

## CHAPTER 2

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## **ARTICLE 1**

### **Elections**

#### **Sec. 2-1-10. Write-in candidate affidavit.**

No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the Town Clerk by the person whose name is written in prior to twenty (20) days before the day of the election, indicating that such person desires the office and is qualified to assume the duties of that office if elected. (Prior code 2-7-1)

#### **Sec. 2-1-20. Cancellation of election.**

(a) 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.

(b) Notice of such cancellation shall be published, if possible, in order to inform the electors of the Town, and notice of such cancellation shall be posted at each polling place and in not less than one (1) other public place. (Prior code 2-7-2; Ord. 330 §1, 2007)

## **ARTICLE 2**

### **Mayor and Board of Trustees**

#### **Sec. 2-2-10. Board of Trustees; terms, authority, qualifications and vacancies.**

(a) At the regular municipal election on the first Tuesday of April, 1980, 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.

(b) Qualifications. Each Trustee shall be a registered elector of the Town who has resided within the Town limits for a period of at least twelve (12) consecutive months immediately preceding the date of the election; except that, in case of an annexation, any person who has resided within the annexed territory for the time prescribed herein shall be deemed to have met the residence requirements for the Town.

(c) Vacancies. In case of a vacancy, the Board of Trustees shall have the power to, by appointment, fill all vacancies in the Board or in any other elected office in accordance with the provisions of Section 31-4-303, C.R.S. The person so appointed shall hold office until the next regular election and until his or her successor is elected and qualified. If the term of the person creating the vacancy was to extend beyond the next regular election, the person elected to fill the vacancy shall be elected for the unexpired term. Where vacancies exist in the offices of Trustee and

successors are to be elected at the next election to fill the unexpired terms, the three (3) candidates for Trustee receiving the highest number of votes shall be elected to four-year terms, and the candidates receiving the next highest number of votes, in descending order, shall be elected to fill the unexpired terms. (Prior code 2-2-1, 2-2-2; Ord. 330 §1, 2007)

**Sec. 2-2-20. Mayor.**

At the regular municipal election on the first Tuesday of April, 1980, and at the regular election every four (4) years thereafter, a Mayor shall be elected to serve a four-year term. (Prior code 2-1-1)

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

At its first meeting following each biennial election, the Board of Trustees shall choose one (1) of the Trustees as Mayor Pro Tem. In the absence of the Mayor from any meeting of the Board of Trustees, during the absence of the Mayor from the Town or during the inability of the Mayor to act, the Mayor Pro Tem shall perform the duties of the Mayor. (Ord. 330 §1, 2007)

**Sec. 2-2-40. Acting Mayor.**

In the event of the absence or disability of both the Mayor and the Mayor Pro Tem, the Trustees may designate another Trustee to serve as acting Mayor during such absence or disability. (Ord. 330 §1, 2007)

**Sec. 2-2-50. Compensation of Mayor and Trustees.**

(a) For each regular or special Board of Trustees' meeting at which a quorum is present and official business is transacted, each Trustee present shall receive one hundred dollars (\$100.00), and the Mayor, or Mayor Pro Tem if the Mayor is absent, shall receive one hundred twenty dollars (\$120.00), as compensation for the services rendered to Town.

(b) The compensation provided for above shall begin for all regular and special meetings after the regular election and installation of the Mayor and Trustees in 2006. (Prior code 2-1-2, 2-2-3; Ord. 315 §1, 2005)

**ARTICLE 3**

**Officers and Employees**

**Sec. 2-3-10. Appointment of officers.**

(a) The Board of Trustees shall appoint, as officers of the Town, a Town Clerk, Town Treasurer, Town Attorney and Municipal Judge.

(b) The Board of Trustees may by ordinance provide for the appointment of such other officers as it deems necessary for the good government of the Town and prescribe by ordinance their duties when the same are not defined by law and the compensation or fees they are entitled to receive for their services. The Board of Trustees may require of them an oath of office and a bond, with surety, for the faithful discharge of their duties. No person shall be deemed to be an officer of the Town

unless he or she is duly elected or appointed to a position which has been specifically designated as an elected or appointed office by ordinance or state statute.

