

CHAPTER 2

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ARTICLE I

Elections

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

In any municipal election, no write-in vote for any municipal office shall be counted unless the candidate whose name is written in files an affidavit of intent with the Town Clerk prior to twenty (20) days before the date of the election, such affidavit indicating that such person desires the office and is qualified to assume the duties of that office if elected. (Prior code 2-9-1; Ord. 532, 2001)

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

(a) In any 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, as set forth in Section 2-1-20, the Town Clerk if instructed by resolution of the Board of Trustees either before or after such date, shall cancel the election, declare the candidates elected and give notice of such action as provided by law. Upon such declaration, the candidates shall be deemed elected.

(b) Notice of such cancellation shall be published, if possible, and notice of such cancellation shall be posted at each polling place and in not less than one (1) other public place. (Prior code 2-9-2; Ord. 532, 2001)

Sec. 2-1-30. Compensation of election judges.

The judges of election at any municipal election shall receive compensation for their services in the maximum amount allowed by statute for payment to the judges of general elections in the State. Such compensation shall not be due or payable, however, if the election for which they are appointed as judges is cancelled before the date of such election pursuant to Section 2-1-20 above. (Prior code 2-9-3; Ord. 532, 2001)

ARTICLE II

Mayor and Board of Trustees

Sec. 2-2-10. Board of Trustees; terms, authority.

(a) Terms of office. At the regular municipal election to be held in April of 1978, three (3) trustees shall be elected to serve two-year terms, and three (3) trustees shall be elected to serve four-year terms. At each regular municipal election held thereafter, three (3) trustees shall be elected to serve four-year terms.

(b) Authority. The Board of Trustees shall constitute the legislative body of the Town, shall have the power and authority, except as otherwise provided by statute, to exercise all power conferred upon or possessed by the Town, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof. (Prior code 2-2-1; Ord. 532, 2001)

Sec. 2-2-20. Mayor.

(a) At each regular municipal election a Mayor shall be elected to serve a term of two (2) years.

(b) The Mayor shall preside over all meetings of the Board of Trustees, and shall perform such duties as may be required of mayors by statute, the provisions of this Code or other ordinances of the Town. The Mayor, however, shall not be entitled to vote on any matter before the Board of Trustees, except in the case of a tie vote. Insofar as is required by statute and for all ceremonial purposes, the Mayor shall be the executive head of the Town.

(c) The Mayor shall execute and authenticate by his or her signature all bonds, warrants, contracts and instruments of and concerning the business of the Town, as the Trustees or any statutes or ordinances may require. (Prior code 2-3-1, 2-3-2; Ord. 532, 2001)

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

At its first meeting following each biennial election, the Board of Trustees shall choose one (1) Trustee as Mayor Pro Tem who, in the Mayor's absence, shall perform the Mayor's duties. (Prior code 2-2-4; Ord. 532, 2001)

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. 532, 2001)

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

(a) The Mayor shall receive one hundred dollars (\$100.00) for each month during which he or she shall serve.

(b) Each Trustee shall receive seventy-five dollars (\$75.00) for each month during which he or she shall serve.

(c) All necessary expenses incurred by the Mayor and any Trustee which relate to reasonable services provided to the Town shall be reimbursed by the Town upon presentation of a written voucher therefor. (Prior code 2-1-4; Ord. 532, 2001; Ord. 551 §§1, 2, 2003; Ord. 557 §§1, 2, 2004; Ord. 601 §§1, 2, 2006; Ord. 610 §§1, 2, 2007)

Sec. 2-2-60. Regular meetings.

Regular meetings of the Board of Trustees shall be held at the Town Hall at such times as may be established from time to time by ordinance or resolution of the Board of Trustees. Notice of changes in the times of regular meetings shall be given in the same manner as provided below for notice of special meetings. (Prior code 2-2-2; Ord. 532, 2001; Ord. 539 §1, 2002)

Sec. 2-2-70. Special meetings.

(a) The Mayor or any Trustee may call a special meeting to be held within the Town at any time, provided that the official calling the special meeting shall give or cause to be given written notice of the date, time and place of such meeting as required by state statute, and shall in addition serve or cause to be served written notice of the date, time and place thereof upon each other member of the Board of Trustees and the Mayor, as appropriate.

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

(c) Should the Board of Trustees convene for a special meeting pursuant to a request of an interested party for the purpose of accommodating time constraints of said interested party, the Board of Trustees may, in its discretion, assess fees for the special meeting against the interested party to compensate Town staff and attorneys for time spent to prepare for and attend the meeting. The amount of the fee shall be as determined from time to time by resolution of the Board of Trustees and set forth on Appendix A to this Code. (Prior code 2-2-3; Ord. 532, 2001)

Sec. 2-2-80. Quorum; voting.

(a) No action shall be taken by the Board of Trustees except at a meeting and unless a quorum is present. Four (4) members of the Board of Trustees, including the Mayor, shall constitute a quorum.

(b) Subject to Subsection (c) below, a quorum shall be deemed present if the requisite number of Trustees are present in the room where the meeting is being conducted.

(c) A Trustee shall not be counted for purposes of determining the presence of a quorum as to any measure before the Board of Trustees, nor shall he or she vote thereon, if he or she is disqualified from voting on such measure pursuant to Section 24-1-109(3)(a) or Section 31-4-404(2), C.R.S.

(d) A quorum shall be deemed lost as to any measure before the Board of Trustees if, at the time the measure is put to the question, less than the requisite number of Trustees are present in the room where the meeting is being conducted.

(e) A Trustee may vote on any measure before the Board of Trustees, notwithstanding his or her disqualification under Subsection (c) above, if his or her participation is necessary to obtain a quorum or otherwise to enable the Board of Trustees to act, and if he or she complies with the voluntary disclosure procedures provided in Section 24-18-110, C.R.S. For the purposes of this Subsection, if it is necessary in order to obtain a quorum or to otherwise enable the Board of Trustees to act on a measure for any Trustee otherwise disqualified under Subsection (c) above to be counted or to vote, it shall likewise be necessary for all Trustees otherwise disqualified who are present and who have complied with said voluntary disclosure provisions to be counted for purposes of determining the number of Trustees present. It shall further be necessary in order for the Board of Trustees to act on such measure for all Trustees otherwise disqualified who are present and who have complied with said voluntary disclosure provisions to vote, or be given the opportunity to vote, on such measure.

