall make or cause to be made all surveys authorized by ordinance or by the board of trustees, shall lay out all streets, avenues and alleys authorized to be opened by the board of trustees, and shall perform such other duties pertaining to his office as may from time to time be required of him by the board of trustees.

D. The town engineer shall keep accurate notes and records of all surveys made or caused to be made by him, and a complete account of all permanent landmarks, reference points, bench marks and other notes pertaining to the work which notes, records and accounts shall be the property of the town, and at the expiration of his term of office, the town engineer shall deliver to his successor in office all property in his possession belonging to the town. (Prior code §1-23)

Chapter 2.36

Commissioner of Streets

Sections:

2.36.010 Commissioner of streets.

2.36.010 Commissioner of streets.

The town board may appoint a commissioner of streets, who shall, under direction of the board, have the supervision of the construction, maintenance and repair of the streets, alleys and sidewalks within the town. (Ord. 246 §137, 1988; prior code §11-1)

Chapter 2.40

Board of Adjustment

Sections:

2.40.010 Created--Planning and zoning commission to act.

2.40.010 Created—Planning and zoning commission to act.

There is created in the town a board of adjustment pursuant to the appropriate laws of the state. The board shall have and exercise the powers, duties and responsibilities set forth in Chapter 17.46 of this code. The planning and zoning commission shall act as the board of adjustment whenever such a board is required by this code, other ordinances or regulations of the town, or state or federal law. (Ord. 369 §2, 1997; Ord. 246 §126, 1988; prior code §10-41)

Chapter 2.44

Municipal Court

Sections:

- 2.44.010 Court of record.
- 2.44.020 Jurisdiction.
- 2.44.030 Powers and procedures.
- 2.44.040 Municipal judge--Appointment--Oath.
- 2.44.050 Court clerk.
- 2.44.060 Fines and penalties.
- 2.44.065 Cost of care.
- 2.44.070 Record of proceedings.
- 2.44.090 Salaries.

2.44.010 Court of record.

The municipal court of record for the town of Firestone, Weld County, Colorado is created pursuant to the provisions of Article 10, Title 13, C.R.S., 1973, as amended. (Prior code §1-25)

2.44.020 Jurisdiction.

The municipal court of the town shall hear and try all alleged violations of ordinance provisions of the town. (Prior code §1-26)

2.44.030 Powers and procedures.

The municipal judge shall have all judicial powers relating to the operation of the court, subject to any rules of procedure governing the operation and conduct of municipal courts promulgated by the Colorado Supreme Court. The presiding municipal judge shall have authority to issue local rules of procedure consistent with any rules of procedure adopted by the Colorado Supreme Court. (Prior code §1-27)

2.44.040 Municipal judge – Appointment – Oath.

A. The Municipal Judge or judges shall be appointed by the Board of Trustees for a specified term of not less than two years or for a term which expires thirty days after the date of the next election of the Board of Trustees. Any vacancy shall be filled by the Board of Trustees. If more than one Municipal Judge is appointed, the Board of Trustees shall designate the presiding Municipal Judge. Any Municipal Judge must

be admitted to and currently licensed in the practice of law in Colorado. The Municipal Judge shall meet the requirements of C.R.S. § 13-10-106, as amended.

B. Before assuming the duties of his or her office, the Municipal Judge shall make an oath or affirmation to support and uphold the Constitutions of the United States and the state of Colorado and the ordinances of the Town and that he or she will faithfully perform the duties of the office. (Ord. 246 §18, 1988; prior code §1-28)

2.44.050 Court Clerk.

The position of Court Clerk of the Municipal Court is established and shall be appointed by the presiding Municipal Judge and shall have such duties as are delegated by the Municipal Judge, by law or by court rule. The Clerk's salary shall be provided for in the same manner as the salary for the Municipal Judge. The Clerk shall give a performance bond in such amount as may be set by the Board of Trustees. (Prior code §1-29)

2.44.060 Fines and penalties.

A. The Municipal Judge may suspend a sentence or fine and place the violator on probation for a period not exceeding one year. The Municipal Judge also may sentence violators to a sentence of work release, in-home detention or a maximum of five hundred hours of community service. Costs, including the cost for work release, in-home detention and costs associated with community service, may be assessed against a defendant found guilty as provided by law. In addition, the Municipal Judge may order violators to pay restitution.

B. All fines and costs collected or received by the Municipal Court shall be reported and paid monthly to the Town Treasurer and deposited in the general fund. (Ord. 650 §2, 2007; Ord. 246 §19, 1988; prior code §1-30)

2.44.065 Cost of care.

A. In addition to all other fines and costs that may be assessed against a defendant, the court may assess the cost of care against any defendant who is sentenced to a term of imprisonment.