(c) All appointed officers shall be appointed by the Board of Trustees within thirty (30) days after each regular election, and shall hold their respective offices until the next regular election and until their respective successors are appointed and qualify. No appointment of any officer shall continue beyond thirty (30) days after election and qualification of the members of the succeeding Board of Trustees. (Prior code 2-8-1; Ord. 277 Part 1, 2002)

**Sec. 2-3-20. Filling of vacancies in appointed offices.**

The Board of Trustees has the power, by appointment, to fill all vacancies in any appointed office, and the person so appointed shall hold office until the next regular election, and until his or her successor is appointed and qualifies. (Prior code 2-8-2)

**Sec. 2-3-30. Removal of officers.**

By a majority vote of all members of the Board of Trustees, the Mayor, Town Clerk, Town Treasurer, any member of the Board of Trustees or any other officer of the Town may be removed from office in accordance with state statutes. 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 elected officer ceases to reside within the limits of the Town, he or she may be removed from office pursuant to this Section. Appointed officers and employees of the Town need not reside within the limits of the Town. A Municipal Judge may be removed during his or her term of office only for cause, as set forth in Section 13-10-105(2), C.R.S. (Prior code 2-8-3)

**Sec. 2-3-40. Combined offices.**

The Board of Trustees may appoint one (1) person to hold more than one (1) office simultaneously, where such offices are compatible. Without limiting the generality of the foregoing, the Board may appoint one (1) person to hold the offices of Town Clerk and Town Treasurer. (Prior code 2-8-4)

**Sec. 2-3-50. Other employees.**

In addition to the appointed officers of the Town, the Board of Trustees may appoint or hire such other employees as it deems necessary or appropriate for the proper administration and operation of the Town. Such employees may include a Chief of Police, Town Manager, maintenance personnel and such other full- or part-time employees as may be authorized from time to time by the Board of Trustees. The powers and duties of all such employees shall be as prescribed by the Board. The Board of Trustees may delegate its authority to hire and discharge employees to the Town Manager or to any other appropriate Town officer or employee. (Prior code 2-8-5)

**Sec. 2-3-60. Compensation, duties and other terms of employment.**

The Board of Trustees shall, from time to time, determine the salary, wages or other compensation to be paid to the officers and employees of the Town and the employment benefits and other terms of

employment that are applicable to each officer and employee. The Board of Trustees may enter into employment contracts with any or all such officers and employees, providing for the compensation, duration of employment, employment benefits, duties, powers and other terms of employment for each such officer and employee. The Board of Trustees may further adopt such personnel policies, rules and regulations as it deems necessary or appropriate to define or govern the employer/ employee relationship between the Town and its officers and employees. (Prior code 2-8-6)

**Sec. 2-3-70. Town Clerk.**

(a) Oath and bond. Before entering upon the duties of the office, the Town Clerk shall take an oath or affirmation to support the Constitution of the United States and the State Constitution. If required by the Board of Trustees, the Clerk shall furnish a surety bond in an amount fixed by the Board, conditioned upon the faithful discharge of his or her duties as Clerk. The Board of Trustees may waive the requirement for such a bond.

(b) Duties. The Town Clerk shall attend all meetings of the Board of Trustees and shall make a true and accurate record of all the proceedings, rules and ordinances made and passed by the Board of Trustees. The Clerk shall also have such other duties and authority as may be prescribed from time to time by the Board of Trustees and as provided in this Code and resolutions of the Town. (Prior code 2-9-1, 2-9-2)

**Sec. 2-3-80. Town Treasurer.**

(a) Oath and bond. Before entering upon the duties of the office, the Town Treasurer shall take an oath or affirmation to support the Constitution of the United States and the State Constitution. If required by the Board of Trustees, the Town Treasurer shall furnish a surety bond in an amount fixed by the Board, conditioned upon the faithful performance of his or her duties as Town Treasurer so long as he or she shall serve as such Treasurer and requiring that, when he or she vacates 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 and remaining in his or her charge as such Treasurer. The Board of Trustees may waive the requirement for such a bond.

(b) Duties. The Town Treasurer shall:

(1) Receive all monies belonging to the Town and shall keep his or her books and accounts in such manner as may be prescribed by ordinance. Such books and accounts shall always be subject to inspection of any member of the Board of Trustees.

(2) Keep a separate account of each fund or appropriation and the debits and credits belonging thereto.

