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ARTICLE 1

Elections

Sec. 2-1-10. Adoption of Municipal Election Code.

The Town adopts by reference the Colorado Municipal Election Code, Article 10 of Title 31, C.R.S. (Prior code 2-231)

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

No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the 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 2-232)

Sec. 2-1-30. Election may be cancelled.

(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 as set forth in Section 2-1-20 above, the Town Clerk, if instructed by resolution of the Town Council either before or after such date, shall cancel the election and the candidates, by resolution of the Town Council, shall be declared to be elected.

(b) Notice of 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 not less than one (1) other public place. (Prior code 2-233; Ord. 15-2008 §1)

ARTICLE 2

Town Council

Sec. 2-2-10. Statutory duties.

Nothing contained in this Chapter shall be construed as an abrogation or nullification of the duties, powers, functions and responsibilities imposed upon the Town Council by the applicable statutes of the State or by any applicable provision of the Constitution of the State. (Prior code 2-1)

Sec. 2-2-20. Terms and vacancies.

Terms of office of the Mayor and Town Council are set forth in Section 4.7 of the Charter. The provisions regarding vacancies are set forth in Section 4.6 of the Charter. (Prior codes 2-2, 2-3; Ord. 15-2008 §1)

Sec. 2-2-30. Compensation.

As prescribed in the Minturn Home Rule Charter, Section 4.5, beginning with the April 1, 2008 regular election, this Section sets the monthly compensation for any member of the Town Council or Mayor elected in the regular municipal election of April 1, 2008, or elected or appointed thereafter. Councilmembers shall be compensated at the rate of two hundred dollars (\$200.00) per month, plus one hundred dollars (\$100.00) for any additional posted meeting attended by him or her during his or her term of office. The Mayor shall be compensated at the rate of four hundred dollars (\$400.00) per month, plus two hundred dollars (\$200.00) for any additional posted meeting attended by him or her during his or her term of office. (Prior code 2-52; Ord. 13-2008 §1; Ord. 15-2008 §1)

Sec. 2-2-40. Meetings.

As set forth in Section 4.8 of the Charter, the Town Council shall meet on the first and third Wednesdays of each month, and at such other times as the Council may determine. (Prior code 2-4; Ord. 15-2008 §1)

ARTICLE 3

Officers and Appointed Employees

Sec. 2-3-10. Appointment of Town Administrator.

The Town Council shall appoint a Town Administrator, who shall be the chief administrative officer of the Town. (Prior code 2-21)

Sec. 2-3-20. Tenure and qualifications of Town Administrator.

The Town Administrator shall serve at the pleasure of and during such period of time as may be determined by a majority of the Town Council. He or she shall be selected on the basis of his or her executive and administrative qualifications with special reference to his or her actual experience in and knowledge of the accepted practice with respect to the duties of the office of Town Administrator. (Prior code 2-22)

Sec. 2-3-30. Administrative relations.

The Town Council shall deal with the administrative functions of the Town through the Town Administrator. Neither the Town Council nor any individual member thereof shall give direction or orders to any subordinate of the Town Administrator, except through him. (Prior code 2-23)

Sec. 2-3-40. Powers and duties of Town Administrator.

The Town Administrator shall be responsible to the Town Council for the efficient administration of all affairs of the Town placed in his or her charge, and to that end he or she shall have the power, duty and responsibility to do the following:

- (1) Enforce the laws and ordinances of the Town and the statutes of the State as they may be applicable to the Town;

(2) Appoint, subject to the provisions of the Town Charter, the ordinances of the Town and of the applicable statutes of the State, all employees of the Town. Such appointments shall be made by him or her on the basis of the ability, training and experience of such appointees in the work to be performed by them and in the position to be occupied by them. Subject to the provisions of the Town Charter, the ordinances and/or regulations of the Town, and of the applicable statutes of the State, the Town Administrator may remove, discharge, suspend, demote or discipline any employee of the Town; provided, however, that any such employee so removed, discharged, suspended, demoted or disciplined shall have the right of appeal from such action to the Town Council and to have before the Town Council a public hearing in connection with such appeal;

(3) Prepare annually a proposed budget and submit the same to the Town Council for its approval, and be responsible for the administration of the budget subsequent to its adoption;

(4) Prepare and submit to the Town Council at the end of each fiscal year a complete written report on the finances and administrative activities of the Town during the next preceding year, and from time to time when deemed necessary, or upon the request of the Town Council, make a written or verbal report concerning the finances, affairs and administration of the Town;

(5) Exercise supervision and control of and over all executive and administrative departments of the Town, and recommend to the Town Council any proposal he or she may deem advisable or necessary to establish, consolidate or abolish any such administrative department;