(f) At any meeting at which a quorum is not present, the Trustees present may fix a time and place to which to adjourn the meeting. Notice of such adjourned meeting shall be given to all Trustees. (Prior code 2-2-5; Ord. 532, 2001)

Sec. 2-2-90. Conduct of meetings.

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

(b) All reports, communications, ordinances, resolutions, contracts, documents or other matters to be submitted at any meeting of the Board of Trustees shall be submitted in advance of each meeting to the Town Manager, who shall prepare an agenda for the meeting. Each Trustee, the Mayor and the Town Attorney shall be furnished with a copy of the agenda, together with a copy of the minutes of the last preceding meeting prior to the meeting.

(c) The order of business at Board of Trustees meetings shall be as established by resolution of the Board of Trustees.

(d) Any ordinance adopted 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 in Section 31-16-104, C.R.S. (Prior code 2-2-6, 2-2-7, 2-2-9, Ord. 532, 2001; Ord. 574 §1, 2005)

Sec. 2-2-100. Committees and commissions.

(a) The Mayor may appoint such committees from time to time as deemed necessary or convenient for the good government of the Town.

(b) The Board of Trustees may create and appoint members to such boards and commissions as may now or hereafter exist, including but not limited to the following:

- (1) Board of Adjustment;
- (2) Library Board of Trustees;
- (3) Planning Commission; and
- (4) Victims and Witness Assistance Board. (Prior code 2-2-8, Ord. 532, 2001)

Sec. 2-2-110. Tree Committee.

(a) Definitions. The definitions used herein concerning trees are as follows:

Park trees means trees, shrubs, bushes and all other woody vegetation in designated public parks and all areas owned by the Town or to which the public has free access.

Private trees means trees, shrubs, bushes and all other woody vegetation located on private property, which may or may not protrude or project over or outside a property line.

Public right-of-way means streets, sidewalks, easements, alleys, curbs, gutters and all other publicly accessed areas.

Street trees means trees, shrubs, bushes and all other woody vegetation found on the Town's streets, rights-of-way and existing between private property and the adjacent street.

(b) Creation and establishment of a Tree Committee.

(1) There shall be a Tree Committee consisting of five (5) members. Three (3) of these shall be members of the community of the Town, appointed by the Board of Trustees. One (1) of these shall be a member of the Board of Trustees, appointed by the Board of Trustees. The fifth member shall be a staff member from the Town, appointed by the Board of Trustees, preferably the Director of Public Works or the Director of Recreation. All serve on a volunteer basis without pay.

(2) The terms of office for the first Tree Committee shall be one (1) year for two (2) members and two (2) years for the remaining three (3) members. From then on, all the terms of the members shall all be two (2) years in staggered terms.

(3) The Tree Committee shall make recommendations to the Board of Trustees concerning the purchase, disposition, trimming, spraying, removal, planting, pruning and protection of street trees, park trees and any other trees on public property.

(4) The Tree Committee shall work with the Department of Public Works to see that an Arbor Day Celebration is held in the Town every year. It will also be the duty and responsibility of the Tree Committee to complete and submit, in a timely manner, the annual Tree City USA application, which shall be signed by the Mayor.

(5) The Tree Committee shall be responsible for reviewing and responding to all Town policy relating to trees and tree care.

(6) The Tree Committee shall act in an advisory capacity to the Board of Trustees, leaving the Board of Trustees to make all final decisions.

(7) The Tree Committee shall select a Committee chairperson. This individual shall be one (1) of the community members serving on the Committee.

(c) Trees and limbs in public right-of-way.

(1) It shall be the duty of any owner of any property adjacent to the public right-of-way to remove any trees or limbs located in or above the public right-of-way when such trees or limbs constitute a danger to public safety. Such trees and limbs shall constitute a nuisance pursuant to Section 7-4-50 of this Code. For the purpose of this Section, *a danger to public safety* shall include all trees and limbs which hinder visibility, obstruct the view of traffic, obscure any traffic control device, or may otherwise affect public health, safety and welfare and trees and limbs which may fall on a person or on property.

(2) Limbs above sidewalks will be cut to allow a clearance of eight (8) feet, and limbs above streets will be cut to allow a clearance of fourteen (14) feet.

(3) Any trees which fail to conform to this Section or Section 7-4-50 of this Code may be abated in the manner set forth in Chapter 7, Article I of this Code.

(d) Control of trees.

(1) The Town shall have the right to plant, prune, maintain and remove trees within the public rights-of-way of all streets, alleys, public parks, greenbelts and other public grounds, as may be necessary for public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Board of Trustees may remove, or cause to be removed, any park tree, private tree, or street tree or part thereof which is in an unsafe condition, unsafe position or is for any reason injurious to sewers, electric power lines, gas lines, water lines or other public improvements. The Town may also remove, or cause to be removed, any street tree, private tree, or public tree that is affected with any injurious fungus, insect or other pest.

(2) The property owner and/or occupant of each property in the Town shall perform the care, maintenance and trimming of trees located in or near the boundary lines of such property, usually on the street side of the property, according to the usual standards of care as established by the *Recommended Trees for Colorado Front Range Communities: A Guide for Selecting, Planting, and Caring for Trees* published in cooperation by the Colorado State Forest Service, Colorado Tree Coalition and the U.S. Forest Service (a copy of which is available at Town Hall). Property owners are responsible for keeping lots and adjacent public rights-of-way clear of leaves, fruits, branches and any other debris from trees.

(3) It is unlawful and deemed a nuisance for any person to cut, trim, spray, remove or treat any tree upon access-controlled arterials, public parks and greenbelts within the Town, unless authorized or directed by the Town.

(4) It is unlawful and deemed a nuisance for any person to injure, damage or destroy any tree in or upon public rights-of-way, public parks or other public property within the Town.

(5) It is unlawful, as a normal practice, for any person or firm to top any street tree or park tree. *Topping* is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree as to remove the natural canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where regular pruning practices are impractical may be exempted on a case-by-case basis by the Tree Committee.

(6) This Section does not prohibit the planting of street trees by adjacent property owners in accordance with Subsections (e) and (f) below.

(e) Landscape design. All land development applications in the Town shall be accompanied by an appropriate landscape plan as required by the Town. Building permit applications for individual single-family residences will not require landscape plans. However, all landscaping within the Town shall comply with the intent of these regulations and comply with the minimum standards for new tree planting and landscape design.

(f) Tree species.