(3) Give every person paying money into the treasury a receipt therefor specifying the date of payment and upon what account paid, and file statements of such receipts with the Town Clerk on the date of his or her monthly report.

(4) Render an account to the Board of Trustees or such officer as may be designated by ordinance, at the end of each month and more often if required, showing 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 accounts with a statement of all monies received into the treasury and on what account during the preceding month, together with all warrants redeemed and paid by him or her. Said warrants, with any vouchers held by the Town Treasurer, shall be delivered to the Town Clerk and filed with his or her account in the Clerk's office upon every day of such statement. He or she shall mark all warrants paid by him or her stamped or marked "paid." He or she shall keep a register of all warrants redeemed and paid, which shall describe such warrants and show the date, amount, number, the fund from which paid and the name of the person to whom and when paid.

(5) Perform such other duties as may from time to time be assigned to the Town Treasurer by the Board of Trustees. (Prior code 2-10-1, 2-10-2)

**Sec. 2-3-90. Town Attorney.**

(a) Oath and bond. Before entering upon the duties of the office, the Town Attorney shall take an oath or affirmation to support the Constitution of the United States and the State Constitution. If required by the Board of Trustees, the Town Attorney shall furnish a surety bond in an amount fixed by the Board, conditioned upon the faithful discharge of his or her duties as Town Attorney. The Board of Trustees may waive the requirement for such a bond.

(b) Duties. The Town Attorney shall act as legal advisor to, and be the attorney and counsel for, the Board of Trustees and shall be responsible solely to the Board. He or she shall render such services as may be requested from time to time by the Board of Trustees. (Prior code 2-11-1, 2-11-2)

**Sec. 2-3-100. Town Manager.**

(a) Appointment. The Board of Trustees may appoint a Town Manager, who shall be an employee but not an officer of the Town. The Town Manager shall serve at a salary fixed by the Board, and his or her employment shall be upon such other terms and conditions as agreed to by the Board and the Manager. He or she shall be selected on the basis of his or her executive and administrative qualifications, with specific reference to his or her actual experience in the knowledge of accepted practice in response to the duties of the position. The Town Manager and the Board of Trustees may enter into an employment contract which shall be construed to remain consistent with Town ordinances and resolutions, as well as state law.

(b) Duties and responsibilities. The Town Manager shall be responsible to the Mayor and Board of Trustees for the efficient administration of the affairs of the Town placed in his or her charge. To that end, he or she shall have such powers and duties as may be prescribed from time to time by the Board of Trustees. (Prior code 2-13-1, 2-13-2)

**Sec. 2-3-110. Social Security.**

(a) Authorization. The Town is hereby authorized to execute and deliver to the State Department of Employment Security a plan and agreement required under Section 5 of said enabling Act and the Social Security Act, to extend coverage to employees and officers of the Town, and do all other necessary things to effectuate coverage of employees and officers under the Old-Age and Survivors' Insurance System.

(b) Payroll deductions. The Town Clerk is hereby authorized to establish a system of payroll deduction to be matched by payments by the Town to be paid into the Contribution Fund of the State through the Department of Employment Security, and to make charges of this tax to the funds from which wage or salary payments are issued to employees of the Town. Such payments are to be made in accordance with the provisions of Sections 1400 and 1410 of the Federal Insurance Contribution Act on all services which constitute employment within the meaning of that Act. Payments made to the State Department of Employment Security shall be due and payable on or before the eighteenth day of the month immediately following the completed calendar quarter, and such payments which are delinquent shall bear interest at the rate of one-half of one percent (.5%) per month until such time as payments are made.

(c) Appropriations. Appropriation is hereby made from the proper funds of the Town in the necessary amount to pay into the Contribution Fund as provided in Section 5(c)(1) of the enabling Act and in accordance with the plan and agreement.

