

CHAPTER 2

Administration and Personnel

Article I Mayor and Town Board

- Sec. 2-1-10 Duties of Mayor
- Sec. 2-1-20 Acting Mayor
- Sec. 2-1-30 Regular meetings
- Sec. 2-1-40 Conduct of meetings
- Sec. 2-1-50 Order of business
- Sec. 2-1-60 Approval of claims
- Sec. 2-1-70 Boards and commissions

Article II Officers and Employees

- Sec. 2-2-10 Powers and duties of officers generally
- Sec. 2-2-20 Oath of office; bond
- Sec. 2-2-30 Compensation
- Sec. 2-2-40 Residency requirement
- Sec. 2-2-50 Maximum value of nonpecuniary gifts

Article III Social Security

- Sec. 2-3-10 Legislative declaration
- Sec. 2-3-20 Payroll deductions

Article IV Municipal Court

- Sec. 2-4-10 Municipal Court Judge; term of office; oath of office
- Sec. 2-4-20 Qualified court of record; jurisdiction
- Sec. 2-4-30 Sessions generally
- Sec. 2-4-40 Rules of procedure
- Sec. 2-4-50 Bench warrants
- Sec. 2-4-60 Contempt power
- Sec. 2-4-70 Court Clerk; establishment; appointment; performance bond
- Sec. 2-4-80 Monthly accounting by Court Clerk
- Sec. 2-4-90 Compensation of Municipal Judge; compensation of Municipal Court Clerk; annual appropriations
- Sec. 2-4-100 Appeals; bonds
- Sec. 2-4-110 Municipal Court costs

Article V Police Department

- Sec. 2-5-10 Creation; composition
- Sec. 2-5-20 Departmental rules and regulations
- Sec. 2-5-30 Chief of Police; appointment; powers and duties
- Sec. 2-5-40 Duties of police officers
- Sec. 2-5-50 Oath
- Sec. 2-5-60 Duty of citizens to aid police officers
- Sec. 2-5-70 Extraterritorial duty
- Sec. 2-5-80 Reserve police
- Sec. 2-5-90 Concealed weapons permits to be issued to police officer only

Article VI Parks and Recreation Advisory Board

- Sec. 2-6-10 Creation; membership; qualifications and eligibility
- Sec. 2-6-20 Terms; constitution of Advisory Board; appointment; removal
- Sec. 2-6-30 Organization and procedure

Sec. 2-6-40 Functions and duties

Article VII Planning Commission

Sec. 2-7-10 Creation

Sec. 2-7-20 Functions and duties

Sec. 2-7-30 Membership; terms; qualifications; vacancies

Sec. 2-7-40 Organization and procedure

Article VIII Tree Board

Sec. 2-8-10 Creation; membership; qualifications; terms; vacancies

Sec. 2-8-20 Organization and procedure

Sec. 2-8-30 Functions and duties

Article IX Water and Sewer Board

Sec. 2-9-10 Creation; membership; terms; qualifications; vacancies

Sec. 2-9-20 Functions and duties

Article X Housing Authority

Sec. 2-10-10 Creation

Sec. 2-10-20 Membership; terms; qualifications

Article XI Emergency Management

Sec. 2-11-10 Purpose and intent

Sec. 2-11-20 Definitions

Sec. 2-11-30 Line of succession of government

Sec. 2-11-40 Power to take appropriate action

Article XII Conduct of Municipal Mail Ballot Elections

Sec. 2-12-10 Candidate nomination procedures for mail ballot elections

ARTICLE I

Mayor and Town Board

Sec. 2-1-10. Duties of Mayor.

(a) 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 Board Members or any statutes or ordinances may require.

(b) Except as may be required by statute, the Mayor shall exercise only such powers as the Board Members shall specifically confer upon him or her. (Prior code 2-2; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 2-1-20. Acting Mayor.

In the event of the absence or disability of both the Mayor and the Mayor Pro Tem, the Board Members may designate another of their number to serve as acting Mayor during such absence or disability. (Prior code 2-4; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 2-1-30. Regular meetings.

The regular meetings of the Town Board shall be held on the second and fourth Monday evenings of each month at the Town Hall at 7:00 p.m., except on legal holidays, when no meeting shall be held. (Prior code 2-6; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 2-1-40. Conduct of meetings.

Meetings of the Town Board shall be conducted by the Mayor according to Robert's Rules of Order, Revised. (Prior code 2-8; Ord. 2004-1193 §11; Ord. 2006-1236 §1)

Sec. 2-1-50. Order of business.