B. The cost of care shall be assessed in accordance with applicable law.

C. "Cost of care" means the costs associated with maintaining an offender in custody as defined by Section 18-1.3-701(5)(a), C.R.S. (Ord. 562 §1, 2004)

2.44.070 Record of proceedings.

A verbatim record of the proceedings and evidence at trial shall be kept by either electronic device or stenographic means. In addition, the Clerk shall keep a record of all cases tried or determined by the court. (Prior code §1-31)

2.44.090 Salaries.

A. The salary of the presiding Municipal Judge shall be payable on a monthly basis at seven hundred dollars per month for each month of service during which he or she presides over one court session and one thousand three hundred dollars for each month of service during which he or she presides over more than one

court session, subject to any applicable deductions. The salary of such associate judges duly appointed by the Board of Trustees shall be two hundred dollars per court session presided over, and where such court session exceeds four hours, fifty dollars for each hour in excess of four hours, subject to any applicable deductions.

B. The salary of the Municipal Court Clerk shall be an amount not to exceed forty-one thousand sixty-three dollars per year, payable in biweekly installments and subject to any applicable deductions. (Ord. 755 §1, 2010; Ord. 572 §1, 2005; Ord. 548 §1, 2004; Ord. 516 §1, 2003; Ord. 357 §1, 1997; Ord. 259 §1, 1989)

Chapter 2.50

Unclaimed Property

Sections:

- 2.50.010 Unclaimed property – Definitions.
- 2.50.020 Procedure for disposition of unclaimed property.
- 2.50.030 Sale of unclaimed property.
- 2.50.040 Disposition of perishable, bulky, etc., property.
- 2.50.050 Illegal weapons.

2.50.010 Unclaimed property – Definitions.

A. Purpose. The purpose of this Chapter is to provide for the administration and disposition of unclaimed property which is in the possession of or under the control of the Town.

B. Definitions. As used in this Chapter, unless otherwise required by context or use, words and terms shall be defined as follows:

1. "Unclaimed property" means any tangible or intangible property, including any income or increment derived therefrom, less any lawful charges, that is held by or under the control of the Town and which has not been claimed by its owner for a period of more than one year after it became payable or distributable; however, the term excludes any motor vehicle to which the provisions of Section 2.48.070 are applicable.
2. "Owner" means a person or entity, including a corporation, partnership, association, governmental entity other than the Town, or a duly authorized legal representative or successor in interest of same, which owns unclaimed property held by the Town.
3. "Custodian" means the Chief of Police of the Town or the designee thereof. (Ord. 641 §1, 2007; Ord. 291 §1(part), 1992)

2.50.020 Procedure for disposition of unclaimed property.

A. The Chief of Police shall designate one or more employees of the Town to act as Custodian of property seized or taken by the police or other property deposited to the Town's care and shall provide a suitable location for the safekeeping of such property. It shall be the duty of the Custodian of such property to keep a record of the receipt and disposition of all property coming into the Custodian's care and to include such information as the Chief of Police may require.

B. Prior to disposition of any unclaimed property having an estimated value of twenty dollars or more, the Custodian shall send a written notice by mail to the last known address of any known owner of unclaimed property. The last known address of the owner shall be the last address of the owner as shown by the records of the Town department or agency holding the property. The notice shall include a description of the property, the amount or estimated value of the property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that, if the owner fails to provide the Custodian with a written claim for the return of the property within thirty days of the date of the notice, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.

C. Prior to disposition of any unclaimed property having an estimated value of more than two hundred fifty dollars and having no last known address of the owner or known owner, the Custodian shall cause a notice to be published in a newspaper of general circulation in the Town. The notice shall include a description of the property, the owner of the property (if known), the amount or estimated value of the property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Custodian with a written claim for the return of the property within thirty days of the date of the publication of the notice, the property shall become the sole property of the town and any claim of the owner to such property shall be deemed forfeited.

D. If an apparent owner has not made a claim to the property within the above stated thirty-day claim period, the finder of record shall be notified by mail and the finder shall have thirty days to claim the property. If, within the thirty-day period, the finder makes a demand for the unclaimed property and tenders payment to the town for all reasonable costs incurred by the town in connection with the possession, storage, publication and mailing of notices regarding the unclaimed property, the property shall be returned to the finder. In the event the finder of unclaimed property is an officer or employee of the town and takes possession of such property, the town shall be deemed the finder of the property.

E. If no claimant establishes a right to the unclaimed property by the expiration of the time period set forth in the mailed or published notice, and no finder has claimed the property within the time period set forth in a notification to any finder, the property shall escheat to the town and the owner or person entitled to the property shall be forever barred from any and all claim or right to such property or the proceeds thereof.

F. If the Custodian receives a written claim within the thirty-day claim period, the Custodian shall evaluate the claim and give written notice to the claimant within ninety days thereof that the claim has been accepted or denied in whole or in part. The Custodian may investigate the validity of a claim and may request further supporting documentation from the claimant prior to disbursing or refusing to disburse the property. Upon determination of the rightful owner, the Custodian shall receive from the owner reimbursement to the town for all reasonable costs incurred by the town, including all reasonable costs incurred by the town in connection with the possession, storage, publication and mailing of notices regarding the unclaimed property, prior to the release of the unclaimed property.

G. In the event there is more than one claimant for the same property, the Custodian may, in the Custodian's sole discretion, resolve said claims, or may resolve such claims by depositing the disputed property with the registry of the district court in an interpleader action.

