

CHAPTER 2

Administration and Personnel

Article I	Elections	
	Sec. 2-1	Conduct of elections
	Sec. 2-2	Write-in candidate; affidavit
	Sec. 2-3	Election may be canceled; when
Article II	Mayor and Board of Trustees	
	Sec. 2-21	Board of Trustees; terms, authority, qualifications and vacancies
	Sec. 2-23	Special meetings
	Sec. 2-24	Conduct of meetings; voting
	Sec. 2-25	Order of business
	Sec. 2-26	Quorum
	Sec. 2-27	Ordinances; passage and adoption
	Sec. 2-28	Mayor presides
	Sec. 2-29	Mayor member of Board
Article III	Officers and Employees	
	Sec. 2-51	Appointed officers
	Sec. 2-52	Powers and duties of officers generally
	Sec. 2-53	Oath of office; bond
	Sec. 2-54	Town Attorney
	Sec. 2-55	Town Clerk
	Sec. 2-56	Town Treasurer
Article IV	Social Security	
	Sec. 2-71	Legislative declaration
	Sec. 2-72	Payroll deductions
Article V	Police Department	
	Sec. 2-91	Creation; composition
	Sec. 2-92	Departmental rules and regulations
	Sec. 2-93	Chief of Police; appointment; powers and duties
	Sec. 2-94	Duties of police officers
	Sec. 2-95	Oath
	Sec. 2-96	Uniforms
	Sec. 2-97	Duty of citizens to aid police officers
	Sec. 2-98	Extraterritorial duty
Article VI	Municipal Court	
	Sec. 2-111	Applicability; definitions
	Sec. 2-112	Municipal Court created
	Sec. 2-113	Appointment of Municipal Judge
	Sec. 2-114	Qualifications of Municipal Judges
	Sec. 2-115	Compensation of Judge
	Sec. 2-116	Oath of office
	Sec. 2-117	Jurisdiction
	Sec. 2-118	Sessions generally
	Sec. 2-119	Record of proceeding
	Sec. 2-120	Judicial powers and procedures
	Sec. 2-121	Court Clerk
	Sec. 2-122	Monthly accounting by Court Clerk

Sec. 2-123	Bench warrants
Sec. 2-124	Contempt power
Sec. 2-125	Civil traffic infractions
Sec. 2-126	Juvenile offenses
Sec. 2-127	Trial before court
Sec. 2-128	No jury trial
Sec. 2-129	Trial by jury
Sec. 2-130	Call for jury
Sec. 2-131	Attachment for jurors; contempt
Sec. 2-132	Juror's qualifications
Sec. 2-133	Challenge for cause; peremptory
Sec. 2-134	Verdict; sentence
Sec. 2-135	Juror's fees
Sec. 2-136	Plea of guilty
Sec. 2-137	Suspended sentence
Sec. 2-138	Court costs; witness fees

Article VII Planning and Zoning Commissions

Sec. 2-151	Created
Sec. 2-152	Members; terms; appointment; transition
Sec. 2-153	Members; qualifications
Sec. 2-154	Organization and rules
Sec. 2-155	Staff and finances
Sec. 2-156	Powers and duties
Sec. 2-157	Planning Commission; purpose in view
Sec. 2-158	Zoning Commission; purpose in view

Article VIII Planning and Zoning Commissions—Rules of Procedure

Sec. 2-171	Adoption of rules and regulations
Sec. 2-172	Officers
Sec. 2-174	Quorum
Sec. 2-175	Voting
Sec. 2-176	Minutes
Sec. 2-177	Agenda
Sec. 2-178	Hearings
Sec. 2-179	Public notice
Sec. 2-180	Petitions
Sec. 2-181	Testimony
Sec. 2-182	Special hearings
Sec. 2-183	Amendment of rules

Article X Building Advisory and Appeals Board

Sec. 2-221	Created
Sec. 2-222	Members; terms
Sec. 2-223	Meetings
Sec. 2-224	Procedures
Sec. 2-225	Presiding officer
Sec. 2-226	Voting
Sec. 2-227	Hearing and testimony
Sec. 2-228	Amendment of rules

ARTICLE I

Elections

Sec. 2-1. Conduct of elections.

All elections shall be held and conducted in accordance with the Colorado Municipal Election Law. (Ord. 1-1992, § 1)

Sec. 2-2. Write-in candidate; affidavit.

No write-in vote for any municipal office shall be counted unless an affidavit of intent indicating the name of the person who will be a write-in candidate, the office for which the person will be a candidate and a statement that the person is qualified to assume the duties of that office, if elected, has been filed with the Town Clerk at least twenty (20) days prior to the day of election. (Ord. 2-1984, § 1; Ord. 1-1992, § 1)

Sec. 2-3. Election may be canceled; when.

(a) If the only matter before the voters is the election of persons to office and if, at the close of business on the eighteenth 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 2-2, the Town Clerk shall certify such fact to the governing body, and it shall hold a meeting and may cancel the election and, by resolution, declare the candidates elected. Upon adoption of such resolution and 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. (Ord. 2-1984, § 1; Ord. 1-1996, § 1)

Secs. 2-4—2-20. Reserved.