(6) Enforce all terms and conditions of any contract, including any public utility franchise, to which the Town is a part or party, and upon knowledge of any breach or violation thereof, promptly report the same to the Town Council for such action as may be deemed necessary by it;

(7) Attend all meetings of the Town Council and participate therein in an advisory capacity, and make such recommendations to the Town Council as he or she may deem necessary or expedient;

(8) Be responsible for the establishment, control and maintenance of a system of accounts for the Town as may be required by the Town Council, the same to comply with generally accepted principles and procedures of governmental accounting;

(9) Act as the purchasing agent for the Town;

(10) Sign contracts in writing binding the Town up to twenty thousand dollars (\$20,000.00) of current-year budgeted funds. Nonbudgeted contracts of or any contract in excess of twenty thousand dollars (\$20,000.00) shall be approved by the Town Council by motion or resolution; and

(11) Perform such other duties as may be prescribed by ordinance, resolution or direction of the Town Council. (Prior code 2-24; Ord. 19-2007 §1)

Sec. 2-3-50. Absence of Town Administrator.

The Town Council may appoint or designate an acting Town Administrator during any period of vacancy in the office, or during the absence of the Town Administrator. Such acting Town

Administrator shall have all the responsibilities, duties, functions and authority of the Town Administrator. (Prior code 2-25)

Sec. 2-3-60. Compensation of officers.

(a) Town Administrator. The Town Council may, by resolution duly adopted, establish and modify the compensation to be paid the Town Administrator.

(b) Other officials. All officers shall receive compensation to be fixed by the Town Council for services rendered. (Prior codes 2-26, 2-51; Ord. 15-2008 §1)

Sec. 2-3-70. Oath.

Each of the appointed officers or employees, before entering upon the duties as such officer or employee, shall make oath before some officer qualified by law to administer such oath, that he or she will support the Constitution and laws of the United States and of the State and the ordinances of the Town, and faithfully perform the duties of his or her office. Such oath shall be made and subscribed substantially in the following form:

"I, _____, do solemnly swear that I will support the Constitution and laws of the United States, the Constitution and laws of the state of Colorado and the ordinances of the Town of Minturn, and that I will faithfully perform all the duties of the office of _____, upon which I am about to enter.

"Sworn to and subscribed before me this _____ day of _____, A.D. 20____.

(Official Title)"

(Prior code 2-28)

Sec. 2-3-80. Bond.

(a) A bond shall be executed for each appointed officer with a surety approved by the Town Council in the following amounts:

- (1) Treasurer: fifty thousand dollars (\$50,000.00).
- (2) Clerk: fifty thousand dollars (\$50,000.00).
- (3) All others, collectively: twenty thousand dollars (\$25,000.00).

(b) Such bond shall be conditioned upon the faithful discharge of the respective duties of each such officer according to law and the care and disposition of Town funds and property in his or her respective hands to his or her successor. (Prior code 2-29; Ord. 15-2008 §1)

Sec. 2-3-90. Filing of oath and bond.

The oath and bond provided for in Sections 2-3-70 and 2-3-80 above, of each of the officers except the Clerk, shall be filed with and kept by the Clerk. The oath and bond of the Clerk, as provided for in Sections 2-3-70 and 2-3-80, shall be filed with and kept by the Treasurer. (Prior code 2-30)

Sec. 2-3-100. Removal of officers.

(a) The process for the removal of the Town Administrator is set forth in Section 5.1 of the Charter.

(b) The Town Council shall establish procedures for the removal of any other Town officers. (Ord. 15-2008 §1)

Sec. 2-3-110. Duties of Town Treasurer.

It shall be the duty of the Town Treasurer to receive and safely keep all money belonging to the Town, and to pay out the same on the order of the Town Council. He or she shall keep accurate account of all money received and disbursed by him and shall render to the Town Council an account thereof whenever required by it. (Prior code 2-31)

Sec. 2-3-120. Duties of Town Clerk.

It shall be the duty of the Town Clerk to make and keep an accurate record of all the official acts of the Town Council. He or she shall be the custodian of the Town Seal and shall affix the Town Seal to such documents as the law or the Town Council requires. He or she shall keep an accurate record of all his or her official acts of his or her office in such manner as the Town Council may provide. (Prior code 2-32)

Sec. 2-3-130. Duties of Town Attorney.

The Town Attorney shall have the following duties:

(1) Act as legal advisor to and be attorney and counsel for the Town Council, and shall be responsible solely to the Town Council; and advise any officer or department head of the Town in matters relating to his or her official duties when so requested by the Town Council.