(d) Authority. Authority is given to the Mayor and the Town Clerk to enter into an agreement with the State Department of Employment Security, which agreement shall be in accordance with House Bill No. 291 and with Paragraph 218 of the Social Security Act. Such plan and agreement shall provide that the participation of this Town shall be in effect as of June 6, 1966. (Prior code 2-4-1, 2-4-2, 2-4-3, 2-4-4)

## **ARTICLE 4**

### **Municipal Court**

#### **Sec. 2-4-10. Municipal Court established.**

Pursuant to Article 10 of Title 13, C.R.S., there is hereby established a Municipal Court for the Town, which Municipal Court shall be a qualified court of record as defined in Section 13-10-102(3), C.R.S.. (Prior code 2-3-1; Ord. 327 Part 1, 2007)

#### **Sec. 2-4-20. Jurisdiction, powers and procedures of Court.**

(a) The Municipal Court shall have original jurisdiction of all cases arising under this Code and ordinances of the Town, with full power to punish violators thereof by the imposition of such fines and penalties as are prescribed by ordinance or Court rule.

(b) The procedures of Court shall be in accordance with the Municipal Court Rules of Procedures as promulgated by the Colorado Supreme Court. (Prior code 2-3-2; Ord. 327 Part 1, 2007)

#### **Sec. 2-4-30. Sessions of Court.**

(a) There shall be regular sessions of the Court for the trial of cases. The Municipal Judge may hold a special session of Court at any time.

(b) All sessions shall be open to the public. Where the nature of the case is such that it would be in the best interest of justice to exclude persons not directly connected with the proceeding, the Municipal Judge may order that the courtroom be cleared.

(c) All proceedings of the Municipal Court shall be recorded by either electronic devices or stenographic means so that a verbatim record of the proceedings of the Municipal Court and evidence at trials is preserved. The cost of transcription of any such proceedings shall be borne by the party requesting the record or transcript. Authority is hereby specifically delegated to the Municipal Court Clerk to establish a schedule of fees and charges for the location, preparation and transcription of such records, which schedule of fees and charges shall be forwarded to the Board of Trustees for adoption. (Prior code 2-3-3; Ord. 327 Part 1, 2007)

**Sec. 2-4-40. Municipal Judge appointment, oath and salary.**

(a) The Court shall be presided over by a Municipal Judge appointed for a term of two (2) years by resolution of the Board of Trustees. Any such Judge so appointed may be reappointed for an additional term or terms. Any vacancy in the office of Municipal Judge shall be filled by appointment of the Board of Trustees for the remainder of the unexpired term. The Board of Trustees may appoint such additional Municipal Judges or Associate Municipal Judges as may be necessary to act in case of temporary absence, sickness, disqualification or other inability of the presiding Municipal Judge to act. If more than one (1) Municipal Judge is appointed, the Board of Trustees shall designate a presiding Municipal Judge who shall serve in this capacity during the term for which he or she was appointed.

(b) Any person appointed to the office of Municipal Judge or Associate Municipal Judge shall have been admitted to, and shall currently be licensed in, the practice of law in Colorado.

(c) A Municipal Judge may be removed during his or her term of office only for cause. A Municipal Judge may be removed for cause if:

- (1) He or she is found guilty of a felony or any other crime involving moral turpitude;
- (2) He or she has a disability which interferes with the performance of his or her duties and which is of, or is likely to become, a permanent character;
- (3) He or she has willfully or persistently failed to perform his or her duties; or
- (4) He or she is habitually intemperate.

(d) The compensation of the Municipal Judge shall be an annual salary, in such amount and payable on a monthly or other periodic basis ,as established from time to time by ordinance or resolution adopted by the Board of Trustees.

(e) Before entering upon the duties of his or her office, a Municipal Judge shall take an oath or affirmation that he or she will support the Constitution of the United States, the Constitution of the State and the laws of the Town and will faithfully perform the duties of his or her office, and shall furnish a surety bond in the amount of two thousand dollars (\$2,000.00), or such other amount fixed by ordinance, conditioned upon the faithful discharge of his or her duties. Such bond requirement may be waived by the Board of Trustees.

(f) In addition to other powers, a Municipal Judge shall have full power and authority to make and adopt rules and regulations for conducting the business of the Municipal Court consistent with the

Municipal Court Rules of Procedure promulgated by the Colorado Supreme Court. (Prior code 2-3-4; Ord. 327 Part 1, 2007)

**Sec. 2-4-50. Municipal Court Clerk salary, duties and reports.**

(a) The Municipal Judge shall serve as ex officio Clerk until the business of the Court is sufficient to warrant a separate full-time or part-time Municipal Court Clerk. At such time as the volume of business requires the appointment of a full-time or part-time Municipal Court Clerk, the Municipal Judge shall appoint such Clerk who shall thereafter comply with the following provisions of this Article.