H. In the event that all claims filed are denied, the property shall become the sole property of the town and any claim of the owner of such property shall be deemed forfeited.

I. Any legal action filed challenging a decision of the Custodian shall be filed pursuant to Rule 106 of the Colorado Rules of Civil Procedure within thirty days of such decision or shall be forever barred. If any legal action is timely filed, the property shall be disbursed by the Custodian pursuant to the order of the court having jurisdiction over such claim.

J. The chief of police is authorized to establish and administer procedures for the administration and disposition of unclaimed property consistent with this chapter. (Ord. 641 §1, 2007; Ord. 291 §1(part), 1992)

2.50.030 Sale of unclaimed property.

A. Unclaimed property that becomes the property of the town under Section 2.50.020 shall be disposed of by sale, unless the board of trustees provides for a different manner of disposition. However, no firearm or any other deadly weapon shall be disposed of by sale, except that the board of trustees, in its sole discretion and upon terms and conditions it determines, may authorize the sale or donation of a firearm with documented historical value.

B. If the property is to be disposed of by sale, the Custodian shall:

1. Cause a notice of such sale to be published once, at least three weeks in advance of the sale, in a newspaper of general circulation in the town describing the property and setting forth the date, time and place of the sale or the date, time and manner in which unclaimed property will be made available for sale.

2. Cause the unclaimed property to be auctioned for cash to the highest bidder, or provide for the sale of such item through an agreement for such services as approved by the board of trustees, unless the Custodian determines the sale would not be in the best interest of the town. No money or negotiable instruments shall be sold at such a sale; they shall become the property of the town if unclaimed by the owner thereof. If a bid is not made for the unclaimed property offered for sale, the unclaimed property shall remain the property of the town.

3. Upon receipt of the cash from the purchaser of the unclaimed property, provide a receipt for the property and deliver the article together with the bill of sale to the purchaser.

4. Apply proceeds of the sale of said unclaimed property first to costs of the keeping and sale of said property, and place the balance of said proceeds in the general fund of the town.

C. There is no right of redemption from a sale and conveyance of unclaimed property that becomes the property of the town. (Ord. 641 §1, 2007; Ord. 291 §1(part), 1992)

2.50.040 Disposition of perishable, bulky, etc., property.

A. Notwithstanding any other provision of this chapter, if any property seized or taken possession of by the town is of perishable nature, is bulky or is of such a nature as to make it dangerous or inadvisable to retain possession thereof for the length of time specified in this chapter, the chief of police or designee thereof, setting forth the reasons why the property should not be retained for the period fixed before selling or disposing of the same, may, with the approval of the mayor, cause the property to be forthwith advertised in the newspaper of general circulation, and sell or dispose of the property at public sale at any time after three days shall have elapsed from the seizure or taking possession thereof.

B. In the event the unclaimed property reasonably appears to pose a sanitary or health hazard if stored, the chief of police or designee thereof may immediately dispose of such property and shall keep a log describing all property disposed of for these reasons. (Ord. 641 §1, 2007; Ord. 291 §1(part), 1992)

2.50.050 Illegal weapons.

Notwithstanding any other provisions of this code, all illegal weapons, pistols and handguns, and all property the possession of which is illegal by virtue of any town, state or federal law shall be destroyed or turned over to the appropriate authority and shall not otherwise be subject to disposition under Section 2.50.020, 2.50.030 or 2.50.040. (Ord. 641 §1, 2007; Ord. 291 §1(part), 1992)

Chapter 2.52

Police Department

Sections:

- 2.52.010 Created – Control of officers.
- 2.52.020 Chief of Police – Duties.
- 2.52.030 Duties of police officers.
- 2.52.040 Reserve officer force.
- 2.52.050 Community Service Officer.
- 2.52.060 Holding property as evidence.
- 2.52.070 Oath.
- 2.52.080 Uniforms.
- 2.52.090 Mayoral appointment of deputy police officers.
- 2.52.100 Duty of citizens to aid.
- 2.52.110 Disposition of motor vehicles.

2.52.010 Created – Control of officers.

The Town shall have a paid Police Department consisting of a Chief of Police and such number of police officers as in the judgment of the Board of Trustees may be necessary to the peace and good order of the Town. The members of the Police Department shall be subject to the control and orders of the Chief of Police, and may be removed pursuant to the personnel policies of the Town duly made and sustained. Wherever this Code refers to *Marshal*, such reference shall mean the Chief of Police. Wherever this Code refers to *Deputy Marshal*, such reference shall mean police officer. (Ord. 700 §2, 2008; Ord. 249 §2(part), 1989)

2.52.020 Chief of Police – Duties.

A. The Chief of Police shall have all powers and obligations conferred on such position pursuant to the Colorado state statutes and Town ordinances.

B. The Chief of Police shall be the head of the Police Department and shall, in addition to the duties imposed upon all police officers, be responsible for the administration of the Police Department, exercise general supervision and control over the work of all members of the Department and prescribe the number of hours and the times of day or night when police officers shall be on duty. The Chief of Police shall attend meetings of the Board of Trustees as required by the Board.