(1) The above-referenced publication, *Recommended Trees for Colorado Front Range Communities: A Guide for Selecting, Planting, and Caring for Trees*, references tree species not recommended for the Colorado Front Range. Of the trees referenced, the following tree species are specifically prohibited within Town limits and discouraged from use elsewhere: (Austree, Russian-olive, Tree-of-Heaven, Tamarisk, and cotton-bearing Cottonwoods).

(2) The *Recommended Trees for Colorado Front Range Communities: A Guide for Selecting, Planting, and Caring for Trees* publication references tree species recommended for Colorado Front Range communities, and these tree species are allowed within Town limits and encouraged for use elsewhere in Colorado Front Range communities.

(3) As the publication *Recommended Trees for Colorado Front Range Communities: A Guide for Selecting, Planting, and Caring for Trees* may be updated from time to time, it is highly recommended that interested parties obtain the latest information from the Town or the Colorado State Forest Service.

(g) Penalties.

(1) Any person who fails to comply with any notice issued pursuant to any provision of this Section, upon being found guilty of violation, shall be subject to the general penalties set forth in Chapter 1, Article IV of this Code.

(2) If, as a result of the violation of any provision of this Section, the injury, mutilation or death of a street tree, park tree or any other plant on Town property is caused, the party in violation shall make restitution to the Town for the cost of repair, removal or replacement of such tree or plant. Such requirement shall be in addition to any other penalty.

(h) Conflicting provisions. When any provision of this Section conflicts with any other provision of this Code or any other applicable law of the Town, the more specific, stringent provisions shall apply. (Ord. 625 §1, 2008)

ARTICLE III

Officers and Employees

Sec. 2-3-10. Officers and departments.

(a) Appointed officers. The following officers of the Town shall be appointed by a majority vote of all the members of the Board of Trustees:

(1) Town Manager;

(2) Town Attorney;

(3) Town Clerk;

(4) Finance Director; and

(5) Municipal Judge.

Said officers shall hold their respective offices until their successors are duly appointed and qualified. Vacancies shall be filled by appointment of the Board of Trustees. The Board of Trustees shall have exclusive power to terminate the appointment of any such officer prior to the expiration of the officer's term, in accordance with applicable provisions of state law.

(b) The departments listed below are hereby established, and the functions of the Town government shall be divided into and allocated among them as provided in this Chapter:

(1) Administration;

(2) Recreation;

(3) Public Works; and

(4) Public Safety. (Prior code 2-1-6, Ord. 532, 2001; Ord. 540 §1, 2002; Ord. 574 §§1, 2, 2005)

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

Appointed officers of the Town shall have such power and perform such duties as are now or hereafter may be prescribed by state law and the ordinances of the Town, shall further perform any additional duties required by the Board of Trustees, and shall be subject to the control and orders of the Board of Trustees. (Ord. 532, 2001)

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

(a) Each person elected or appointed to any Town office shall take an oath to support the Constitution of the United States and the Constitution of the State and to faithfully perform the duties of the office.

(b) Before entering upon the duties of the office of Finance Director, Town Clerk or Town Manager, each person appointed to fill such office, and each employee of the Town who is hired to serve as or serves as assistant to the Town Clerk or Finance Director or who is appointed as the custodian of any Town funds, shall furnish a bond to the Town with good and sufficient sureties approved by the Board of Trustees, in the amount of ten thousand dollars (\$10,000.00), conditioned upon the faithful performance of his or her duties as such. The bond of the Finance Director and any assistant Finance Director shall further be conditioned upon his or her turning over and delivering to his or her successor all monies, books, papers, property and things belonging to the Town remaining in his or her charge as Finance Director at such time as he or she vacates the office of Finance Director. (Prior code 2-1-2, 2-1-3; Ord. 532, 2001; Ord. 574 §§1, 2, 2005)

Sec. 2-3-40. Town Attorney.

(a) Appointment. The Board of Trustees shall appoint a person currently licensed to practice law in the State to serve as Town Attorney. The Town Attorney shall be a statutory officer of the Town and shall report directly to and be subject to the direction of the Board of Trustees.

(b) Powers and duties. The Town Attorney shall have the following responsibilities:

(1) Act as legal adviser to, and be attorney and counsel for, the Board of Trustees. The Town Attorney shall advise any officer or department director of the Town in matters relating to official matters when so requested by the Board of Trustees or the Town Manager.

(2) Prepare, or supervise the preparation of, and review all ordinances, contracts, bonds and other written instruments which are submitted for preparation or legal review by the Board of Trustees or the Town Manager, and advise the Board of Trustees or the Town Manager as to the legal consequences thereof.

(3) Call to the attention of the Board of Trustees and the Town Manager all matters of law, and changes and developments therein, affecting the Town.

(4) As needed or directed by the Board of Trustees or the Town Manager, furnish prosecution services in the Municipal Court and agency representation services on behalf of the Town in administrative proceedings, including without limitation those before the local liquor licensing authority of the Town.

(5) Perform such other duties as may be prescribed by the Board of Trustees. (Prior code 2-1-5; Ord. 532, 2001; Ord. 574 §1, 2005)

Sec. 2-3-50. Social Security.

In the opinion of the Board of Trustees, the extension of the social security system to employees and officers of the Town will be of great benefit not only to the employees and officers by providing that said employees and officers may participate in the provision of the old-age and survivors insurance system, but also to the Town by the efficiency of its government. (Ord. 532, 2001)

ARTICLE IV

Administration Department

Sec. 2-4-10. Administration Department.

The Administration Department shall consist of the Town Manager, the Town Clerk, the Finance Director and such other persons as the Board of Trustees, upon the recommendation of the Town Manager, shall deem necessary for the good government of the Town. (Prior code 2-4-1; Ord. 540 §2, 2002; Ord. 574 §§1, 2, 2005)

Sec. 2-4-20. Town Manager.

(a) The Town Manager shall be a statutory officer of the Town who shall be selected and appointed by the Board of Trustees pursuant to Section 31-4-304, C.R.S. It is desirable that the Town Manager live within the Town limits.

(b) The Town Manager shall be the chief administrative and financial officer of the Town. In addition to serving as Director of the Administration Department, the Town Manager shall have and exercise supervisory authority over the directors of all other departments of the Town government. The other department directors shall be immediately responsible to the Town Manager for the efficient and effective administration of their respective departments and for all responsibilities assigned thereto. The Town Manager may set aside any action taken by any department director and may supersede the department director in the functions of the department director's office.