(b) After the Municipal Court business requires the appointment of a full-time or part-time Municipal Court Clerk, the Municipal Court Clerk shall receive an annual salary in such amount as is established from time to time by ordinance or resolution adopted by the Board of Trustees, which shall be payable as other salaries of municipal employees.

(c) The Municipal Court Clerk shall file monthly reports with the Town Clerk of all moneys collected by him or her and shall pay to the Town Clerk all moneys collected by him or her in his or her capacity as Municipal Court Clerk.

(d) Upon appointment of a full-time or part-time Municipal Court Clerk, the Municipal Court Clerk shall furnish a bond of two thousand dollars (\$2,000.00), or such other amount fixed by ordinance, which shall be approved by the Board of Trustees. Said bond shall be conditioned upon the faithful performance of his or her duties, and for the faithful accounting for, and payment of, all funds deposited with or received by the Court. Such bond requirement may be waived by the Board of Trustees. (Prior code 2-3-5; Ord. 327 Part 1, 2007)

**Sec. 2-4-60. Appropriations.**

The Board of Trustees shall, on an annual basis, budget and appropriate such moneys as may be necessary for the proper operation of the Municipal Court. (Prior code 2-3-6)

**Sec. 2-4-70. Fine surcharge.**

(a) Upon sentencing any offender for any violation of this Code, the Municipal Judge shall impose a surcharge of twenty-five percent (25%) of the fine imposed upon the offender. The Municipal Judge shall include such surcharge on any fine schedules in use or that he or she may issue.

(b) The surcharge proceeds shall be paid over to the Town and placed and kept in a separate fund of the Town to be known as the *Judicial and Police Education Fund*. The fund shall be used for judicial and police educational and training purposes only, including the cost of food and lodging while at training events and the paying of overtime incurred during training functions. (Ord. 308 Part 1, 2005)

## **ARTICLE 5**

### **Police Department**

#### **Sec. 2-5-10. Creation; composition.**

There is hereby created a Police Department for the Town, which shall consist of one (1) Chief of Police and as many police officers as may from time to time be deemed necessary for the safety and good order of the Town. (Ord. 305 Part 1, 2005)

#### **Sec. 2-5-20. Oath of office.**

Before entering upon the duties of his or her office, each police officer shall take and subscribe an oath that he or she will support the Constitution of the United States, the Constitution and laws of the State and the ordinances of the Town, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter. (Ord. 305 Part 1, 2005)

#### **Sec. 2-5-30. 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 developed by the Chief of Police, under the direction of the Town Manager. (Ord. 305 Part 1, 2005)

#### **Sec. 2-5-40. Police Chief; appointment, powers and duties.**

The Town Manager shall appoint the Chief of Police, who shall be an agent of the Town and shall be the head of the Police Department. The Chief of Police shall have the same power that sheriffs have by law, co-extensive with the County in cases of violation of Town ordinances, for offenses committed within the limits of the Town. He or she shall execute all writs and processes directed to him or her by the Municipal Judge in any case arising under a Town ordinance, and receive the same fees for his or her services that sheriffs are allowed in similar cases. In addition, it shall be the duty of the Police Chief to:

- (1) See that the ordinances of the Town and laws of the State are duly enforced and the rules and regulations of the Police Department obeyed, and perform such duties as may be required by the Board of Trustees and Town Manager.
- (2) Direct the operations of the Police Department, subject to the rules and regulations thereof.
- (3) Arrest or issue appropriate process to any person violating any of the laws of the State and/or Town ordinances and require the attendance of such person before the appropriate court for trial.
- (4) Render a monthly accounting of the Police Department, his or her duties and receipts as may be required to the Town Manager or his or her designee at reasonable times.
- (5) Before entering upon the duties of his or her office, the Chief of Police shall take and subscribe an oath that he or she will support the Constitution of the United States, the Constitution

and laws of the State and the ordinances of the Town, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter. (Ord. 305 Part 1, 2005)