C. The Chief of Police shall develop, adopt, amend and administer policies and procedures for the administration of the Police Department, including without limitation the provisions of the Department policies and procedures manual. All amendments to such manual shall be filed with the Board of Trustees and the Town Manager upon their adoption. (Ord. 731 §3, 2010; Ord. 712 §1, 2009; Ord. 700 §3, 2008; Ord. 249 §2(part), 1989)

2.52.030 Duties of police officers.

A. Each police officer of the Town shall have all the powers and obligations conferred on peace officers pursuant to state statutes and Town ordinances.

B. Police officers shall execute all writs and processes directed to them by the Municipal Judge in any case arising under a Town ordinance, and the Police Department shall receive the same fees for such services that sheriffs are allowed in similar cases.

C. Police officers shall investigate, make arrests, issue summonses, sign complaints and assist in prosecution for violations of state or federal statutes and municipal ordinances. They shall suppress all riots and breaches of the peace and apprehend persons fleeing from justice. (Ord. 700 §4, 2008; Ord. 249 §2(part), 1989)

2.52.040 Reserve officer force.

The Chief of Police may establish not more than five positions in the Town police reserve unless otherwise authorized by the Board of trustees. Reserve members shall perform such duties as may be assigned by the chief of police or, in the chief's absence, the highest ranking officer. Reserve members shall serve without compensation and shall serve on duty when called into service by the chief of police or, in the chief's absence, by the highest ranking officer. Reserve members may be reimbursed at the town's discretion for authorized out-of-pocket expenses incurred in the course of duty. The position of reserve officer is volunteer in nature, and such relationship may be severed by the chief of police at any time, with or without cause. (Ord. 700 §5, 2008; Ord. 411 §1, 1998)

2.52.050 Community service officer.

A. There is created the position of community service officer.

B. The community service officer shall have the responsibility to enforce, under the supervision of the chief of police, the following provisions of the Firestone Municipal Code:

1. Title 5, Business Licenses;
2. Title 6, Animals;
3. Title 8, Health and Safety;
4. Section 9.08.100, Abandonment of a motor vehicle;
5. Section 9.08.110, Wrecked, nonoperating vehicles on private property; and
6. Chapter 15.40, Fences.

C. In addition to the responsibilities set forth in Subsection B. of this section, the community service officer shall perform such other duties as required by the chief of police. In no event shall any such duties include any activities related to law enforcement except as specifically authorized by this section.

D. Nothing in this section shall deprive any police officer of the power to enforce any of the provisions of this code listed in Subsection B of this section.

E. The community service officer shall not have any arrest power and shall not be authorized to carry any firearm.

F. Solely for the purpose of the issuance of a summons and complaint or penalty assessment notice for offenses within the scope of the community service officer's enforcement responsibilities pursuant to Subsection B of this section, and for no other purpose, the community service officer shall be deemed to be a "peace officer" within the meaning of the Colorado Municipal Court Rules of Procedure. (Ord. 445, 2000)

2.52.060 Holding property as evidence.

In the event that the town attorney, district attorney or other person charged with the duty of prosecuting violations of the town, state or federal laws requests that any of the lost, abandoned or recovered stolen property be held by the chief of police because it is required in a criminal prosecution, the chief of police shall retain custody and shall not sell the same until written notice is received that the property is no longer needed for prosecution purposes. (Ord. 700 §6, 2008)

2.52.070 Oath.

Before entering upon the duties of office, each officer shall take and subscribe the oath or affirmation. (Ord. 700 §7, 2008)

2.52.080 Uniforms.

Every officer shall wear at all times while on duty a uniform of the type and quality prescribed by the manual of the police department as amended from time to time. (Ord. 700 §8, 2008)

2.52.090 Mayoral appointment of deputy police officers.

The mayor may, upon any emergency or riot, or at any time when the mayor shall deem it necessary for the peace, good order or health of the town, appoint deputy police officers for a specified time, but not exceeding two days, without the action of the board. (Ord. 700 §9, 2008)

2.52.100 Duty of citizens to aid.

It shall be the duty of all persons, when called upon by the chief of police or any police officer, to promptly aid and assist such officer in the discharge of his or her duties. (Ord. 700 §10, 2008)

2.52.110 Disposition of motor vehicles.

The police department may dispose of impounded motor vehicles in any of the following ways:

- A. By following the procedures provided by state law for disposal of abandoned vehicles; or

B. If the chief of police determines that some other method of disposal is more efficient, the chief of police may adopt such a method. Such method shall provide:

1. Reasonable notice to the owner and any lien holders of record by mail or publication at least thirty days before disposition of the vehicle; but, if the vehicle has been appraised to determine its reasonable market value by the chief of police, by any employee of the police department designated by the chief of police or by a licensed Colorado motor vehicle dealer as having a value of less than two hundred dollars, then the vehicle may be disposed of no less than fifteen days after the date of the notice. Notice is deemed given on the date that it is delivered, mailed or published, whichever is earliest. The notice shall indicate whether the holding period is fifteen or thirty days. Before giving notice, the police department shall make inquiry through the licensing authority of the state of registration of the vehicle, if that can be ascertained from the license plate or vehicle identification number, if any, as to the name and mailing address of the owner and lien holders of record. Notice shall be delivered or sent by certified mail to such persons. If such inquiries produce no such information, notice shall be published at least once in a newspaper of general circulation in the town. The notice shall state the grounds upon which impoundment was authorized, the location of the vehicle and the person to whom the owner or lien holder may apply to reclaim the vehicle prior to its disposal.