At the hour appointed for meeting, the members shall be called to order by the Mayor or, in his or her absence, by the Mayor Pro Tem, and the Town Clerk shall proceed to call the roll, note the absentees and announce whether a quorum is present. If a quorum is present, the Town Board shall proceed with the business before it, in the manner and order as established by the Town Board. (Prior code 2-9; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 2-1-60. Approval of claims.

All bills for labor, materials and services shall be itemized, giving the day and date that such labor and services were performed or materials bought. The itemized list of bills shall be presented monthly to the Town Board for approval. (Prior code 2-10; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 2-1-70. Boards and commissions.

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

- (1) Zoning Board of Adjustment;
- (2) Parks and Recreation Advisory Board;
- (3) Planning Commission;
- (4) Tree Board; and
- (5) Water and Sewer Board.

(b) Upon request of the duly appointed Chair of any board or commission for which alternate members are not by this Code specifically provided, the Mayor or Town Board, as the case may be, shall have the additional authority to appoint alternate members to such board or commission. Any alternate member so appointed shall serve for a term of office as otherwise applicable to that board or commission, and shall have voting powers only in the event that a full member of such board or commission is unable to attend a scheduled public meeting of said board or commission. No alternate member of any board or commission shall take office unless the board or commission has in its bylaws established protocols for the duties and authority of alternate members appointed under this Subsection. (Ord. 2010-1388 §1)

ARTICLE II

Officers and Employees

Sec. 2-2-10. 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 the state laws, the ordinances of the Town and the Town of Windsor Home Rule Home Rule Charter, and shall further perform any additional duties required by the Town Board, and shall be subject to the control and orders of the Town Board. (Prior code 2-32; Ord. 2004-1193 §23; Ord. 2006-1236 §1)

Sec. 2-2-20. Oath of office; bond.

(a) When required by the Town Board, each officer or employee, before entering upon the duties of his or her office, shall take and subscribe to an oath to support the Constitution and laws of the United States and the State and the ordinances of the Town.

(b) In all cases where, by law, ordinance or resolution of the Town Board, a bond is required of any such officer, he or she shall make and execute to the Town a bond in such sum as is required, to be approved by the Town Board, conditioned for the faithful performance of all duties pertaining to such office, the proper care of all money or property of the Town coming into his or her hands and the

proper accounting for or delivery of the same. (Prior code 2-33; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 2-2-30. Compensation.

Compensation for employees shall be in accordance with the current Position Classification and Compensation Plan. (Prior code 2-39; Ord. 2004-1193 §29; Ord. 2006-1236 §1)

Sec. 2-2-40. Residency requirement.

(a) During his or term of employment, the Chief of Police shall reside within the boundaries of the Town.

(b) Except as provided for in Subsection (a) above, the duties of the employment positions hereinafter named clearly and demonstrably require that the employees in said positions reside in close proximity to the Town. All such employees shall reside within thirty (30) minutes' driving time of the Town Hall. Those employee positions are as follows:

(1) Director of Public Works.

(2) All Town employees whose positions require periodic emergency responsibilities. (Prior code 2-40; Ord. 2004-1193 §30; Ord. 2006-1236 §1)

Sec. 2-2-50. Maximum value of nonpecuniary gifts.

Nothing contained in the Home Rule Charter shall prohibit any elected or appointed official, public body member or employee from accepting an occasional nonpecuniary gift of a value not to exceed one hundred dollars (\$100.00), or from accepting an award, publicly presented, in recognition of public service. However, no elected or appointed official, public body member or employee shall accept a nonpecuniary gift of any value if the gift is or may be in any way associated with a contract that is or may be one for which the elected or appointed official, public body member or employee has the power or duty to perform an official action. (Prior code 2-41; Ord. 2006-1236 §1)

ARTICLE III

Social Security

Sec. 2-3-10. Legislative declaration.

In the opinion of the Town Board, the extension of the social security system to employees and officers of the Town will be of great benefit not only to the employees of said Town 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. (Prior code 2-51; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 2-3-20. Payroll deductions.

The Town Clerk is hereby authorized to establish a system of payroll deduction to be matched by payments by the Town to be made into the Contribution Fund of the Social Security Act through the Department of Employment Security, and to make charges of this tax to the fund or funds from which wage or salary payments are issued to employees of the Town. Such payments are to be made in accordance with the provisions of Section 1400 of the Federal Insurance Contribution Act on all services which constitute employment within the meaning of that Act. Payments made to the State Department of Employment Security shall be due and payable on or before the 18th day of the month immediately following the completed calendar quarter, and such payments which are delinquent shall bear interest at the rate of one-half of one percent (½%) per month until such time as payments are made. (Prior code 2-52; Ord. 2006-1236 §1)

ARTICLE IV

Municipal Court

Sec. 2-4-10. Municipal Court Judge; term of office; oath of office.