**Sec. 2-5-50. Duties of police officers.**

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

- (1) They shall perform all duties required by the Chief of Police.
- (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 ordinances of the Town and the laws of the State are complied with. They shall arrest without process all persons engaged in the violation in their presence of any provisions of this Code or law of the State. Upon such arrest, they shall forthwith convey such offenders before the proper court to be dealt with according to law; provided, however, 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 other minor offenses, they may release an arrested person upon his or her written promise to appear in court.
- (4) They shall report such offenses as may come to their knowledge to the proper Town officials, or they shall report the same to the Chief of Police, securing a warrant for the arrest of offenders when desirable.
- (5) They shall execute and return all writs and processes to them directed by the Municipal Judge in any case arising under a Town ordinance, and they may serve the same in any part of the County.
- (6) They shall observe the condition of the streets, sidewalks and alleys of the Town and any obstruction, nuisance or impediments therein, and shall take necessary measures to remove or abate the same. (Ord. 305 Part 1, 2005)

**Sec. 2-5-60. Contracts for law enforcement services.**

The Board of Trustees may contract with the Town of Winter Park, the Grand County Sheriff or other governmental entities to create a joint Police Department or law enforcement agency serving multiple jurisdictions, to provide law enforcement personnel and services within the limits of the Town and to otherwise advance the interests of such participating entities. Such contract may provide that the Chief of Police and police officers employed by one such entity shall also act in the same capacities for the other entity. (Ord. 305 Part 1, 2005)

## **ARTICLE 6**

### **Planning Commission**

#### **Sec. 2-6-10. Creation.**

There is hereby created a Planning Commission for the Town composed of seven (7) members who may perform all functions currently or hereinafter authorized by the state statutes, this Article and future ordinances adopted by the Board of Trustees. (Prior code 10-1-1)

#### **Sec. 2-6-20. Members.**

The Planning Commission shall consist of the following members:

- (1) The Mayor shall serve as an ex officio member of the Planning Commission.
- (2) One (1) member of the Board of Trustees shall be selected by the Mayor to serve as an ex officio member of the Planning Commission. In case of a vacancy, if no member of the Board of Trustees is willing to fill the vacancy, the Mayor may appoint a resident of the Town to serve until the next regular election.
- (3) One (1) member of the Board of Trustees shall be selected by the Board of Trustees to serve as an ex officio member of the Planning Commission. In case of a vacancy, if no member of the Board of Trustees is willing to fill the vacancy, the Board of Trustees may appoint a resident of the Town to serve until the next regular election.
- (4) The remaining four (4) members of the Planning Commission shall be residents appointed by the Mayor to serve as members of the Planning Commission. (Prior code 10-1-2; Ord. 368 Part 1, 2010)

#### **Sec. 2-6-30. Terms.**

The terms of the ex officio members shall correspond to their respective official tenure. The terms of each of the appointed members shall continue until the second regular municipal election following the appointment or until his or her successor takes office, except as provided by Paragraphs 2-6-20(2) and (3) above. Selections or appointments to fill any vacancies caused by the expiration of a member's term shall be made within thirty (30) days following the regular municipal election at which the member's term expires. In case of a vacancy caused by the resignation or removal of a member, the selection or appointment of a replacement shall be made by the Mayor or Board of Trustees, as the case may be, within thirty (30) days from the date the vacancy occurs unless a longer time is needed to find a suitable replacement. (Prior code 10-1-3; Ord. 330 §1, 2007; Ord. 368 Part 1, 2010)

#### **Sec. 2-6-40. Residency.**

All members of the Planning Commission shall be bona fide residents of the Town, and if any member ceases to reside in the Town, his or her membership on the Planning Commission shall immediately terminate. All members of the Planning Commission shall serve as such without compensation. The members appointed by the Mayor shall hold no other municipal office except that

one (1) member may be a member of the Zoning Board of Adjustment or Appeals. (Prior code 10-1-4)

**Sec. 2-6-50. Removal from Planning Commission.**

Members, other than the member representing the Board of Trustees, may be removed, after public hearing, by the Mayor for inefficiency, neglect of duty or malfeasance in office, and the Board of Trustees may remove the member representing it for the same reasons. The Mayor or the Board of Trustees, as the case may be, shall file a written statement of reasons for such removal. Vacancies occurring otherwise than through the expiration of the term shall be filled for the remainder of the unexpired term by the Mayor in the case of the member selected or appointed by him or her, and by the Board of Trustees in the case of the member appointed by it. (Prior code 10-1-5; Ord. 330 §1, 2007)