2. For disposition of the vehicle:

a. If the vehicle has been appraised and the towing and storage charges at the end of the applicable holding period exceed the appraised value, then the town may sell the vehicle to the towing and impoundment lot operators, if such were involved, for the amount of the accrued charges;

b. At a private sale; or

c. At a public sale.

3. For delivery of a bill of sale to the purchaser. The police department shall send a copy of such bill of sale, together with a written report of the sale, to the Colorado Department of Revenue. If the appraised value of the vehicle was less than two hundred dollars or if, in the case of a vehicle sold without appraisal, the sale was for less than two hundred dollars, the bill of sale shall state that the vehicle is sold only for the purpose of junking or dismantling the vehicle, and that the purchaser acquires no right to a certificate of title for such vehicle. Such purchaser shall also be given a copy of the report which is sent to the Colorado Department of Revenue.

4. For disposition of the proceeds from a sale pursuant to Subparagraph 2.b. above or of this subparagraph in the following manner:

a. The costs of towing and storage in an impound lot shall be paid to the towing and impound lot operators in accordance with the contract such operators may have with the town for such services. Such contract may provide, without limitation, that the towing and impound lot operator will receive only a percentage of the proceeds, but not to exceed such costs. If such services were not performed pursuant to a contract with the town, payment shall be calculated in the manner provided by state law.

b. From the balance, if any, there shall be deposited into the general fund of the town reasonable expenses to the town on account of the abandonment of the vehicle, including without limitation the costs of the search for owners and lien holders, notice, appraisal, advertising, sale and any other fees or penalties, including without limitation those on account of parking infractions pursuant to this code, due with respect to the vehicle.

c. The remaining balance, if any, shall then be paid first to any lien holder of record and second to any owner of record as his or her interests may appear on such records or to any person submitting proof of an enforceable interest in such vehicle as of the date of sale. If no such person is known to the town, such balance shall be deposited into the general fund of the town.

d. There is no right of redemption from any sale made pursuant to this section. After a vehicle has been sold pursuant to such terms, neither the town nor any officer, agent or employee thereof is liable for any failure to deliver such vehicles to any person other than the purchaser at such sale. (Ord. 700 §11, 2008)

Chapter 2.56

Planning and Zoning Commission

Sections:

- 2.56.010 Created.
- 2.56.020 Members.
- 2.56.030 Qualifications of members.
- 2.56.040 Organization and rules.
- 2.56.050 Staff and finances.
- 2.56.060 Powers and duties.
- 2.56.070 Planning commission—Purpose.
- 2.56.080 Zoning commission—Purpose.

2.56.010 Created.

Pursuant to the authority conferred by applicable laws of the state, there is created a planning commission and a zoning commission for the town. The members of the planning commission shall also serve and are appointed as the zoning commission. (Prior code §10-1)

2.56.020 Members.

The Town Planning and Zoning Commission shall consist of seven members who shall be appointed by the Mayor and the appointment of whom shall be confirmed by a majority of the Board of Trustees. The term of office shall be six years and appointments shall be staggered so that at least two vacancies occur every two years. All terms shall commence on the fourth Thursday in January in the year of appointment and shall expire six years thereafter. Members may be removed, after public hearings, by the Mayor for inefficiency, neglect of duty or malfeasance in office. The Mayor shall file a written statement of reasons for such removal. Vacancies in membership occurring other than through the expiration of a term shall be filled for the remainder of the unexpired term by the Mayor. (Ord. 748 §1, 2010; Ord. 693 §1, 2008; Ord. 565 §1, 2004; Ord. 550 §1, 2004; prior code §10-2)

2.56.030 Qualifications of members.

All members of the Planning and Zoning Commission shall be bona fide residents of the Town for a period of at least one year prior to beginning the term to which they have been appointed, and if any member ceases to reside in the Town, his or her membership shall immediately terminate. All members of the Commission shall serve as such without compensation, and the appointed members shall hold no other municipal office, except that such members shall serve as members of the Board of Adjustment when the Commission is acting as such Board. (Ord. 613 §1, 2006; Ord. 369 §3, 1997; prior code §10-3)