(a) Effective January 1, 2011, the Municipal Court Judge, and any Assistant Judge or Assistant Judges subsequently appointed to serve the Municipal Court, shall serve a fixed term of two (2) calendar years, which appointments shall be made by resolution of the Town Board adopted at the first regular Town Board meeting in January of each odd-numbered calendar year. The term of office for the Municipal Court Judge in office as of final adoption of the ordinance codified herein shall expire, unless renewed as provided in this Subsection, on January 1, 2011.

(b) Before entering upon the duties of his or her office, every Municipal Judge shall take an oath or affirmation that he or she will support the Constitution of the United States, the Constitution of the State and the laws of the Town, and will faithfully perform the duties of his or her office. (Ord. 2010-1392 §1)

Sec. 2-4-20. Qualified court of record; jurisdiction.

(a) Effective January 1, 2011, the Municipal Court shall be designated and shall henceforth function in all respects as a qualified court of record, as the term is defined by Section 13-10-102(3), C.R.S.

(b) In addition to the powers otherwise vested in qualified courts of record, the Municipal Court shall have jurisdiction as set forth in Section 9.2(A) of the Home Rule Charter. (Ord. 2010-1392 §2)

Sec. 2-4-30. Sessions generally.

There shall be regular sessions of the Municipal Court for the trial of cases as may be fixed by the presiding judge. The Municipal Judge may hold special sessions of court at any time, including Sundays, holidays and night court. All sessions shall be open to the public. (Prior code 2-65; Ord. 2006-1236 §1)

Sec. 2-4-40. Rules of procedure.

In addition to other powers, a Municipal Judge shall have full power and authority to make and adopt rules and regulations for conducting the business of the Municipal Court, consistent with the Municipal Court Rules of Procedure promulgated by the Colorado Supreme Court. (Prior code 2-66; Ord. 2006-1236 §1)

Sec. 2-4-50. Bench warrants.

If a defendant fails to appear for arraignment or trial at the time or place required in the summons or other notice or otherwise fails to appear as required by statute, rule or ordinance or by the Court, or fails to pay any fine or costs or obey any lawful order of the Court, the Court may issue a bench warrant directed to any law enforcement officer, commanding such officer to apprehend the defendant and bring the defendant forthwith before the Court. (Prior code 2-67; Ord. 2006-1236 §1)

Sec. 2-4-60. 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 one thousand dollars (\$1,000.00) 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. (Prior code 2-68; Ord. 2006-1236 §1; Ord. 2010-1392 §6)

Sec. 2-4-70. Court Clerk; establishment; appointment; performance bond.

(a) The office of the Municipal Court Clerk is hereby established. The Municipal Court Clerk shall be appointed by the Town Manager, with the approval of the Town Board. The Municipal Court Clerk shall perform all duties assigned by the presiding Municipal Court Judge, as delegated by law or by applicable court rule.

(b) The Town shall furnish a performance bond pursuant to the requirements of Section 13-10-109, C.R.S., conditioned upon the faithful performance of all duties, faithful accounting for and payment of all funds deposited with or received by the Municipal Court. The amount of said performance bond shall be fixed by the Town Manager and subject to modification as circumstances may require. (Ord. 2010-1392 §3)

Sec. 2-4-80. Monthly accounting by Court Clerk.

The Court Clerk, or the Presiding Judge when acting as Clerk, shall file monthly reports with the Town Clerk of all moneys collected by him or her. On the last day of each month, the Court Clerk shall pay to the Town Treasurer all moneys in his or her hands. (Prior code 2-71; Ord. 2006-1236 §1)

Sec. 2-4-90. Compensation of Municipal Judge; compensation of Municipal Court Clerk; annual appropriations.

In conjunction with the annual budgeting process, the Town Board shall on an annual basis by ordinance budget and appropriate such moneys as may be necessary for the proper operation of the Municipal Court. Such appropriations shall include the fixing of compensation for the Municipal Court Judge and any Assistant Judge assigned to the Municipal Court, with due regard for the limitations established in Section 9.2(D) of the Home Rule Charter. Such appropriations shall include the fixing of compensation for the office of the Municipal Court Clerk. (Ord. 2010-1392 §4)

Sec. 2-4-100. Appeals; bonds.