(2) Prosecute ordinance violations and represent the Town in cases in Municipal Court; and file with the Town Clerk copies of such records and files relating thereto as the Town Council shall request.

(3) Prepare and review all ordinances, contracts, bonds and other written instruments which are submitted to him by the Town Council, and promptly give his or her opinion as to the legal consequences thereof.

(4) Call to the attention of the Town Council all matters of law, and changes or developments therein, affecting the Town.

(5) Perform such other duties as may be prescribed for him by the Town Council. (Prior code 2-33; Ord. 15-2008 §1)

ARTICLE 4

Code of Ethics

Sec. 2-4-10. Citation.

This Article shall be known and may be cited as the "Minturn Town Code of Ethics." (Prior code 2-71)

Sec. 2-4-20. Declaration of policy.

The proper operation of democratic government requires that public officers and employees be independent, impartial and responsible to the people; that government decisions and policy be made within the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a Code of Ethics for all Town officers and employees is adopted. The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for all such officers and employees by setting forth those acts or actions that are incompatible with the best interest of the Town, and by directing disclosure by such officers and employees of private financial or other interests in matters affecting the Town. (Prior code 2-72)

Sec. 2-4-30. Finding of local concern.

The Town Council hereby finds and determines that the matter of ethical municipal government is a matter of local concern upon which home rule municipalities in the State are fully empowered to legislate and to supersede conflicting state statutes. (Prior code 2-73)

Sec. 2-4-40. Authority.

This Article is adopted in order to implement Section 4.9 of the Minturn Town Charter. (Prior code 2-74)

Sec. 2-4-50. Effect of common law.

This Article shall supersede and override the common law as to the subject matter of this Article. (Prior code 2-75)

Sec. 2-4-60. Definitions.

As used in this Article, unless the context requires otherwise:

Business means any corporation, limited liability corporation, partnership, sole proprietorship, trust or foundation, or other individual or organization carrying on a business, whether or not operated for profit.

Confidential information means all information, whether transmitted orally or in writing, which is of such a nature that is not, at that time, a matter of public record or public knowledge.

Council or Town Council means the Town Council of the Town of Minturn, Colorado.

Councilmember means any member of the Town Council.

Employee means any person holding a position by appointment or employment in the service of the Town, whether paid or unpaid, including the members of the Planning Commission and the members of any other Town board, committee or commission. The term *employee* shall not include independent contractors.

Officer means any person holding a position by election in the service of the Town, whether paid or unpaid, including the members of the Town Council.

Official act or *official action* means any vote, decision, recommendation, approval, disapproval or other action, including inaction, which involves the use of discretionary authority.

Substantial financial interest means an interest owned or held by an officer or employee which is:

- a. An ownership interest in a business;
- b. A creditor interest in an insolvent business;
- c. An ownership interest in real or personal property;
- d. A loan or any other debtor interest;
- e. A directorship or officership in a business;
- f. An employment or prospective employment for which negotiations have begun.

An officer or employee shall be presumed to have a substantial financial interest in any of the above-mentioned interests owned, held or controlled by such officer's or employee's spouse or dependent children. (Prior code 2-76; Ord. 15-2008 §1)

Sec. 2-4-70. Conflict of interest.

A Town officer or Town employee shall not:

(1) Disclose or use confidential information acquired in the course of such officer's or employee's duties in order to further a business or other undertaking in which such officer or employee has a substantial financial interest.

(2) Engage in a substantial financial transaction involving Town business for his or her private business purposes with a person whom such officer or employee inspects or supervises in the course of his or her official duties.

(3) Perform an official act which directly and substantially affects economically a business or other undertaking in which such officer or employee has a substantial financial interest.

(4) Perform an official act which directly and substantially affects a business or other undertaking by which the officer or employee is employed, or by which such officer or employee is engaged as counsel, consultant, representative or agent.

(5) Acquire or hold an interest in any business or undertaking which such officer or employee has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by the agency over which he or she has substantive authority.

(6) Perform an official act directly and substantially affecting to its economic detriment any business or other undertaking when such officer or employee has a substantial financial interest in a competing business or undertaking.

(7) Solicit or accept a present or future gift, favor, loan, service or thing of value from a person under circumstances which would lead a reasonably prudent person to believe that such gift, favor, service or thing of value was made or given or primarily for the purpose of influencing or attempting to influence an officer or employee in connection with an official act, or as a reward for official action he or she has previously taken. The provisions of Paragraph (8) below shall not apply to those circumstances described in Paragraph 2-4-80(3) below.