**Sec. 2-6-60. Chairperson.**

The Planning Commission shall elect a Chairperson from among the members appointed by the Mayor and create and fill such other of its offices as it may determine. The term of the Chairperson shall be one (1) year with eligibility for reelection. The Planning Commission shall hold at least one (1) regular meeting each month, and it shall adopt such rules as it deems appropriate for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. (Prior code 10-1-6)

**Sec. 2-6-70. Expenditures and employees.**

The expenditures of the Planning Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Board of Trustees, which shall provide the funds, equipment and accommodations necessary for the Planning Commission's work. After obtaining the approval of a majority of the Board of Trustees, the Planning Commission 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. (Prior code 10-1-7; Ord. 330 §1, 2007)

**Sec. 2-6-80. Responsibilities.**

(a) The Planning Commission may prepare such plans and regulations for adoption by it and the Board of Trustees as may now or hereinafter be authorized by the laws of the State or requested by the Board of Trustees and shall act in an advisory capacity to the Board of Trustees when requested by the Board of Trustees or required by the state statutes or the ordinances of the Town.

(b) The Planning Commission is hereby granted the jurisdiction over the interpretation of the Zoning Ordinance, contained in Chapter 16 of this Code, including any uncertainty as to district boundary locations or meaning of words, so long as this interpretation is not contrary to the purpose and intent of the Zoning Ordinance. (Prior code 10-1-8)

## **ARTICLE 7**

### **Board of Adjustment**

#### **Sec. 2-7-10. Creation.**

There is hereby created a Board of Adjustment, which shall consist of five (5) members and which shall be appointed by the Board of Trustees. (Prior code 13-10-1; Ord. 330 §1, 2007)

#### **Sec. 2-7-20. Membership.**

The Board of Trustees shall appoint a Board of Adjustment, the members of which shall be resident property owners of the Town. The terms of office of the members of the Board of Adjustment shall be three (3) years each. Vacancies in said Board caused by death, resignation, refusal to act or removal by the Board of Trustees shall be filled by appointment of said Board of Trustees. The Board of Trustees shall appoint the Chairman of the Board of Adjustment. (Prior code 13-10-2; Ord. 330 §1, 2007)

#### **Sec. 2-7-30. Duties.**

The Board of Adjustment shall have the following duties:

(1) To meet at the call of the Chairman, or by the request of the Building Inspector, the Board of Trustees, or by any party wishing to appeal the decision of the same, as provided by state statutes.

(2) To adopt any rules necessary to transact the Board of Adjustment's business or to expedite its functions or powers so long as they are not inconsistent with the provisions of the applicable state statutes.

(3) To vote upon the granting of special permits provided by this Code or adjustments to requirements of this Code, which vote shall require the concurrence of four (4) members of the Board of Adjustment in order to reverse any order, requirements, decision or determination of any officer, such as the Building Inspector, or the Board of Trustees, or to decide in favor of the applicant in a matter upon which it is required to pass under this Code or to effect any variation in this Code.

(4) To keep minutes of the proceedings of each meeting which shall be filed in the office of the Board of Adjustment, which may designate the Building Inspector to keep such files, which shall be a public record.

(5) To permit the public to attend and be heard at all of its meetings.

(6) To perform such other duties as are set out in Chapter 16 of this Code. (Prior code 13-10-3; Ord. 330 §1, 2007))

## ARTICLE 8

### Board of Health and Health Officer

#### **Sec. 2-8-10. Board of Health; powers and duties.**

The Mayor and the members of the Board of Trustees, plus one (1) or more physicians appointed by the Board of Trustees, shall constitute the Board of Health, whose duty is and shall be to inquire into and examine all nuisances, sources of filth and causes of disease which it may deem dangerous to the health of the Town, and said Board of Health shall have power to order and compel the removal of all such nuisances, sources of filth and causes of disease. If it is not practicable to secure the services of a well-educated and suitable physician, the Board of Trustees may appoint some other person to the Board of Health. The Board of Health shall have such powers and perform such duties as now are or hereafter may be prescribed by the laws of the State and this Code. (Prior code 2-6-1)