2.56.040 Organization and rules.

Each Commission shall elect its chairman from among the appointed members and create and fill such other of its offices as it may determine. The chairman of the Commission shall preside at all meetings and hearings of the Commission but shall not be entitled to vote on any matter that comes before the Commission, except in the case of a tie vote. The term of the chairmen shall be one year, with eligibility for re-election. Each Commission shall hold meetings from time to time as necessary. Each Commission shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations. It may also hold special meetings from time to time as it shall deem necessary; special meetings shall be at the call of the chairman of the Commission or upon the request of any three of its members. A complete record shall be kept at the Town Hall of all proceedings of the Commission, which records shall be available for public examination at all appropriate times. (Ord. 565 §2, 2004; Ord. 246 §118, 1988; prior code §10-4)

2.56.050 Staff and finances.

Each Commission, jointly or severally, may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion, and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the Town. Each Commission may also, with the consent of the Board of Trustees, contract with Town planners, engineers, and architects and other consultants for such services as it may require. The expenditures of the Commission, exclusive of gifts, shall be within the amounts which may be appropriated for the purpose by the Board of Trustees which shall provide in its sole discretion the funds, equipment, and accommodations necessary for the Commission's work. (Ord. 246 §119, 1988; prior code §10-5)

2.56.060 Powers and duties.

Each Commission shall have all the powers and perform all duties specified by applicable laws of the state. The performance of such duties and the exercise of such authority is to be subject to the limitations expressed in such legislative enactment or enactments. (Prior code §10-6)

2.56.070 Planning Commission—Purpose.

It shall be the duty of the Commission to propose and recommend to the Board of Trustees a master plan for the physical development of the Town, including any areas outside its boundaries, subject to the approval of the governmental body having jurisdiction thereof, which in the Commission's judgment bears relation to the planning of the Town. The master plan shall be prepared in compliance with the provisions of the laws of the state with the general purpose of providing for a harmonious development of the Town and its environs which will best promote the health, safety and general welfare of the citizens of the Town. (Ord. 246 §120, 1988; prior code §10-7)

2.56.080 Zoning Commission—Purpose.

The Zoning Commission shall prepare its regulations in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and general welfare, to provide adequate light and air, to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulation shall be made with reasonable consideration, among other things, as to the character of the district and its particular suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality. (Prior code §10-8)

Chapter 2.58

Parks, Trails and Recreation Advisory Board

Sections:

- 2.58.010 Created.
- 2.58.020 Purpose.
- 2.58.030 Members.
- 2.58.040 Qualifications of members.
- 2.58.050 Organization and rules.
- 2.58.060 Staff and finances.
- 2.58.070 Powers and duties.

2.58.010 Created.

Pursuant to the authority conferred by applicable laws of the State, there is created a Parks, Trails and Recreation Advisory Board for the Town, referred to in this Chapter as the Board. (Ord. 786 §3, 2011; Ord. 472 §1, 2001)

2.58.020 Purpose.

The Board shall have as its general purpose to provide input, advice and recommendations on parks, trails and recreation issues of concern to the Town and its citizens in order to help provide for the harmonious development of the Town, its parks, trails and recreational facilities, and associated services and environs, in a manner which will best promote the health, safety and the general welfare of the citizens of the Town. (Ord. 786 §4, 2011; Ord. 472 §1, 2001)

2.58.030 Members.

The Board shall consist of seven members as follows: one member of the Board of Trustees who shall be appointed by the Mayor and serve as Chairperson of the Board, and one member of the Board of Trustees who shall be appointed by the Board of Trustees. Each Trustee member of the Board shall serve a two-year term so long as he or she is a member of the Board of Trustees. The remaining five members of the Board shall be appointed by the Mayor and confirmed by the Board of Trustees. The terms of the five members shall be as follows: two two-year terms, two three-year terms and one four-year term. Any vacancy in membership shall be filled by appointment by the Mayor and confirmed by the Board of Trustees. Terms of

office for all appointments shall commence the fourth Thursday of April in each even numbered year and shall expire on the fourth Wednesday of April in the last year of the term, subject to the above requirement that each Trustee member's service shall be concurrent with his or her service as Trustee. (Ord. 786 §§2, 5, 2011; Ord. 776 §1, 2011; Ord. 671 §13, 2008; Ord. 563 §1, 2004; Ord. 472 §1, 2001)

2.58.040 Qualifications of members.

All members of the Board shall be bona fide residents of the Town, and if any member ceases to reside in the Town, his or her membership shall immediately terminate. All members of the Board shall serve as such without compensation. Members other than the Trustee members may be removed, after public hearing, by the Mayor for inefficiency, neglect of duty or malfeasance in office, and the Board of Trustees, after public hearing, may remove a Trustee member from the Board for the same reasons. (Ord. 786 §6, 2011; Ord. 472 §1, 2001)

2.58.050 Organization and rules.

The Board shall hold regular meetings at least quarterly. The Board shall at its first meeting each year choose a Vice-Chairperson and Secretary from among its members and shall fill any vacancy in such offices. All meetings of the Board shall be held in accordance with the open meetings law. Special meetings may be called at any time by the Chairperson or two members of the Board upon giving forty-eight hours' notice of the special meeting to the Board members. The Board shall keep minutes and records of its meetings and transactions. Four members of the Board shall constitute a quorum, and an affirmative vote of a majority of those present constituting a quorum shall be sufficient to authorize any action of the Board. The Board shall have the power to adopt bylaws and rules and regulations for the conduct of its business consistent with the provisions of this Code and state law. (Ord. 786 §2, 2011; Ord. 563 §2, 2004; Ord. 472 §1, 2001)