(8) Make or accept any ex parte communication or contact concerning a matter which is to be determined after a public hearing without making the contents of such communication or contact a part of the record of such public hearing.

(9) Appear on behalf of any private person, business or entity, other than himself or herself, his or her spouse or minor children, before the Town Council, any Town board or the Municipal Court. (Prior code 2-77)

Sec. 2-4-80. Exemptions.

The provisions of Section 2-4-70 above shall not prohibit an officer or employee from:

(1) Accepting or receiving a benefit as an indirect consequence of the performance of an official act.

(2) Taking official action when such officer or employee is similarly situated to other Town residents, such as adopting general land use regulations, owning property within a special or local improvement district, voting for taxes or bonds, adopting ordinances of general applicability or otherwise acting upon matters involving the common public interest.

(3) Soliciting or accepting gifts or loans which are:

a. Campaign contributions reported as required by law;

b. An occasional nonpecuniary gift, insignificant in value;

c. A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service.

d. Reimbursement for or acceptance of an opportunity to participate in a social function or other meeting which is offered to such officer or employee which is not extraordinary when viewed in light of the position held by such officer or employee;

e. Items of perishable or nonpermanent value, including, but not limited to, meals, lodging, travel expenses or tickets to sporting, recreational, educational or cultural events;

f. Payment for speeches, debates or other public events, reported as honorariums to the Town Administrator; or

g. A loan at a rate of interest which is not substantially lower than the commercial rate then currently prevalent for similar loans within the Town.

(4) Receiving such compensation for his or her services to the Town as may be fixed by ordinance, pay plan, budget or other similar official action. (Prior code 2-78)

Sec. 2-4-90. Disclosure of conflict of interest in legislative action.

Any member of the Town Council who believes he or she has a conflict of interest as defined in Section 2-4-70 above on any matter proposed or pending before the Town Council shall disclose such potential interest to the Town Council. If the Town Council determines that an actual conflict of interest exists, the Councilmember shall not attempt to influence other members of the Town Council in connection with such matter and, except as provided in this Section, the Councilmember shall not vote upon such matter. The Councilmember shall leave the room during the Town Council's discussion and action on the subject, and shall return only when the Town Council has taken up the next agenda item. (Prior code 2-79)

Sec. 2-4-100. When Councilmember with conflict of interest may vote.

Notwithstanding the provisions of Section 2-4-90 above, a Councilmember may vote upon a matter with which he or she has a conflict of interest if:

(1) His or her participation is necessary to obtain a quorum or to otherwise enable the Council to act; and

(2) He or she complies with the disclosure provisions of Section 2-4-110 below. (Prior code 2-80)

Sec. 2-4-110. Mandatory disclosure to Secretary of State.

No later than seventy-two (72) hours before voting pursuant to Section 2-4-100 above, the Councilmember will give written notice to the Secretary of State and to the Town Council. Such notice shall clearly state the nature of his or her conflict of interest. (Prior code 2-81)

Sec. 2-4-120. Public contracts.

(a) Except as provided in Subsection (b) below, no officer or employee shall have an interest in any contract made by the Town.

(b) The provisions of Subsection (a) above shall not apply to:

(1) Contracts awarded to the lowest responsible bidder based on competitive bidding procedures.

(2) Merchandise sold to the highest bidder at public auctions.

(3) Investments or deposits in financial institutions which are in the business of loaning or receiving moneys.

(4) A contract between the Town and an officer or employee if, because of geographic restrictions, the Town could not otherwise reasonably afford itself of the subject of the contract. It shall be presumed that the Town could not otherwise reasonably afford itself of the subject of the contract if the additional cost to the Town is greater than ten percent (10%) of a contract with an officer or employee or if the contract is for services that must be performed within a limited time period and no other contractor can provide those services within that time period.

(5) A contract with respect to which the officer or employee has disclosed his or her personal or financial interest to the Town Council and has not voted thereon, or with respect to which the Councilmember has voted therein in accordance with Section 2-4-100 of this Article.

(c) No Town official shall be a purchaser or vendor in connection with any sale or purchase made by him in his or her official capacity. The provisions of this Subsection shall not apply to those contracts described in Subsection (b) above. (Prior code 2-82)

Sec. 2-4-130. Limitation on subsequent employment.

A former Town officer or employee may not, within six (6) months following the termination of his or her office or employment with the Town, contract with or become employed by an employer who contracts with the Town involving matters with which such officer or employee was directly involved during the term of office or employment with the Town. (Prior code 2-83)

Sec. 2-4-140. Enforcement.