(c) The Administration Department shall be managed by the Town Manager, who shall have the following responsibilities:

(1) Prepare a proposed annual budget for consideration and adoption by the Board of Trustees and administer the annual budget as adopted;

(2) Maintain correct and accurate accounting of all receipts and expenditures of each of the funds of the Town government;

(3) Hold and manage the public monies and investment securities of the Town;

(4) Exercise the management, organizational and financial control of all programs within the Administration Department;

(5) Accurately determine, bill and collect all rates, fees and charges imposed by or through the Town;

(6) Develop, adopt, maintain, administer and enforce appropriate policies and guidelines, including position descriptions, for Town employees, the Town Clerk and the Finance Director, except that the compensation and benefits provided for all employee positions and offices shall be determined by the Board of Trustees;

(7) Prepare, maintain and, from time to time, amend as necessary the organizational chart of the Town government;

(8) Administer the employee benefits programs of the Town;

(9) Administer the purchases and contracts of the Town, and the transfer, sale or exchange of surplus Town property;

(10) Direct and maintain inventory and accounting records of supplies purchased by the Town, which are available to all departments;

(11) Administer and enforce the land use and development codes and regulations of the Town, and supervise and administer the consideration of petitions for annexation of property into the Town;

(12) Develop and implement neighborhood planning, redevelopment and maintenance strategies, including fair housing and economic development;

(13) Develop and implement a comprehensive plan;

(14) Administer the business affairs of the Platteville Mizpah Cemetery, preparing and maintaining accurate records of the sales, transfers and use of burial spaces at the cemetery;

(15) Furnish adequate and appropriate staff support to the Board of Trustees, Planning Commission and such other boards and commissions of the Town government as the Board of Trustees may from time to time direct;

(16) Serve as the Building Official, and administer and enforce the building inspections program and building codes of the Town; and

(17) Perform such other duties as may be prescribed by the Board of Trustees.

(18) When directed by the Board of Trustees, to act as the Public Safety Advisor to the Town. If the Board of Trustees has so directed the Town Manager to act as Public Safety Advisor, the Town Manager may maintain P.O.S.T. certification (and may complete any required training to maintain such certification), if such certification has previously been obtained and held by the Town Manager. Duties of the Town Manager acting as the Public Safety Advisor may include: serving as a P.O.S.T. certified reserve officer, coordinating emergency management planning, coordinating citizen and/or youth advisory committees concerning public safety, acting in an advisory position to the Chief of Police, providing support and/or backup to the Public Safety Department in the event of an emergency situation, and any other duties as directed by the Board of Trustees.

(d) The Town Manager shall be directly responsible to the Board of Trustees for the efficient and effective performance of all the responsibilities specified in Subsections (b) and (c) above.

(e) Neither the Mayor nor any member of the Board of Trustees, acting individually, shall interfere with the Town Manager in the exercise of the powers and duties granted to the Town Manager by this Chapter, or give or attempt to give direction to any subordinate of the Town Manager. The Mayor and members of the Board of Trustees shall exercise their supervisory powers over the Town Manager solely as a Board.

(f) Except as expressly provided in Section 2-4-50 below, the Town Manager shall have the power and authority to hire, discipline and terminate the employment of all persons employed by the Town, including the other department directors.

(g) The Town Manager shall cause all vacancies in Town employment positions to be posted at the Town Hall not less than fourteen (14) days prior to application due date, and published two (2) times within seven (7) days, with the last publication not less than seven (7) days prior to application

due date. The Town Manager shall receive and process all applications and shall select the successful applicant. In lieu of the foregoing process, the Town Manager may, at the Town Manager's sole discretion, announce the vacancy to all current Town employees and thereafter promote or place a current Town employee to fill the vacancy; provided, however, the current employee is deemed qualified for the position.

(h) References to "Town Administrator" in this Section and throughout this Code shall be interpreted as "Town Manager." (Prior code 2-4-1, 2-4-2, Ord. 532, 2001; Ord. 540 §§3, 4, 2002; Ord. 574 §§1, 2, 2005; Ord. 578 §§1, 2, 2005; Ord. 660 §1, 2010; Ord. 661 §1, 2010)

Sec. 2-4-30. Town Clerk.

(a) The Town Clerk shall be a statutory officer appointed by the Board of Trustees as provided by state statute, but shall nevertheless be a member of the Administration Department and shall report to and be subject to the direct management and control of the Town Manager.

(b) The Town Clerk shall be the official custodian of the public records of the Town, except criminal justice records, and shall perform the duties imposed upon the office of Town Clerk by state statute and by the position description for said office as adopted or amended from time to time by the Town Manager. (Prior code 2-4-3; Ord. 574 §1, 2005)

Sec. 2-4-40. Finance Director.

(a) The Finance Director shall be a statutory officer appointed by the Board of Trustees as provided by state statute, but shall nevertheless be a member of the Administration Department and shall report to and be subject to the direct management and control of the Town Manager.

(b) The Finance Director shall be the official custodian of all funds of the Town and shall perform the duties imposed upon the office of Finance Director by state statute and by the position description for said office as adopted or amended from time to time by the Town Manager.

(c) References to "Town Treasurer" in this Section and throughout this Code shall be interpreted as "Finance Director." (Prior code 2-4-4; Ord. 574 §§1, 2, 2005)

Sec. 2-4-50. Personnel powers reserved to Board of Trustees.

(a) Notwithstanding any other provision of this Code, the Board of Trustees shall have sole and exclusive power and authority to remove the Town Clerk and Finance Director from office. A written recommendation by the Town Manager that the Town Clerk or Finance Director be removed from office, together with a written description of perceived deficiencies in the performance of either such officer, shall constitute a sufficient and adequate cause for the Board of Trustees to issue written charges to the officer involved and provide an opportunity for hearing as required by state statute.

(b) The Board of Trustees may countermand or set aside any personnel action taken by the Town Manager at any time. (Prior code 2-4-5; Ord. 574 §§1, 2, 2005)

ARTICLE V

Recreation Department

Sec. 2-5-10. Recreation Department.

(a) The Recreation Department shall consist of the Recreation Director and such other persons as the Town Manager shall deem necessary for the good government of the Town.