2.58.060 Staff and finances.

The Board Chairperson and Town Manager shall coordinate and direct staff efforts for and on behalf of the Board. Any expenditures made by the Board shall be authorized by the Board of Trustees or its designee, as provided herein, and shall be within the amounts appropriated by the Board of Trustees. Such appropriated amounts shall be in the exclusive discretion of the Board of Trustees. The Town Manager shall have the authority to authorize expenditures for and on behalf of the Board within limits set forth in the Town's purchasing policies. All other expenditures, and all commitments of funds and contracts proposed or recommended by the Board, shall be subject to the approval of the Board of Trustees. The Board shall be provided with a detailed quarterly report of revenues, expenditures and appropriations for park purposes. (Ord. 786 §§2, 6, 2011; Ord. 731 §3, 2010; Ord. 712 §1, 2009; Ord. 671 §14, 2008; Ord. 472 §1, 2001)

2.58.070 Powers and duties.

The Board shall have such powers and duties as are set forth herein and as the Board of Trustees may otherwise provide for from time to time. The Board's powers and duties shall include the following:

- A. Review and recommend parks, trails and recreation improvements and projects for the Town and Town properties;
- B. Investigate and make recommendations regarding project budgets, suppliers, materials and related matters for parks, trails and recreation improvements and projects;

C. From time to time review and make recommendations to the Board of Trustees respecting the parks, trails and recreational components of the Town's master plan;

D. Provide comments to the Board of Trustees and/or planning staff on development proposals for land immediately adjacent to or materially impacting Town parks, trails or recreation properties or facilities;

E. Provide input on the location of trails and paths on park lands;

F. Make recommendations to the Board of Trustees on operation or maintenance of Town parks and recreational facilities and use of Town trails;

G. Provide a forum for citizen input and comment on parks, trails and recreation issues, and provide to the Board of Trustees reports and recommendations resulting for any such forum;

H. Provide any additional recommendations to the Board of Trustees on parks, recreation and trails issues that the Board finds appropriate;

I. Keep abreast of grant opportunities, recommend grant opportunities, have input into the grant process, and identify and recommend funding sources for capital improvement projects;

J. Participate as a referral agency in the review of parks, trails and recreation facilities proposed for construction in new subdivisions, paying particular attention to the FDP phase of development; and

K. Coordinate and provide a forum for communications with the Recreation District and its staff regarding recreation programs, services and facilities, and provide recommendations to the Board regarding matters of mutual interest between the Town and District. (Ord. 786 §§2, 7, 2011; Ord. 472 §1, 2001)

Chapter 2.60

Emergency Management

Sections:

- 2.60.010 Purpose.
- 2.60.020 Definitions.
- 2.60.030 Preparedness and coordination.
- 2.60.040 Disaster declaration powers.
- 2.60.050 Line of succession.
- 2.60.060 Emergency meetings.
- 2.60.070 Conflicting ordinances, orders, rules and regulations suspended.
- 2.60.080 Town nonliability designation.

2.60.010 Purpose.

The purpose of this Chapter is to establish the Emergency Management Unit within the Firestone Police Department and to set forth other emergency management authorities, responsibilities and procedures for the Town. The establishment of the Town's Emergency Management Unit shall not affect the jurisdiction of any local disaster agency maintained by Weld County within the Town and its authority to serve the Town in accordance with the "Colorado Disaster Emergency Act of 1992," Section 24-32-2101, et seq., C.R.S. (Ord. 757 §1, 2010)

2.60.020 Definitions.

As used in this Chapter, the definitions set forth in Section 24-32-2103, C.R.S., as amended from time to time, shall apply. The definition of disaster shall be as set forth in Section 24-32-2103(1.5), C.R.S., and shall include any other declared disaster that requires the aid and the assistance of local, state or federal agencies. (Ord. 757 §1, 2010)

2.60.030 Preparedness and coordination.

The Emergency Management Unit within the Firestone Police Department shall be responsible for disaster preparedness and coordination of disaster response for the Town. The Emergency Management Unit shall prepare and keep current a local disaster emergency plan, known as the emergency operations plan ("EOP") for the Town, which is subject to approval of the Board of Trustees by resolution. An emergency management system shall be developed and tested to assure capability of managing disasters and extraordinary events. The EOP will identify emergency responsibilities of all local agencies and officials. (Ord. 757 §1, 2010)

2.60.040 Disaster declaration powers.

A. The Town Manager, as the principal executive officer for the Town, shall have the power to declare that a state of local disaster exists when he or she is of the opinion that a disaster or extraordinary emergency event has occurred or the threat of such event is imminent.