(a) The Town Council shall have the primary responsibility for the enforcement of this Article. It shall have the power to investigate any complaint, to initiate any suit and to prosecute any criminal or civil action on behalf of the Town wherein it believes such action is appropriate.

(b) The Town Council may direct the Town Attorney to investigate or prosecute any apparent violation of this Article, or the Town Council may employ or appoint any qualified attorney to investigate or prosecute any violation or series of violations by one (1) or more persons of this Article.

(c) Any person who believes that a violation of any portion of this Article has occurred may file a complaint with the Town Council, which shall promptly investigate such complaint and take such action thereon as the Town Council shall deem to be appropriate. However, nothing in this Article shall be construed to prevent complainants from instituting direct legal action through the appropriate judicial authority. (Prior code 2-84)

Sec. 2-4-150. Penalties and remedies.

(a) Any person convicted of willfully and knowingly violating any provision of this Article shall be punished as provided in Section 1-4-20 of this Code. Additionally, upon conviction, such person shall be liable to the Town for such damages as may have been suffered or incurred as a result of such violation.

(b) Upon conviction for any violation of this Article, such officer or employee shall immediately forfeit his or her office or position. Nothing in this Article shall be construed to prohibit such public officer or employee from being reelected, reappointed or otherwise rehired to any position forfeited under the provisions of this Article.

(c) Any court of competent jurisdiction called upon to enforce the provisions of this Article may, with the consent of the Town Council, exempt from the provisions of this Article any conduct of a Town officer or employee upon the finding that the enforcement of this Article with respect to such officer's or employee's conduct would not be in the public interest. (Prior code 2-85)

Sec. 2-4-160. Distribution of Code of Ethics.

The Town Clerk shall cause a copy of this Code of Ethics to be available to every public officer and employee of the Town. Each public officer and employee elected, appointed or engaged shall be furnished a copy of this Code of Ethics before entering upon the duties of his or her office or employment. (Prior code 2-86)

ARTICLE 5

Municipal Court

Sec. 2-5-10. Created.

The Municipal Court in and for the Town, created by Section 6.1 of the Charter of the Town, is established as a qualified municipal court of record. The court shall keep a verbatim record of the proceedings and evidence at trials by either electric devices or stenographic means, and shall require as a qualification for the office of judge of the Municipal Court that he or she has been admitted to and is currently licensed in the practice of law in Colorado. (Prior code 2-101)

Sec. 2-5-20. Jurisdiction; powers; procedures.

(a) Jurisdiction of Municipal Court. The Municipal Court shall have original jurisdiction of all cases arising under this Code and other ordinances of the Town, with the authority to punish violators thereof by the imposition of fines and penalties not to exceed one thousand dollars (\$1,000.00) and one (1) year's imprisonment as stated in the Code section or ordinance involved. The procedures of the Municipal Court shall be in accordance with the Municipal Court Rules of Procedure as promulgated by the Colorado Supreme Court.

(b) Exception to jurisdiction. Notwithstanding these provisions, the Municipal Court shall not have jurisdiction over any civil action brought against the Town, including any claim brought

pursuant to Rule 106 of the Colorado Rules of Civil Procedure. (Prior code 2-102; Ord. 9-2007 §1; Ord. 15-2008 §1)

Sec. 2-5-30. Sessions.

There shall be sessions of Municipal Court for the trial of cases. The Municipal Judge may hold a special session of court at any time. All sessions of Municipal Court shall be open to the public; provided, however, 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 the courtroom to be cleared. (Prior code 2-103)

Sec. 2-5-40. Municipal Judges; appointment; oath; salary; powers.

(a) The Municipal Court shall be presided over by a Municipal Judge appointed for the term of two (2) years by resolution of the Town Council. Additional judges may be appointed as may be needed to transact the business of the Municipal Court. If the Municipal Judge finds it necessary to disqualify himself or herself in a given case, or should be unable to serve for any reason, including vacation or illness, the Town Council may, by resolution, appoint a judge to hear cases for such time as the Municipal Judge is absent.

(b) Compensation of the Municipal Judge shall be an annual salary in an amount to be fixed by the Town Council and to be payable periodically as salaries of other municipal employees. Before entering upon the duties of his or her office, the Municipal Judge shall make an oath or affirmation that he or she will support the Constitution of the United States and the constitution of the State and the ordinances of the Town, and that he or she will faithfully perform the duties of his or her office.

(c) In addition to other powers, the 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 Colorado Municipal Court Rules of Procedure adopted by the Colorado Supreme Court.