(b) The Recreation Department shall be managed by the Recreation Director, who shall have the following responsibilities:

- (1) Develop, manage, administer and implement the recreation program of the Town, as determined by the Board of Trustees;
- (2) Manage and supervise all persons furnishing services to or for the Recreation Department;
- (3) Be responsible for the care, maintenance and proper use of all equipment and materials of the Recreation Department;
- (4) Recommend and administer the annual budget of the Recreation Department;
- (5) Safeguard and properly account for all money and other property of the Town in the custody of or subject to the control of the Recreation Department; and
- (6) Perform such other duties as may be prescribed by the Town Manager. (Prior code 2-5-1; Ord. 574 §1)

Sec. 2-5-20. Recreation Director.

The Recreation Director shall be an employee of the Town, and shall report to and be subject to the supervision, management and control of the Town Manager. The Recreation Director shall be responsible to the Town Manager for the effective and efficient performance of all of the responsibilities assigned to the Recreation Department in Section 2-5-10 above. (Prior code 2-5-2; Ord. 574 §1, 2005)

ARTICLE VI

Public Works Department

Sec. 2-6-10. Public Works Department.

(a) The Public Works Department shall consist of the Public Works Director and such other persons as the Board of Trustees, upon the recommendation of the Town Manager, shall deem necessary for the good government of the Town.

(b) The Public Works Department shall be managed by the Public Works Director, who shall have the following responsibilities:

- (1) Administer and enforce the excavation permit provisions of this Code;
- (2) Administer and enforce the conveyance and acceptance of public improvement provisions of this Code;
- (3) Maintain, repair and service all equipment and other Town property in its custody or subject to its control;
- (4) Maintain Town buildings and park and open space properties;
- (5) Maintain the Platteville Mizpah Cemetery, open and close graves, enforce and administer cemetery rules and regulations pertaining to the erection and maintenance of monuments, all as directed by the Administration Department, and coordinate with the Administration Department in the preparation and maintenance of accurate burial records;
- (6) Plan, design, administer, coordinate and maintain the public works within the Town, including the water, sanitary sewer and stormwater utilities;
- (7) Prepare and maintain official maps of the Town and acquire the necessary easements, rights-of-way and real property for Town public works, park, open space and utility facilities;
- (8) Plan, design and operate the Town street lighting and other electrically operated traffic control devices, including the Town's radio systems;
- (9) Maintain public streets, alleys and municipal parking areas within the Town, clean improved public streets and remove snow from streets designated for plowing; and install, operate, maintain and remove official traffic control devices, as directed from time to time by the Board of Trustees or the Chief of Police;
- (10) Maintain and preserve all records of engineering work performed by or for the Town;
- (11) Develop, maintain and implement master utility plans for the water, sanitary sewer and stormwater utilities;
- (12) Perform such other duties as may be prescribed by the Town Manager. (Prior code 2-6-1; Ord. 526 §2, 2001; Ord. 540 §5, 2002; Ord. 574 §§1, 3, 2005)

Sec. 2-6-20. Public Works Director.

The Public Works Director shall be an employee of the Town, and shall report to and be subject to the supervision, management and control of the Town Manager. He or she shall be responsible to the Town Manager for the effective and efficient performance of all of the responsibilities assigned to the Public Works Department in Section 2-6-10 above. (Prior code 2-6-2; Ord. 574 §1, 2005)

ARTICLE VII

Public Safety Department

Sec. 2-7-10. Organization; responsibilities.

(a) The Public Safety Department shall consist of the Chief of Police and such other persons as the Board of Trustees, upon the recommendation of the Town Manager, shall deem necessary for the good government of the Town.

(b) The Public Safety Department shall be managed by the Chief of Police who shall have the following responsibilities:

(1) Preserve public peace, administer a crime prevention program, arrest persons subject thereto under the laws of the State and the ordinances and court rules of the Town, protect the rights of persons and property, and enforce state laws and the ordinances of the Town.

(2) Be responsible for the administration, planning, organization, control, direction, efficiency, custody and care of all Public Safety Department property, and general good conduct and discipline of the Department.

(3) Investigate, or cause to be investigated all violations of law, orders, rules and regulations or any other misconduct on the part of the department personnel and report promptly and fully concerning such investigations to the Town Manager.

(4) Cause to be kept such books, records and reports as may from time to time be required by the Town Manager and applicable laws of the United States and the State, and be the official custodian of all criminal justice records of the Town.

(5) Perform such other duties as may be prescribed by the Town Manager.

(6) Exercise on behalf of the Board of Trustees the powers granted to the Town by state law to regulate traffic and to implement appropriate traffic control measures on all streets and highways subject to Town jurisdiction, in accordance with state law and applicable provisions of the Model Traffic Code as adopted and amended from time to time by the Town; except that nothing in this Paragraph shall be construed to authorize the Public Safety Department to alter any speed limits or parking regulations or restrictions established by said Model Traffic Code. (Prior code 2-8-1; Ord. 526 §1, 2001; Ord. 532, 2001; Ord. 540 §§6, 7, 2002; Ord. 574 §§1, 3, 2005)

Sec. 2-7-20. Chief of Police.

(a) The Chief of Police shall be an employee of the Town, and shall report to and be subject to the supervision, management and control of the Town Manager. The Chief of Police shall be responsible to the Town Manager for the effective and efficient performance of all of the responsibilities assigned to the Public Safety Department in Section 2-7-10 above. The Chief of Police shall additionally be a peace officer within the meaning of the laws of the State and shall have all powers conferred upon peace officers by such laws and upon police officers by this Code.

(b) References to "Public Safety Director" in this Section and throughout this Code shall be interpreted as "Chief of Police." (Prior code 2-8-2; Ord. 574 §§1, 3, 2005)

Sec. 2-7-30. Rules and regulations.

The Public Safety Department shall be operated and managed in accordance with such rules and regulations as may from time to time be prepared and recommended by the Chief of Police and approved by the Town Manager. (Prior code 2-8-3; Ord. 574 §§1, 3, 2005)

Sec. 2-7-40. Powers and duties of police officers.

(a) All police officers shall be peace officers within the meaning of state law and shall have all powers conferred upon them by such laws and by the provisions of this Code, specifically including the power to serve and enforce criminal process.

(b) All members of the Department shall have the power and the duty to enforce all state laws and all ordinances of the Town, to suppress riots, disturbances and breaches of the peace, and to arrest all persons subject thereto under the laws of the State or the ordinances or court rules of the Town. (Prior code 2-8-4; Ord. 532, 2001)

Sec. 2-7-50. Oath of officers.