B. The declaration of local disaster shall be in writing and shall describe the nature of the disaster, the area threatened and the conditions which have brought it about and the conditions, if any, that would remedy it. The declaration shall be forwarded to the Mayor, who shall cause the declaration to be filed with the Town Clerk and forward a copy to the Weld County Office of Emergency Management and the State Division of Emergency Management. The Town Manager or his or her designee shall be responsible for publication and dissemination of the information to the public.

C. The issuance of a declaration declaring a state of disaster or emergency shall automatically empower the Town Manager to exercise any and all of the disaster and emergency powers permitted by state and local law and shall activate all relevant portions of the EOP.

D. The Mayor shall convene the Board of Trustees to exercise its legislative powers as the situation demands and shall receive reports through the Town Manager and evaluate and enact policy and other incident support as required.

E. A state of local disaster shall remain in effect until the Board of Trustees or Town Manager declares that the threat of danger has passed or that the local disaster or emergency conditions no longer exist. However, a state of local disaster shall not be continued or renewed for a period in excess of seven days unless the Board of Trustees approves a longer duration. The Board of Trustees may, by motion, terminate a state of local disaster or emergency at any time, and the Town Manager shall immediately issue a notice effecting the same. Any declaration continuing or terminating a state of local disaster or emergency shall be filed with the Town Clerk, and a copy shall be forwarded to the Weld County Office of Emergency Management.

F. Subsequent to the declaration of a disaster, the Town Manager may exercise any and all powers granted by applicable local or state law, including:

1. Suspend the provision of the Firestone Municipal Code that prescribes procedures for conduct of Town business, if strict compliance would in any way prevent, hinder or delay necessary action in coping with the disaster or emergency, provided that such suspension of the provision of the Firestone Municipal Code is confirmed at the earliest practicable time by the Board of Trustees.

2. Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster, provided such rules and regulations are confirmed at the earliest practicable time by the Board of Trustees.

3. Requisition necessary personnel, material or supplies of any Town department, division or agency.

4. Transfer the direction, personnel or functions of Town departments for the purpose of performing or facilitating emergency services.

5. Subject to any applicable legal requirements to provide compensation for services or for taking or use of property and to the principles set forth in Section 24-32-2111, C.R.S., and Articles 1 to 7 of Title 38, C.R.S., to commandeer or utilize any private property necessary to cope with the disaster or emergency.

6. Exercise all powers permitted by the Firestone Municipal Code and state law to require emergency services of any Town officer or employee and command the aid of as many people in the Town as he or she deems necessary in the execution of his or her duties. To the extent permitted by law, such persons may be entitled to the privileges, benefits and immunities provided by state law for civil defense workers. (Ord. 757 §1, 2010)

2.60.050 Line of succession.

A. If the Mayor is unable to perform the duties or functions set forth in this Chapter, the powers and duties conferred upon the Mayor shall be performed in descending order, as follows: by the Mayor Pro Tem, by the Board of Trustees member most senior in length of service, by the Board of Trustees member whose last name begins with a letter that is the closest to the beginning of the alphabet.

B. If the Town Manager is unable to perform the duties or functions set forth in this Chapter, then the powers and duties conferred upon the Town Manager shall be performed in descending order as follows: by the Chief of Police or by the Chief of Police's designee as established in writing in advance. (Ord. 757 §1, 2010)

2.60.060 Emergency meetings.

A. Upon the declaration of a disaster by the Town Manager, an emergency meeting of the Board of Trustees may be called in order to protect the public health, safety or welfare of the residents of the Town.

B. The requirement for twenty-four hours' posting of notice of the meeting as required by Section 24-6-402(2)(c), C.R.S., may be waived by majority vote of a quorum present at such emergency meeting as the first item of business.

C. At such emergency meeting, any action within the police power of the Board of Trustees necessary for the immediate protection of the public health, safety or welfare may be taken, provided that any action taken

at an emergency meeting shall be effective only until the next regular or special meeting of the Board of Trustees. At such regular or special meeting, the emergency issue shall be included in the notice posted pursuant to Section 24-6-402(2)(c), C.R.S. At such subsequent meeting the Board of Trustees may ratify any emergency action taken. If any emergency action taken is not ratified, it shall be deemed to be rescinded. (Ord. 757 §1, 2010)

2.60.070 Conflicting ordinances, orders, rules and regulations suspended.

Any ordinances, resolutions, orders, rules and regulations promulgated during proclaimed state of emergency shall take precedence over existing ordinances, resolutions, rules and regulations if a conflict arises. (Ord. 757 §1, 2010)

2.60.080 Town nonliability designation.

To the extent permitted by law and except in the case of willful and wanton misconduct, neither the Town nor any of its agencies, agents, employees or representatives, while engaging in any disaster response activities, while complying with or attempting to comply with the provisions of this Chapter, or with any rules or regulations promulgated pursuant to the provisions of this Chapter, shall be liable for the death or injury to persons or damage to property as a result of such activities. The provisions of this Chapter shall not affect the right of any person to receive benefits which would otherwise be available under the workers' compensation law, or under any pension law, nor the right of such person to receive any benefit or compensation under any act of Congress or the General Assembly of the State. (Ord. 757 §1, 2010)