(d) Upon sentencing any offender for any violation of this Code, the Municipal Judge shall impose upon the offender a surcharge of twenty-five percent (25%) of the fine imposed. The Municipal Judge shall include such surcharge on any fine schedules in use or that he or she may issue. Surcharge proceeds shall be paid to the Town, accounted for in the General Fund and used as follows: seventy-five percent (75%) used only for education and training of judicial and police personnel; and twenty-five percent (25%) used only for the education and training of firefighter and/or emergency medical personnel. (Prior code 2-104; Ord. 15-2008 §1)

Sec. 2-5-50. Court Clerk.

(a) There shall be a Municipal Court Clerk, appointed by the presiding Municipal Judge, subject to the approval of the Town Council. The Municipal Court Clerk shall have and carry out such duties as are delegated to him by law, court rules or the presiding Municipal Judge.

(b) All fines, costs and other funds collected or received by the Municipal Court shall be reported and paid monthly by the Municipal Court Clerk to the Town Treasurer.

(c) The Municipal Court Clerk shall be compensated as the Town Council may determine.

(d) The Municipal Court Clerk shall be bonded by the Town in an amount which shall be approved by the Town Council, conditioned on the faithful performance of the office of Municipal Court Clerk and on the faithful accounting for and payment of all moneys coming into his or her hands by virtue of said office. (Prior code 2-105)

Sec. 2-5-60. Court costs.

(a) Plea entered at or subsequent to arraignment: The Municipal Judge shall assess court costs in the amount of fifteen dollars (\$15.00), which shall be assessed against all defendants upon entry of a conviction at or subsequent to arraignment, but the Municipal Judge may suspend the cost in the interest of justice. No cost shall be assessed when conviction is by a plea of guilty entered by mail pursuant to the penalty assessment procedures set forth in this Code.

(b) Cost of witnesses: The Municipal Judge shall assess against a convicted defendant for all witnesses subpoenaed and appearing at the trial and all witness fees, which are required to be paid by the Court.

(c) Additional costs: The Municipal Judge may assess against a convicted defendant any other costs similar to those authorized by state law.

(d) Jury trial: In addition to any costs the Municipal Court assesses pursuant to this Section, the Municipal Court shall assess costs in the amount of thirty dollars (\$30.00) for persons convicted after trial by a jury. (Prior code 2-106)

ARTICLE 6

Police Department

Sec. 2-6-10. Created; membership.

There is created a Police Department which shall consist of a Police Chief and such police officers as may from time to time be deemed necessary by the Town Council for the peace, health, safety and good order of the Town. (Prior code 2-121)

Sec. 2-6-20. Department policies, rules and regulations.

The Police Department shall be operated and managed in accordance with such department policies, rules and regulations as proposed by the Police Chief and approved by the Town Administrator. (Prior code 2-122; Ord. 15-2008 §1)

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

(a) The Town Administrator shall appoint a Police Chief who shall be the head of the Police Department.

(b) It is the duty of the Police Chief to do the following:

(1) Enforce the statutes of the State and the ordinances of the Town within the corporate limits of the Town, including such statutes and ordinances as relate to fire prevention, and perform other related duties as may be required by the Town Council.

(2) Exercise general supervision and control over the work of all members of the Police Department and have responsibility for the operation and maintenance of all vehicles and equipment of the Police Department, including patrol vehicles and other police equipment.

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

(4) Execute the process of the Mayor and of the Municipal Judge of the Town.

(5) Implement the policy and goal statement for the Police Department as adopted by the Town Council.

(6) Take and subscribe to an oath that he or she will support the Constitution and laws of the State, the Constitution of the United States and the ordinances of the Town and will faithfully perform the duties of the office upon which he or she is to enter; and be bonded by the Town in an amount to be determined by the Town Council conditioned upon the faithful discharge of the duties of his or her office.

(7) Perform such other duties as may be prescribed for him or her by the Town Council. (Prior code 2-123; Ord. 15-2008 §1)

Sec. 2-6-40. Police officers; appointment and compensation; powers and duties.

(a) The Town Administrator shall authorize the employment of police officers as he deems necessary for the efficient conduct of the Police Department. The Town Administrator shall further determine the compensation of such officers.

(b) Such officers shall have the duties and responsibilities as set forth in Section 2-6-30 above in the case of the Police Chief, and they further shall have such additional duties as may be from time to time assigned to them by the Police Chief.

(c) They further shall subscribe to an oath in the same form as that required of the Police Chief and shall be bonded by the Town in an amount to be determined by the Town Council conditioned upon the faithful performance of the duties of their office. (Prior code 2-124; Ord. 15-2008 §1)

Sec. 2-6-50. Uniforms.

The Police Chief and every police officer shall, when on duty, wear a uniform prescribed by Police Department rules and regulations. (Prior code 2-125)

Sec. 2-6-60. Duty of citizens to participate.