Before entering upon the duties of his or her office, each police officer shall take and subscribe an oath that he or she will support the Constitution of the United States, the Constitution and laws of the State and the ordinances of the Town, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter. (Ord. 532, 2001)

Sec. 2-7-60. Uniforms.

Every police officer shall wear a uniform of the type and quality prescribed by the Town Manager, as directed by the Chief of Police. (Prior code 2-8-5; Ord. 574 §§1, 3, 2005)

Sec. 2-7-70. Reserve police.

Upon the recommendation of the Chief of Police, the Town Manager may from time to time hire qualified persons to act as reserve police officers. Such persons shall serve without pay; however, the Town shall provide suitable uniforms and other equipment as determined by the Town Manager. While on duty, reserve police officers shall have all powers and duties of regular police officers. Subject to the approval of the Town Manager, the Chief of Police shall prescribe such rules and regulations concerning reserve police officers as are not in conflict herewith or with applicable provisions of state law. (Prior code 2-8-6; Ord. 532, 2001; Ord. 574 §§1, 3, 2005)

Sec. 2-7-80. Extraterritorial duty on request.

The Chief of Police may in his or her discretion, upon request of the chief of police or person exercising the functions thereof in any other jurisdiction, assign police officers under his or her control together with such equipment as the Chief of Police shall deem to be proper, to perform temporary duty in the requesting jurisdiction. (Prior code 2-8-7; Ord. 532, 2001; Ord. 574 §3, 2005)

ARTICLE VIII

Municipal Court

Sec. 2-8-10. Creation of Municipal Court.

A Municipal Court in and for the Town is hereby established pursuant to and governed by the provisions of state law. (Prior code 3-1-1, Ord. 532, 2001)

Sec. 2-8-20. Original jurisdiction.

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

(b) The territorial jurisdiction of the Municipal Court shall be co-extensive with the Town limits. In addition thereto, the Court shall have original jurisdiction of all cases arising under the provisions of this Code or of any other Code or ordinance of the Town which arise on any Town-owned property outside the Town or arise on non-Town-owned property outside the corporate limits of the Town over which the Town has authority to control and regulate by virtue of any contract, deed, easement agreement, right-of-way or other publicly acquired interest. (Prior code 3-1-2, Ord. 532, 2001)

Sec. 2-8-30. Appointment of Municipal Judge.

(a) The Board of Trustees shall appoint a Municipal Judge to preside over the Municipal Court. The term of the Municipal Judge shall not exceed two (2) years, and he or she may be reappointed for a subsequent term or for subsequent terms. Any vacancy in the office of Municipal Judge shall be filled by the Board of Trustees.

(b) The Municipal Judge is authorized to issue search/inspection warrants for premises or property by municipal officials or inspectors in accordance with the Colorado Municipal Court Rules. The Municipal Judge may also issue warrants for the inspection and examination of any structure or property if it satisfactorily appears that the applicant for the warrant is required to make the inspection by a provision of this Code, any other Code or ordinance of the Town, or any enforceable regulation or policy, and that, for the purpose of making such inspection, the applicant is required to go onto privately owned property or enter into privately owned premises. Nothing in this Section shall be deemed to require the issuance of a warrant for emergency inspections or in any other case where warrants are not required by law. (Prior code 3-1-3; Ord. 532, 2001)

Sec. 2-8-40. Qualification.

No person shall be eligible for appointment to the office of Municipal Judge unless he or she is an attorney at law, currently licensed to practice law in the State. (Prior code 3-1-6)

Sec. 2-8-50. Compensation.

The salary of the Municipal Judge shall be a fixed annual compensation, payable monthly, as set by ordinance. (Prior code 3-1-7)

Sec. 2-8-60. Assistant judges.

The Board of Trustees may appoint such additional municipal judges or assistant judges as may be necessary to act in case of temporary absence, sickness, disqualification or other inability of the presiding Municipal Judge to act. (Prior code 3-1-4)

Sec. 2-8-70. Presiding Municipal Judge.

In the event more than one (1) Municipal Judge is appointed, the Board of Trustees shall designate one (1) of the same as presiding Municipal Judge who shall serve in this capacity during the term for which he or she was appointed. (Prior code 3-1-5)

Sec. 2-8-80. Oath of Municipal Judge.

Before entering upon the duties of his or her office, the Municipal Judge shall take and subscribe and file with the Board of Trustees an oath or affirmation 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 will faithfully perform the duties of his or her office. (Prior code 3-1-8; Ord. 532, 2001)

Sec. 2-8-90. Removal of Municipal Judge for cause.

A judge may only be removed for cause. The grounds for removal for cause are:

- (1) Affliction with a disability which interferes with the performance of his or her duties and which is, or is likely to become, of a permanent character.
- (2) Conviction of a felony or other crime involving moral turpitude.
- (3) Willful and persistent failure to perform his or her duties.
- (4) Habitual intemperance. (Prior code 3-1-9)

Sec. 2-8-100. Court Clerk.

(a) There is hereby created the position of Court Clerk, who shall be an employee of the Town. The duties of this position shall include without limitation the following:

- (1) Keeping a register of the actions in the Court, including all fees and money disbursed and collected;
- (2) Delivering all money received as fees, fines, costs and penalties to the Finance Director, who shall deposit said funds into the general fund of the Town;
- (3) Preparing and keeping a docket for the Court noting all judgments made;
- (4) Preparing all writs and papers pertaining to the business of the Court;
- (5) Making and maintaining all necessary Court records; and

(6) Performing any and all other duties prescribed by law, by Court rule or by the presiding Municipal Judge.

(7) It shall be the duty of the Court Clerk to keep and maintain a verbatim record of all proceedings and evidence at trials; either by electric devices or stenographic means.

(8) Upon a plea of guilty or nolo contendere or a verdict of guilty by the Court or a jury to a traffic offense, the Court Clerk shall forward to the Department of Revenue a notice of plea or verdict on the form prescribed by the department.

(b) The presiding Municipal Judge shall appoint a person to serve as Court Clerk.

(c) The Court Clerk may issue notices, including subpoenas, in all cases coming before the Court, and administer oaths and affirmations to persons appearing before the Court.

(d) Assistants appointed as Deputy Court Clerks shall have all of the powers of the Court Clerk.

(e) Salary and bond.

(1) The compensation of the Court Clerk shall be an annual salary in amount fixed by ordinance and shall be payable twice monthly.