(a) Appeals taken from judgments of the Municipal Court shall be made to the District Court in and for Weld County, Colorado. The practice and procedure in such case shall be the same as provided by Section 13-6-310, C.R.S., and applicable rules of procedure for the appeal of misdemeanor convictions from the county court to the district court.

(b) When an appellant desires to stay the judgment of the Municipal Court, the appellant shall execute a bond to the Town of Windsor, in such penal sum as may be fixed by the presiding Municipal Court Judge as provided by law. All such bonds shall be in the form of a cash deposit or a written undertaking of a corporate surety.

(c) The bond executed pursuant to this Section shall be conditioned such that the appellant will duly prosecute such appeal and satisfy any judgment that may be rendered upon conclusion of the case in the appropriate appellate court to which appeal is taken, and that the appellant will surrender himself or herself in satisfaction of such judgment if that is required.

(d) If the bond is forfeited, the appellate court, upon motion of the Town, shall enter judgment against the appellant and sureties on the bond for the amount of such bond. The Town shall hereby be deemed to consent to entry of judgment against the appellant and sureties on the bond for the amount of such bond. The judgment so entered may, upon the express consent of the Municipal Prosecutor, be set aside or modified. (Ord. 2010-1392 §5)

Sec. 2-4-110. Municipal Court costs.

The Municipal Court shall assess court costs as follows:

(1) In conjunction with each sentence imposed upon any defendant who appears before the Court and pleads guilty or nolo contendere, any defendant who enters into any plea agreement, or any defendant who, after trial, is found guilty of any violation of this Code, the Municipal Court shall assess court costs of twenty dollars (\$20.00).

(2) Any court costs imposed under this Section shall be in addition to any surcharge assessment otherwise provided within this Code.

(3) Any revenue collected pursuant to court costs imposed under this Section shall be exclusively applied to defray the costs of operating the Municipal Court and shall not be commingled or applied to the general costs of Town government. (Ord. 2011-1403)

ARTICLE V

Police Department

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

There is hereby created a Police Department for the Town which shall consist of one (1) Chief of Police and as many police deputies as may from time to time be deemed necessary for the safety and good order of the Town. (Prior code 2-91; Ord. 2006-1236 §1)

Sec. 2-5-20. Departmental rules and regulations.

The Police Department shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be adopted by the Town Board. (Prior code 2-92; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 2-5-30. Chief of Police; appointment; powers and duties.

(a) The Town Board, upon the recommendation of the Town Manager, shall appoint a Chief of Police who shall be the head of the Police Department. It shall be the duty of the Chief of Police to:

- (1) See that the ordinances of the Town and the laws of the State are duly enforced and the rules and regulations of the Police Department obeyed, and perform such duties as may be required by the Town Board.
- (2) Direct the operations of the Police Department, subject to the rules and regulations thereof.
- (3) Arrest any person violating any of the Town ordinances and take such violator before the Municipal Court for trial.
- (4) Render such accounts of the Police Department, his or her duties and receipts as may be required by the Town Board, and keep the records of his or her office open to inspection by the Town Board at any time.

(b) Before entering upon the duties of such office, the Chief of Police shall take and subscribe to an oath that he or she will support the Constitution and laws of the State, the Constitution of the United States and ordinances of the Town, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter. (Prior code 2-93; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 2-5-40. Duties of police officers.

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

- (1) They shall perform all duties required of the Chief of Police.

(2) They shall suppress all riots, disturbances and breaches of the peace and apprehend all disorderly persons in the Town, and shall pursue and arrest any person fleeing from justice in any part of the State.

(3) They shall be the enforcement officers of the Town and shall see that the provisions of the ordinances of the Town and the laws of the State are complied with. They shall arrest without process all persons engaged in the violation in their presence of any provision of the ordinances of the Town or the law of the State.

(4) They shall execute and return all writs and process to them directed by the Municipal Judge in any case arising under a Town ordinance, and they may serve the same in any part of the County. (Prior code 2-94; Ord. 2006-1236 §1)

Sec. 2-5-50. Oath.

Before entering upon the duties of his or her office, each police officer shall take and subscribe an oath that he or she will support the Constitution and laws of the State, the Constitution of the United States and the ordinances of the Town, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter. (Prior code 2-95; Ord. 2006-1236 §1)

Sec. 2-5-60. Duty of citizens to aid police officers.

It shall be the duty of all persons, when called upon by any police officer, to promptly aid and assist such officer in the discharge of his or her duties. (Prior code 2-96; Ord. 2006-1236 §1)

Sec. 2-5-70. Extraterritorial duty.