#### **Sec. 2-8-20. Health Officer; powers and duties.**

Such person as the Board of Trustees shall designate shall be the Health Officer of the Town, and the Board of Trustees may from time to time appoint such additional health officers as it may deem necessary, and shall fix their compensation. Such officers shall have such powers and perform such duties as are prescribed by law or ordinance or as shall be required of them by the Board of Trustees and the Board of Health. If it is not practicable to appoint a well-educated and suitable physician as Health Officer, the Board of Health may appoint some other person as Health Officer. (Prior code 2-6-2)

## ARTICLE 9

### Emergency Response Authority

#### **Sec. 2-9-10. Appointment of Emergency Response Authority.**

Pursuant to Section 29-22-101, et seq., C.R.S., the Emergency Response Authority for the Town is hereby designated as the duly constituted and appointed Chief of Police, or, in his absence, such assistant or deputy as designated by said Chief of Police. (Prior code 2-5-1; Ord. 330 §1, 2007)

#### **Sec. 2-9-20. Hazardous substance incidents.**

The Board of Trustees hereby agrees to the provisions of said hazardous substance incidents statute, including but not limited to the right, pursuant to Section 29-22-104, C.R.S., to claim reimbursement from any parties or persons responsible for a hazardous substance incident for the reasonable and documented cost resulting from any action taken to remove, contain or otherwise mitigate the effects of such incident, as provided in said statute. (Prior code 2-5-2)

## ARTICLE 10

### Water and Wastewater Committee

#### **Sec. 2-10-10. Creation.**

There is hereby created a Water and Wastewater Committee for the Town composed of seven (7) members who may perform all functions currently or hereinafter authorized by this Article and future ordinances adopted by the Board of Trustees. (Ord. 367 Part 1, 2010)

#### **Sec. 2-10-20. Members.**

The Water and Wastewater Committee shall consist of four (4) ex officio members who shall be the Mayor and three (3) members of the Board of Trustees selected by the Board of Trustees. The balance of the Water and Wastewater Committee shall consist of three (3) members appointed by the Board of Trustees. All members of the Water and Wastewater Committee may be compensated as established by resolution of the Board of Trustees. (Ord. 367 Part 1, 2010)

#### **Sec. 2-10-30. Terms.**

The terms of the ex officio members shall correspond to their respective official tenure. The terms of each of the appointed members shall be two (2) years, or until his or her successor takes office. Terms of the appointed members shall be concurrent with the two-year municipal election cycle. (Ord. 367 Part 1, 2010)

#### **Sec. 2-10-40. Eligibility.**

All members of the Water and Wastewater Committee shall be bona fide residents of the Town, own property within the Town or have at least ten-percent ownership interest in a business that owns property within the Town. If any member ceases to meet these eligibility requirements, his or her membership on the Water and Wastewater Committee shall immediately terminate. (Ord. 367 Part 1, 2010)

#### **Sec. 2-10-50. Removal from Water and Wastewater Committee.**

Members, other than a member currently serving on the Board of Trustees, may be removed by resolution of the Board of Trustees for inefficiency, neglect of duty or malfeasance in office. The Mayor or the Board of Trustees, as the case may be, shall file a written statement of reasons for such removal for consideration by the Board of Trustees. Due to the nature of matters that may be considered by the Water and Wastewater Committee, members are expected to serve with discretion and shall be required to enter into confidentiality agreements with the Town. (Ord. 367 Part 1, 2010)

#### **Sec. 2-10-60. Chairperson.**

The Water and Wastewater Committee shall elect a Chairperson from among the members. The term of the Chairperson shall be one (1) year, with eligibility for reelection. (Ord. 367 Part 1, 2010)

**Sec. 2-10-70. Expenditures and employees.**

The Water and Wastewater Committee is not authorized to hire any employees or expend any Town funds. The Town Manager will assign staff and make other resources available as he or she deems appropriate. (Ord. 367 Part 1, 2010)

**Sec. 2-10-80. Responsibilities.**

(a) The Water and Wastewater Committee shall act in an advisory capacity to the Board of Trustees as requested by the Board of Trustees and/or the Town Manager.

(b) The Water and Wastewater Committee is authorized to explore matters related to water and wastewater and make recommendations to the Board of Trustees and/or the Town Manager.

(c) The Water and Wastewater Committee shall hold at least one (1) regular meeting each month. A quorum is not required in order to hold a meeting. (Ord. 367 Part 1, 2010)