(2) The Court Clerk shall post a bond in the amount of one thousand dollars (\$1,000.00) to the Town conditioned upon faithful discharge of the duties of this office unless waived by the Board of Trustees.

(f) The Court Clerk shall file monthly reports with the Finance Director of all monies collected, either by fines or otherwise, and shall pay to the Finance Director all such monies as they are received. (Prior code 3-1-11; Ord. 532, 2001; Ord. 561 §§3, 4, 2005; Ord. 574 §2, 2005)

Sec. 2-8-110. Powers of Court.

The Municipal Court shall have and may exercise all powers conferred upon municipal courts by state law and rules promulgated for such courts by the Colorado Supreme Court, including without limitation the power to compel attendance at sessions of court; to punish for contempt of court by fine or confinement in the county jail or by both such fine and confinement; and to enforce subpoenas issued by any board, commission, hearing officer or other body or officer of the Town authorized by law, this Code or ordinance to issue subpoenas. Any and all such process may be served by any police officer of the Town or by any person designated by the issuing authority. Except as may be expressly limited with respect to a specific offense, the Court has the power to suspend all or any portion of any fine, with or without such reasonable conditions, including but not limited to restitution to victims and useful community service, as the Court may in its discretion determine. (Prior code 3-1-2; Ord. 532, 2001)

Sec. 2-8-120. Procedure.

The procedures of the Municipal Court shall be in accordance with the Colorado Municipal Court Rules of Procedure as promulgated by the Colorado Supreme Court. The presiding Municipal Judge

shall have the authority to issue local rules of procedure not inconsistent with any rules of procedure adopted by the Colorado Supreme Court. (Prior code 3-1-10)

Sec. 2-8-130. Court costs.

There is hereby imposed, and the Municipal Court shall assess, a docket fee against any defendant who pleads guilty or nolo contendere, who enters into a plea agreement or who, after trial, is found guilty. Such fee shall be in addition to any fines or other penalties. The amount of the docket fee shall be as established and amended from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code. (Prior code 3-1-2; Ord. 532, 2001; Ord. 535 §1, 2002)

Sec. 2-8-140. Court sessions.

(a) There shall be regular sessions of Court for the arraignment of defendants, the trial of cases and such other matters and proceedings as the business of the Court may require.

(b) Such sessions shall be conducted no less frequently than once per month and shall be open to the public.

(c) The Court shall be open during such hours as set by the presiding Municipal Judge with the advice and consent of the Board of Trustees; provided, however, that the Court shall be closed on weekends and local, state and national holidays, except for extraordinary sessions. (Prior code 3-1-12; Ord. 532, 2001)

Sec. 2-8-150. Failure of person to respond to process.

(a) In all cases where a person is summoned as a juror or as a witness to the Municipal Court and fails to attend at the time and place ordered, the Court may issue a citation for the appearance of such juror or witness so failing to attend and direct such person to show cause why he or she should not be punished for contempt of court. Upon a satisfactory excuse being made, the court may discharge such person and release any bond posted pursuant thereto.

(b) In all cases where a person is summoned to appear at the Municipal Court or ordered to appear by the Municipal Judge, it is unlawful for such person to fail to appear at the time and place so ordered. (Prior code 3-1-13; Ord. 532, 2001)

Sec. 2-8-160. Failure to appear.

It is unlawful for any person upon whom a summons or summons and complaint directing the appearance of such person before the Municipal Court in and for the Town has been duly served to fail to appear in person or by counsel before said court at the time and place specified in the said summons or summons and complaint. (Prior code 13-8-112)

Sec. 2-8-170. Contempt power.

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

(b) In cases of indirect contempt, the alleged contemnor shall have all the rights, privileges, safeguards and protections of a defendant in a petty offense case, including but not limited to a formal written complaint, arraignment and trial by jury. (Ord. 532, 2001)

Sec. 2-8-180. Appeals.

Appeals from the Municipal Court shall be in accordance with the practice and procedure provided by state law. (Prior code 3-1-14; Ord. 532, 2001)

Sec. 2-8-190. Appropriations.

The Board of Trustees shall annually appropriate an amount sufficient to pay salaries and expenses incurred in connection with carrying out the provisions of this Article. (Prior code 3-1-15)

Sec. 2-8-200. Law Enforcement Equipment and Training Fund surcharge on court fines.

A surcharge in an amount to be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code is hereby levied against the defendant in every Municipal Court action resulting in a conviction, or deferred judgment, or sentence for a violation of any municipal ordinances or this Code or for any traffic infraction under the Model Traffic Code as adopted by the Town. The calculation of any such surcharge shall be rounded down to the nearest whole dollar. If a portion of the fine is suspended, a proportionate amount of the surcharge shall also be suspended. If the suspension of the fine is thereafter revoked, the surcharge shall be reimposed on the total amount of the fine imposed. Except as expressly provided immediately above, the Municipal Court shall have no authority to waive or suspend any portion of the surcharge provided by this Section. Said surcharges shall be paid to the Court Clerk by the defendant and the Court Clerk shall deposit the money so received in the fund hereinafter created. The surcharges levied pursuant hereto are separate and distinct from all other costs charged and shall not be deemed to be a fine or penalty. (Ord. 561 §5, 2005)

Sec. 2-8-210. Law Enforcement Equipment and Training Fund.

(a) There is hereby established a "Law Enforcement Equipment and Training Fund" consisting of all monies collected from the surcharge provided in Section 2-8-200 above. All monies in the Fund shall be deposited in an interest-bearing account and all interest earned therefrom shall be credited to the Fund. It is the intent of this Section to provide supplemental law enforcement training and law enforcement equipment for the Police Department for which funds are not available through the General Fund of the Town. No such funds shall be used for annual salaries or benefits for members of the Police Department, for routine maintenance and replacement of law enforcement equipment, for the purchase of normal operating supplies and office equipment or as a replacement for General Fund appropriations.

(b) The Fund shall be accounted for as a special revenue fund of the Town and shall not be commingled with the General Fund or any other fund of the Town. No General Fund or any other monies of the Town, except those in the Fund created by this Section, shall be used or expended for any of the purposes or undertakings provided in this Article.

(c) The Town Manager shall approve all expenditures from the Fund and shall report to the Board of Trustees all distributions of money from the Fund, including the law enforcement equipment purchased for which disbursements were made and the training provided to officers. (Ord. 561 §6, 2005; Ord. 574 §1, 2005)

ARTICLE IX

Planning Commission

Sec. 2-9-10. Creation.