The Chief of Police may, in his or her discretion, upon request of the Chief of Police or person exercising the functions thereof in any other jurisdiction, assign police officers under his or her control, together with such equipment as he or she shall deem to be proper, to perform temporary duty in the requesting jurisdiction. (Prior code 2-97; Ord. 2006-1236 §1)

Sec. 2-5-80. Reserve police.

(a) Establishment. There is hereby established the Reserve Police Force, which force shall be subject to and operate under the direction and control of the Chief of Police. The members of the Reserve Police Force shall be appointed and commissioned by the Chief of Police as Reserve Police Officers.

(b) Conditions. No person who is a member of the Reserve Police Force shall be considered an employee of the Town for any purpose, nor shall such person be entitled to any compensation, police pension benefits, sick leave, longevity pay or compensatory time benefits; and each such person shall, before becoming a member of the Reserve Police Force, execute to the Town a waiver of any claims for any compensation, remuneration, benefits or injury incurred as a result of his or her being a member of the Reserve Police Force.

(c) Regulations. The Chief of Police, with approval of the Town Manager, is hereby authorized and directed to promulgate rules and regulations governing the conduct and terms of service of any

member of the Reserve Police Force. The Reserve Police Force will not affect the authorized strength or increase of strength of the regular police in the Police Department. The Chief of Police shall proscribe strict rules in regard to the carrying and use of weapons and in regard to the wearing of a uniform identifying such persons as members of the Reserve Police Force.

(d) Regular training meetings shall be established by the Chief of Police to ensure that all members of the Reserve Police Force are effectively trained to participate in their assigned duties. The Chief of Police shall certify that such training has been completed prior to the appointment of such person or persons as members of the Reserve Police Force. (Prior code 2-98; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 2-5-90. Concealed weapons permits to be issued to police officer only.

Written permits for the carrying of concealed weapons may be issued by the Chief of Police only to regular officers of the Police Department. (Prior code 2-99; Ord. 2006-1236 §1)

ARTICLE VI

Parks and Recreation Advisory Board

Sec. 2-6-10. Creation; membership; qualifications and eligibility.

(a) There shall be a Parks and Recreation Advisory Board consisting of eight (8) members. Except as provided in Paragraph 2-6-20(a)(2) below, the members of this Advisory Board shall be residents of the Town. The members of this Advisory Board shall serve without pay. Except as provided in Paragraph 2-6-20(a)(2), if any member of the Advisory Board ceases to reside in the Town, his or her membership shall immediately terminate.

(b) No voting member of the Parks and Recreation Advisory Board shall be eligible to serve on any other board or commission of the Town during that member's tenure on the Parks and Recreation Advisory Board. (Prior code 2-111; Ord. 2006-1236 §1; Ord. 2010-1369 §1)

Sec. 2-6-20. Terms; constitution of Advisory Board; appointment; removal.

(a) This Advisory Board shall be composed of members drawn from the following constituencies and for the following terms:

(1) The Mayor shall appoint one (1) member from the Town Board as a nonvoting liaison member of the Advisory Board. This member's term shall be one (1) year, with eligibility for subsequent one-year terms for so long as he or she remains a member of the Town Board.

(2) One (1) voting member shall be appointed upon recommendation from the Windsor RE-4 School Board. This member's term shall be one (1) year, with eligibility for subsequent one-year terms for so long as he or she remains on the Windsor RE-4 School Board. In the event that the Windsor RE-4 School Board cannot recommend a suitable appointee from its membership who is a resident of the Town, the member appointed under this Paragraph may, in the sole discretion of the Town Board, be a nonresident of the Town. Except as provided in this Paragraph, all other

qualifications for membership on this Advisory Board shall apply to a nonresident appointed pursuant to this Paragraph.

(3) The remaining six (6) members of the Advisory Board shall be appointed as members at large by the Town Board. At-large members shall be appointed to serve a term of four (4) years.

(b) The Town Board shall have exclusive jurisdiction to appoint at-large members to this Advisory Board, and any recommendations made under the provisions of this Section shall be advisory only.

(c) Voting members of the Parks and Recreation Board may be removed from office for inefficiency, neglect of duty or malfeasance, upon written notice and after public hearing. The removal of any Parks and Recreation Board member whose appointment is required by this Code to be by vote of the Town Board shall require the vote of a majority of the Town Board.

(d) The Town Board shall make such appointments as necessary to fill the unexpired terms of vacancies which may occur on this Advisory Board, with the exception of any vacancy left by the nonvoting liaison member, which shall be filled by appointment by the Mayor. (Prior code 2-112; Ord. 2004-1193 §§1, 33; Ord. 2006-1236 §1; Ord. 2010-1369 §2)

Sec. 2-6-30. Organization and procedure.