It is the duty of all persons, when called upon by the Police Chief or any police officer in any emergency as determined by him, to promptly aid and assist such police officer in the discharge of his or her duties. (Prior code 2-126)

Sec. 2-6-70. Volunteer officers.

The Police Chief shall from time to time appoint volunteer police officers, the number thereof to be determined by the Police Chief. Such volunteer officers, when called upon by the Police Chief, shall assist him or her in the performance of his or her duties, including the enforcement of the laws of the State and ordinances of the Town. (Prior code 2-127)

ARTICLE 7

Public Works Department

Sec. 2-7-10. Created; membership.

There is created a Public Works Department which shall consist of a Director and such personnel as may from time to time be deemed necessary by the Town Council. (Prior code 2-161)

Sec. 2-7-20. Department policies, rules and regulations.

The Public Works Department shall be operated and managed in accordance with such department policies, rules and regulations as proposed by the Public Works Director and approved by the Town Administrator. (Prior code 2-162; Ord. 15-2008 §1)

Sec. 2-7-30. Public Works Director; appointment; powers and duties.

(a) The Town Administrator shall appoint a Public Works Director who shall be the head of the Public Works Department. The Public Works Director shall have such power and perform such duties as are now or hereafter may be prescribed by state or federal law and the Town Charter and ordinances. The Public Works Director shall perform any additional duties as may be prescribed by the Town and shall perform his or her duties under the supervision of the Town Administrator.

(b) It is the duty of the Public Works Director to do the following:

(1) Exercise general supervision and control over the work of all members of the Public Works Department and have responsibility for the operation and maintenance of all vehicles and equipment of the Public Works Department;

(2) Render such accounts of the Public Works Department, of his or her own duties and of receipts and expenditures of the Public Works Department as may be required by the Town Administrator, and keep the records of his or her office open to inspection of the Town Council at any time;

(3) Implement such policies and goal statements as are adopted by the Town Administrator for the Public Works Department; and

(4) Be bonded by the Town in an amount to be determined by the Town Administrator conditioned upon the faithful discharge of the duties of his or her office. (Prior code 2-163; Ord. 15-2008 §1)

ARTICLE 8

Water Department

Sec. 2-8-10. Created; membership.

There is created a Water Department which shall consist of a Director and such personnel as may from time to time be deemed necessary by the Town Administrator. (Prior code 2-181; Ord. 15-2008 §1)

Sec. 2-8-20. Department policies, rules and regulations.

The Water Works Department shall be operated and managed in accordance with such department policies, rules and regulations as proposed by the Water Department Director and approved by the Town Administrator. (Prior code 2-182; Ord. 15-2008 §1)

Sec. 2-8-30. Water Department Director; appointment; powers and duties.

(a) The Town Administrator shall appoint a Water Department Director who shall be the head of the Water Department. The Water Department Director shall have such power and perform such duties as are now or hereafter may be prescribed by state or federal law and the Town Charter and ordinances. The Water Department Director shall perform any additional duties as may be prescribed by the Town and shall perform his or her duties under the supervision of the Town Administrator.

(b) It is the duty of the Water Department Director to do the following:

(1) Exercise general supervision and control over the work of all members of the Water Department and have responsibility for the operation and maintenance of all vehicles and equipment of the Water Department.

(2) Render such accounts of the Water Department of his or her own duties and of receipts and expenditures of the Water Department as may be required by the Town Administrator, and keep the records of his or her office open to inspection of the Town Council at any time;

(3) Implement such policies and goal statements as are adopted by the Town Administrator for the Water Department; and

(4) Be bonded by the Town in an amount to be determined by the Town Administrator conditioned upon the faithful discharge of the duties of his or her office.

(c) The Public Works Director and the Water Department Director may be the same person. (Prior code 2-183; Ord. 15-2008 §1)

ARTICLE 9

Board of Health

Sec. 2-9-10. Establishment.

The Town Council is established as the Board of Health of the Town. (Prior code 2-211)

Sec. 2-9-20. Powers.

The Board of Health shall have all the powers of a board of health pursuant to Part 6 of Article 1, Title 25, C.R.S. (Prior code 2-212)

Sec. 2-9-30. Health officer; powers.

The Town Council shall appoint the Health Officer for the Town. The Health Officer shall have the powers of a Health Officer pursuant to Section 25-1-601, et seq., C.R.S. (Prior code 2-213)

Sec. 2-9-40. Adopting regulations.