Pursuant to state law, there is hereby created a Planning Commission for the Town. The Planning Commission shall consist of seven (7) members, to include the Mayor, two (2) other members of the Board of Trustees, and four (4) other persons who are not otherwise officials of the Town. The Mayor shall be an ex officio member of the Planning Commission,. The remaining six (6) members shall be appointed by the Mayor, subject to the approval of the Board of Trustees. The terms of the Mayor and other Board of Trustee members shall correspond to their terms on the Board of Trustees. The terms of the Non-Board of Trustee members shall be four (4) years. Members of the Planning Commission shall be residents of the Town. (Ord. 532, 2001)

Sec. 2-9-20. Purpose.

The Planning Commission is created for the following purposes:

- (1) To prepare and maintain, subject to periodic revision as necessary, a Master Plan as described by state statutes.
- (2) To implement the provisions of Chapters 16 and 17 of this Code, and to perform all functions and powers referred to in said chapters where reference is made.
- (3) To study and recommend to the Board of Trustees amendments to the Zoning Map of the Town.
- (4) To study and recommend appropriate zoning classifications for all annexations to the Town.
- (5) To exchange information with the various governmental agencies charged with planning and zoning responsibilities and with the Board of Adjustment.
- (6) To have all other duties and powers incidental to the above and any and all powers and duties set out by state statute, except that nothing herein shall permit the Planning Commission to make amendments or changes in the zoning of the Town, such powers expressly being reserved by the Board of Trustees. (Ord. 532, 2001)

Sec. 2-9-30. Vacancies.

Vacancies on the Planning Commission shall be filled by appointment by the Mayor, subject to the approval of the Board of Trustees, within a reasonable time after the vacancy occurs. A person

appointed to fill a vacancy shall serve the remainder of the term of the member whose seat is vacant. (Ord. 532, 2001)

Sec. 2-9-40. Powers.

The Planning Commission shall have all the powers granted and shall perform all the duties imposed by Sections 31-23-201 through 31-23-227, C.R.S. (Ord. 532, 2001)

ARTICLE X

Reserved

ARTICLE XI

Emergency Protection

Sec. 2-11-10. Purpose.

The Town may from time to time in the future have within its corporate limits fire, flood, civil disturbances and riots, and therefore it is deemed in the best interests of the Town to provide for certain emergency police powers necessary to and incidental to the maintenance of the safety, health and welfare of the residents of the Town. (Prior code 4-1-1)

Sec. 2-11-20. Mayor's authority.

Emergency police powers shall be placed in the hands of the Mayor, and these powers shall be exercised only in the event of an emergency as herein defined and shall only be exercised for such period of time as the actual emergency exists. Further, said powers shall only be invoked after a declaration and proclamation of an emergency. (Prior code 4-1-2; Ord. 532, 2001)

Sec. 2-11-30. Declaration of emergency.

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

- (1) There are unusual or extreme weather conditions, making use of Town streets or areas difficult or impossible.
- (2) There is extreme likelihood of danger or destruction of life or property due to unusual conditions.
- (3) Civil unrest, commotion or uprising is imminent or exists.
- (4) There is a stoppage or loss of electrical power affecting a major portion of the Town.

(b) The emergency shall be declared in a proclamation of the Mayor, which shall be delivered to the Chief of Police, who shall then see that said proclamation is delivered to all news media within

the Town. The Chief of Police shall also use public address systems throughout the Town and immediately notify the public of said proclamation and that violators will be arrested and subject to prosecution. (Prior code 4-1-3; Ord. 532, 2001; Ord. 574 §3, 2005)

Sec. 2-11-40. Emergency power of Mayor.

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

(1) To call upon regular and auxiliary enforcement agencies and organizations within or without the Town to assist in preserving and keeping the peace and preservation of life and property of the Town citizenry.

(2) To close streets and sidewalks and to delineate areas within the Town wherein an emergency exists.

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

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

(5) The power to do any and all acts necessary and incidental to the preservation of life, limb and property within the Town. (Prior code 4-1-4; Ord. 532, 2001)

Sec. 2-11-50. Termination of emergency.

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

(b) No emergency period shall extend beyond the next meeting of the Board of Trustees unless at such meeting the declaration of emergency is specifically approved by resolution of the Board of Trustees. (Prior code 4-1-5; Ord. 532, 2001)

Sec. 2-11-60. Violation; penalties.

It is unlawful for any person willfully to fail or refuse to comply with the order of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the proclamation

of emergency authorized in this Article. Any person who violates any of the provisions of this Article shall be subject to the provisions of Section 1-4-20 of this Code. (Prior code 4-1-6, Ord. 532, 2001)

ARTICLE XII

Public Library

Sec. 2-12-10. Continuation of prior ordinance.

Nothing in this Code shall affect Section 1, Ordinance No. 192, passed and adopted on October 5, 1976, establishing the Platteville Public Library, and said Section is hereby recognized as continuing in full force and effect as if set out at length in this Code. (Prior code 9-1-1; Ord. 532, 2001)

Sec. 2-12-20. Management.

The management and control of the Public Library shall be vested in a board of not fewer than five (5) nor more than seven (7) trustees (hereinafter the "Library Board") who shall be appointed by the Mayor with the consent of the Board of Trustees. The first appointments to such Library Board shall be for terms of one (1), two (2), three (3), four (4) and five (5) years respectively, and thereafter each Library Board member shall be appointed annually to serve for five (5) years. Vacancies shall be filled for unexpired terms as soon as possible by appointment by the Mayor with the consent of the Board of Trustees. Such Library Board members shall not receive a salary or other compensation for services as Library Board members, but necessary traveling and subsistence expenses actually incurred may be paid from the Library Fund. A Library Board member may be removed only by vote of the Board of Trustees. The Library Board shall have the powers and duties as prescribed by state law. (Prior code 9-1-2, 9-1-3; Ord. 532, 2001; Ord. 583 §2, 2006)

Sec. 2-12-30. Officers.

The Library Board, shall, at least once each year, organize by the election of a president and a secretary and such other officers as it may deem necessary. (Prior code 9-1-3; Ord. 532, 2001)

Sec. 2-12-40. Donations.

Any person may donate money, personal or real property for the benefit of such library, and title to such property given to or for the use or benefit of a public library shall be in the name of the Library Board to be held and used according to the terms of the gifts. (Prior code 9-1-4; Ord. 532, 2001)