(a) The Parks and Recreation Advisory Board shall adopt bylaws and rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

(b) This Advisory Board shall have regular meetings once a month. Special meetings may be called at any time by four (4) of its voting members upon giving at least twenty-four (24) hours' notice of said special meeting to its members.

(c) Four (4) members shall constitute a quorum. Unless otherwise expressly provided herein, an affirmative vote of a majority of the members present shall be necessary to authorize any action by this Advisory Board.

(d) This Advisory Board shall keep minutes and records of its meetings and transactions.

(e) Except for such provisions as are herein expressly provided for, this Advisory Board shall have power to make reasonable rules and bylaws for the conduct of its business. (Prior code 2-113; Ord. 2006-1236 §1)

Sec. 2-6-40. Functions and duties.

The Parks and Recreation Advisory Board shall perform the following functions:

(1) Make recommendations to the Town Board concerning the purchase or disposition of park, recreation and open lands.

(2) Make recommendations to the Town Board concerning any expenditure or appropriation from the Park Fund.

(3) Make recommendations to the Town Board concerning policies relating to the public use and management of park, recreation and open lands.

(4) Review the Town Manager's proposed annual budget as it relates to park, recreation and open land matters, and submit its recommendations concerning said budget to the Town Board.

(5) May, at the request of the Town Board, Town Manager or Director of Parks and Recreation, prepare and submit to the Town Board, Town Manager or Director of Parks and Recreation, recommendations on such parks, recreation and open land matters not provided for by Paragraphs (1), (2), (3) and (4) above. (Prior code 2-114; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

ARTICLE VII

Planning Commission

Sec. 2-7-10. Creation.

Pursuant to state law, there is hereby created a Planning Commission for the Town. (Prior code 2-131; Ord. 2006-1236 §1)

Sec. 2-7-20. Functions and duties.

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 the Zoning and Subdivision Ordinances of the Town and to perform all functions referred to in said ordinances where appropriate reference to the Planning Commission is made.

(3) To study and recommend to the Town Board amendments to the Zoning Maps of the Town.

(4) To study and recommend appropriate zoning classifications for all annexations to the Town.

(5) To exchange information with other governmental agencies charged with planning and zoning responsibilities.

(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 to changes in the zoning of the Town, such powers expressly being reserved by the Town Board. (Prior code 2-132; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 2-7-30. Membership; terms; qualifications; vacancies.

(a) The Planning Commission shall consist of eight (8) members who shall serve without pay. The Mayor shall appoint one (1) member from the Town Board as a nonvoting liaison member of the Planning Commission. This member's term shall be one (1) year, with eligibility for subsequent one-year terms for so long as he or she remains a member of the Town Board.

(b) The remaining seven (7) voting members of the Planning Commission shall be appointed as members at large by the Town Board. At-large members shall be appointed to serve a term of four (4) years.

(c) Members of the Planning Commission may be removed from office for inefficiency, neglect of duty or malfeasance, upon written notice and after public hearing. The removal of any Planning Commission member whose appointment is required by this Code to be by vote of the Town Board shall require the vote of a majority of the Town Board.

(d) No voting member of the Planning Commission shall be eligible to serve on any other board or commission of the Town during that member's tenure on the Planning Commission.

(e) Members of the Planning Commission may be removed from office by the Town Board for inefficiency, neglect of duty or malfeasance, upon written notice and after public hearing.

(f) The Town Board shall make such appointments as necessary to fill the unexpired terms of vacancies which may occur on the Planning Commission, with the exception of any vacancy left by the nonvoting liaison member, which shall be filled by appointment by the Mayor. (Prior code 2-133; Ord. 2004-1193 §§1, 34; Ord. 2006-1236 §1)

Sec. 2-7-40. Organization and procedure.

(a) The Planning Commission shall hold a minimum of one (1) regular meeting each month.

(b) The Planning Commission shall adopt bylaws and rules for transaction of business, and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. (Prior code 2-134; Ord. 2006-1236 §1)

ARTICLE VIII

Tree Board

Sec. 2-8-10. Creation; membership; qualifications; terms; vacancies.

(a) There shall be a Tree Board consisting of eight (8) members. The members of the Tree Board shall be residents of the Town and shall serve without pay. If any member ceases to reside in the Town, his or her membership shall immediately terminate. The Mayor shall appoint one (1) member of the Town Board as a nonvoting liaison member of the Tree Board. This member's term shall be one (1) year, with eligibility for subsequent one-year terms for so long as he or she remains a member of

the Town Board. The remaining seven (7) members of the Tree Board shall be appointed as members at large by the Town Board. At-large members shall be appointed to serve a term of four (4) years.