The Board of Health is authorized and empowered to adopt regulations respecting nuisances and health hazards including without limitation regulations respecting campground and recreation areas, public and private schools and child care facilities, pet boarding kennels, food service establishments and mobile homes. Such regulations may be adopted by resolution in full or by reference to codes or regulations promulgated by the federal government, the State or any agency of either; provided that the resolution adopting any such code or regulation shall be published once in full in a newspaper of general circulation within the Town, and such publication shall state that copies of such code or regulations are available for inspection at the office of the Town Clerk and that the penalty clause for the violation of any provision of such code or regulations is contained in Section 2-9-50 below. (Prior code 2-214)

Sec. 2-9-50. Violation.

Any person violating any provision of or failing to comply with any mandatory requirement of any regulations of the Board of Health or of any valid order of the Board of Health or the Health Officer shall be deemed guilty of a violation hereof and, upon conviction thereof, shall be in accordance with the provisions of Section 1-4-20 of this Code, plus court costs. Every day during which any violation continues shall be deemed a separate offense. (Prior code 2-215; Ord. 15-2008 §1)

Sec. 2-9-60. Declaration of violation.

The Board of Health shall have the power to declare any violation of any regulation adopted by it to be a public nuisance. (Prior code 2-216)

Sec. 2-9-70. Notification of property owner.

(a) Whenever the Board of Health directs, the Health Officer shall immediately thereafter notify any owner of property, his or her agent, or any person having charge of such property, in writing that an order has been made by the Board of Health requiring the removal or abatement of any nuisance from such property or premises within thirty (30) days after service of the notice. Such notice shall further inform said person that he or she may within such thirty-day period apply to the Board of Health to protest its declaration of the nuisance, in which case the order shall be stayed until hearing thereon.

(b) If such property owner, agent or person having charge of such property does not remove or abate such nuisance or request a hearing before the Board of Health or if, after the hearing, said person does not remove or abate such nuisance in accordance with the requirements of the order, the Board of Health may order that such nuisance be removed by the Health Officer and assess the cost thereof against the property or premises. The amount so assessed shall be a lien upon such property until the same is paid, provided that, in case of failure to pay such assessment within ten (10) days after the same is made, the Town Clerk shall cause a notice of such assessment to be given to the owner of such property by publishing in a newspaper of general circulation in the Town for two (2) successive weeks, which publication shall contain a notice to such property owner of the amount assessed against his or her property, and shall designate a time and place when the Board of Health will hear any objections as to the correctness of the amount so assessed.

(c) If such assessment is not paid within ten (10) days after the time fixed for hearing such objections, unless the same are sustained, the Town Clerk shall certify such assessment to the County Treasurer, to be placed by her or him on the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten-percent penalty to defray the cost of collection, as provided by the laws of the State. (Prior code 2-217; Ord. 15-2008 §1)

ARTICLE 10

Local Liquor Licensing Authority

Sec. 2-10-10. Title.

This Article shall be known as the "Article Designating Local Liquor Licensing Authority." (Prior code 2-251)

Sec. 2-10-20. Local Authority designated.

(a) The Liquor and Fermented Malt Beverage Licensing Authority for the Town is the Town Council and shall be known as the "Liquor Licensing Authority."

(b) The Town Clerk shall assist the Liquor Licensing Authority by receiving all applications, coordinating with other Town officers and departments when relevant, scheduling public hearings required and exercising his or her discretion in forwarding renewals, change of ownership, change of officers, directors and stockholders, change of trade name, modification of premises, special event

permits and change of managers to the Liquor Licensing Authority. (Prior code 2-252; Ord. 15-2008 §1)

Sec. 2-10-30. Conduct of proceedings and hearings.

The Liquor Licensing Authority shall conduct its proceedings in accordance with the provisions of the Colorado Liquor Code and the Fermented Malt Beverages Act. In order to ensure due process of law, the Liquor Licensing Authority shall conduct its hearings and make its determinations as nearly as practicable in accordance with the procedures set forth in Section 24-4-105, C.R.S. Written record of its proceedings shall be maintained, which shall be open to public inspection. (Prior code 2-253)

Sec. 2-10-40. License application fees.

Each application for a new license, renewal of a license or the transfer of a license under the Colorado Beer Code or the Colorado Liquor Code, filed with the Liquor Licensing Authority, shall be accompanied by an application fee to defray the actual and necessary expenses incurred by the Liquor Licensing Authority in its investigation of and hearing upon the application and the expenses of publishing and posting the required notices. The application fee shall be in addition to the other fees required by statute, and the same shall be paid into the Treasury of the Town. The application fees shall be as established by the Colorado Department of Revenue Liquor Enforcement Division. (Prior code 2-254)