(b) No voting member of the Tree Board shall be eligible to serve on any other board or commission of the Town during that member's tenure on the Tree Board.

(c) Members of the Tree Board may be removed from office for inefficiency, neglect of duty or malfeasance, upon written notice and after public hearing. The removal of any Tree Board member whose appointment is required by this Code to be by vote of the Town Board shall require the vote of a majority of the Town Board.

(d) The Town Board shall make such appointments as necessary to fill the unexpired terms of vacancies which may occur on the Tree Board, with the exception of any vacancy left by the nonvoting liaison member, which shall be filled by appointment by the Mayor. (Prior code 2-141; Ord. 2004-1193 §§1, 35; Ord. 2006-1236 §1)

Sec. 2-8-20. Organization and procedure.

(a) The Tree Board shall adopt bylaws and rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

(b) The Tree Board shall have regular meetings once a month. Special meetings may be called at any time by four (4) of its voting members, upon giving of at least twenty-four (24) hours' notice of said special meeting to its members.

(c) The Tree Board shall keep minutes and records of its meetings and transactions.

(d) Except for such provisions as are herein expressly provided for, the Tree Board shall have power to make reasonable rules for the conduct of its business. (Prior code 2-142; Ord. 2006-1236 §1)

Sec. 2-8-30. Functions and duties.

The Tree Board shall:

(1) Make recommendations to the Town Board concerning the purchase or disposition of trees, shrubs, vines, hedges or plants located upon the public right-of-way of any street, alley, sidewalk or other public place in the Town.

(2) Make recommendations to the Town Board concerning policies, rules, regulations and specifications concerning the trimming, spraying, removal, planting, pruning and protection of trees, shrubs, vines, hedges and other plants upon the public right-of-way of any street, alley, sidewalk or other public place in the Town or upon privately owned property in the Town. Upon adoption by the Town Board, copies of such policies, rules, regulations and specifications shall be available to the public through the office of the Town Clerk. (Prior code 2-143; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

ARTICLE IX

Water and Sewer Board

Sec. 2-9-10. Creation; membership; terms; qualifications; vacancies.

(a) There shall be a Water and Sewer Board consisting of eight (8) members. The members of the Water and Sewer Board shall be residents of the Town and shall serve without pay. If any member ceases to reside in the Town, his or her membership shall immediately terminate. The Mayor shall appoint one (1) member of the Town Board as a nonvoting liaison member of the Water and Sewer Board. This member's term shall be one (1) year, with eligibility for subsequent one-year terms for so long as he or she remains a member of the Town Board. The remaining seven (7) voting members of the Water and Sewer Board shall be appointed as members at large by the Town Board. At-large members shall be appointed to serve a term of four (4) years.

(b) The Water and Sewer Board shall adopt bylaws and rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

(c) No voting member of the Water and Sewer Board shall be eligible to serve on any other board or commission of the Town during that member's tenure on the Water and Sewer Board.

(d) Voting members of the Water and Sewer Board may be removed from office for inefficiency, neglect of duty or malfeasance, upon written notice and after public hearing. The removal of any Water and Sewer Board member whose appointment is required by this Code to be by vote of the Town Board shall require the vote of a majority of the Town Board.

(e) The Town Board shall make such appointments as necessary to fill the unexpired terms of vacancies which may occur on the Water and Sewer Board, with the exception of any vacancy left by the nonvoting liaison member, which shall be filled by appointment by the Mayor. (Prior code 2-161; Ord. 2004-1193 §§1, 36; Ord. 2006-1236 §1)

Sec. 2-9-20. Functions and duties.

(a) The Water and Sewer Board shall advise the Town Board on all matters pertaining to the acquisition, control and disposition of water rights.

(b) The Water and Sewer Board shall advise the Town Board on all matters pertaining to the municipal water works system.

(c) The Water and Sewer Board shall advise the Town Board on all matters pertaining to water and sanitary sewage disposal systems of the Town.

(d) The Water and Sewer Board shall advise the Town Board on all matters pertaining to stormwater drainage in the Town.

(e) The Water and Sewer Board is authorized to make such studies as it may deem necessary and advisable as approved by the Town Board.

(f) The Water and Sewer Board shall perform such other duties and functions and have such other powers as may be authorized by the ordinances of the Town or the Town Board. (Prior code 2-162; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

ARTICLE X

Housing Authority

Sec. 2-10-10. Creation.

The Housing Authority of the Town, as established by resolution on June 10, 1974, in the Town, pursuant to Section 29-4-204, C.R.S., shall be managed, operated and controlled in accordance with the provisions of said laws. (Prior code 2-181; Ord. 2006-1236 §1)

Sec. 2-10-20. Membership; terms; qualifications.

The Housing Authority of the Town shall consist of five (5) commissioners appointed by the Mayor who shall serve a term of five (5) years from the date of their appointment. Vacancies other than by reason of expiration of terms shall be filled for the unexpired term by appointment by the Mayor. A commissioner shall hold office until his or her successor has been appointed and has qualified. A commissioner shall reside within the Town and shall receive no compensation for his or her services. (Prior code 2-182; Ord. 2006-1236 §1)

ARTICLE XI

Emergency Management

Sec. 2-11-10. Purpose and intent.

The provisions of this Article are intended to provide for an orderly succession of governmental powers necessitated by the inability of Town officials to serve due to natural and/or enemy-caused disaster and, further, to provide for such orderly succession in the event of riot, insurrection or emergency. (Prior code 2-201; Ord. 2006-1236 §1)

Sec. 2-11-20. Definitions.

When used in this Article, the following words and terms shall have the following meanings:

Emergency shall mean any combination of circumstances of such urgency that the customary manner of governance will be rendered impossible without immediate action under this Article.

Emergency government shall mean any form of governance established pursuant to this Article.

Enemy-caused disaster shall mean a circumstance brought about by hostile man-made forces of such magnitude that the customary manner of governance is rendered impossible.

Insurrection shall mean a revolt of such magnitude that the customary manner of governance is rendered impossible.

Natural disaster shall mean a circumstance where forces of nature render the customary manner of governance impossible.

Riot shall mean a violent public disorder of such magnitude that the customary manner of governance is rendered impossible.

Unable to serve shall mean the inability of a public official to discharge the duties conferred upon that official due to a natural disaster, enemy-caused disaster, riot, insurrection or emergency. (Prior code 2-202; Ord. 2006-1236 §1)

Sec. 2-11-30. Line of succession of government.

In the event of natural disaster, enemy-caused disaster, riot, insurrection or emergency, the following line of succession of government shall be implemented:

(1) In the event the Mayor is unable to serve, the Mayor Pro Tempore shall perform the duties of Mayor; in the event both the Mayor and the Mayor Pro Tempore are unable to serve, the senior-most member of the Town Board shall perform the duties of Mayor and shall preside over the emergency government.

(2) In the event the Mayor, Mayor Pro Tempore and all members of the Town Board are unable to serve, the Town Manager shall perform the duties of Mayor and shall preside over the emergency government. In such event, the emergency government shall consist of the Town Manager (presiding as provided in this Subsection), the Chief of Police and the Town Attorney.

(3) In the event the Mayor, Mayor Pro Tempore, all members of the Town Board and the Town Manager are unable to serve, the Chief of Police shall perform the duties of Mayor and shall preside over the emergency government. In such event, the emergency government shall consist of the Chief of Police and the Town Attorney.

(4) In the event the Mayor, Mayor Pro Tempore, all members of the Town Board, the Town Manager and the Chief of Police are all unable to serve, the Town Attorney shall perform the duties of Mayor and shall discharge the powers and duties of Town government until sufficient order is restored and an emergency government is no longer required under this Article. (Prior code 2-203; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 2-11-40. Power to take appropriate action.

The emergency government established by the ordinance codified herein shall have the power to take appropriate action for the protection of life and property until order is sufficiently restored to allow for governance in its absence. (Prior code 2-204; Ord. 2006-1236 §1)

ARTICLE XII

Conduct of Municipal Mail Ballot Elections

Sec. 2-12-10. Candidate nomination procedures for mail ballot elections.

The time periods for circulation and submission of nomination petitions for the offices of Town Board and Mayor for any regular mail ballot election, other than one conducted as part of a coordinated election, shall be as follows:

(1) Candidate nomination petitions may be circulated and signed beginning on the seventy-seventh day prior to the day of election and ending on the fifty-seventh day prior to the day of election.

(2) Each candidate nomination petition shall be filed with the Town Clerk no later than the fifty-seventh day prior to the day of election.

(3) Any candidate nomination petition may be amended to correct or replace those signatures which the Town Clerk finds are not in apparent conformity with the requirements of the Colorado Municipal Election Code at any time prior to fifty (50) days prior to the day of election. (Ord. 2010-1376 §1)