ARTICLE II

Mayor and Board of Trustees

Sec. 2-21. Board of Trustees; terms, authority, qualifications and vacancies.

(a) Board of Trustees. The Board of Trustees shall consist of six (6) Trustees and the Mayor, who shall be elected to serve four (4) year terms. The Board of Trustees shall constitute the legislative body of the Town and 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.

(b) Qualifications. The Mayor and each Trustee shall be a resident of the Town and a qualified elector therein. If the Mayor or any Trustee shall move from or become, during the term of this office, a nonresident of the Town, he or she shall be deemed thereby to have vacated his or her office.

(c) Vacancies. In case of the death, resignation, vacation or removal for cause of any of the Trustees or Mayor during their term of office, the Board of Trustees, by a majority vote of all remaining members thereof, may select and appoint, from among the duly qualified electors of the Town, a suitable person to fill the vacancy. The person so appointed shall hold office until the next regular election and until his or her successor is elected and qualified. If the term of the person creating the vacancy was to extend beyond the next regular election, the person elected to fill the vacancy shall be elected for the unexpired term. Where a vacancy or vacancies exist in the office of Trustee and a successor or successors are to be elected at the next election to fill the unexpired term or terms, the three (3) candidates for Trustee receiving the highest number of votes shall be elected to four (4) year terms, and the candidate or candidates receiving the next highest number of votes, in descending order, shall be elected to fill the unexpired term or terms. (Ord. 1-1992, § 1)

Sec. 2-23. Special meetings.

(a) The Mayor and any three (3) members of the Board of Trustees may call special meetings by written notice to each member of the Board of Trustees, personally served or left at the member's usual place of residence by the Town Clerk or a designated agent, at least twenty-four (24) hours in advance of the meeting. Public notice of such meetings shall be provided in accordance with state law.

(b) 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. The Board of Trustees may from time to time by resolution adopt a schedule of fees which may be assessed for special meetings. Said fees shall reasonably compensate the staff of the Town and the Town Attorney for time spent in preparation for attendance at special meetings. (Ord. 1-1992, § 1)

Sec. 2-24. Conduct of meetings; voting.

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

(b) A majority shall constitute a quorum to do business at all meetings of the Board of Trustees, and each member shall vote upon every question put by the Chair unless allowed by the Board of Trustees to abstain. The Mayor shall preside at all meetings of the Board of Trustees. Upon the taking of any vote, the Town Clerk shall record in the minutes the names of those voting and their votes. The Mayor shall be considered a member of the Board of Trustees but shall not be entitled to vote on any matter before the Board, except in the case of a tie vote. Any ordinance adopted and all resolutions authorizing the expenditure of money or the entering into of a contract shall require the approval and signature of the Mayor before they are valid, except as hereafter provided. All ordinances and resolutions shall be presented to the Mayor within forty-eight (48) hours after the action of the Board for his or her signature approving the same. If he or she disapproves, he or she shall return such ordinance or resolution to the Board at his or her next regular meeting with his or her objections in writing.

(c) At the next regular meeting, the Board of Trustees shall cause the objections to the ordinance or resolution to be entered into the minutes of such meeting and, at the next regular meeting, shall consider the question, "Shall the ordinance or resolution, notwithstanding the Mayor's objections, be

passed?" If two-thirds ($\frac{2}{3}$) of the members of the Board of Trustees vote in the affirmative, such resolution shall be valid and such ordinance shall become a law the same as if it had been approved by the Mayor. If the Mayor fails to return to the next subsequent meeting of the Board of Trustees any resolution or ordinance presented to him or her for his or her approval, the same shall become a valid ordinance or resolution, as the case may be, in like manner as if it had been approved by him or her. (Ord. 1-1992, § 1; Ord. 2-1994, § 1)

Sec. 2-25. 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 Board of Trustees shall proceed with the business before it, in the manner and order as established by the Board of Trustees. (Ord. 1-1992, § 1)

Sec. 2-26. Quorum.

No action shall be taken unless a quorum is present. A majority of the members elected to the Board of Trustees shall constitute a quorum. (Ord. 1-1992, § 1)

Sec. 2-27. Ordinances; passage and adoption.

Ordinances, resolutions and orders for the appropriation of money shall require for their passage or adoption the concurrence of a majority of the Board of Trustees. Unless otherwise specifically provided by statute or ordinance, all other actions of the Board of Trustees upon which a vote is taken shall require for adoption the concurrence of a majority of those present if a quorum exists. (Ord. 1-1992, § 1)

Sec. 2-28. Mayor presides.

The Mayor, or in his or her absence, one (1) of the Trustees, who may be elected Mayor Pro Tem, shall preside at all meetings of the Board of Trustees. (Ord. 1-1984, § 1)

Sec. 2-29. Mayor member of Board.

The Mayor shall be considered a member of the Board of Trustees. (Ord. 1-1984, § 1)

Secs. 2-30—2-50. Reserved.

ARTICLE III

Officers and Employees

Sec. 2-51. Appointed officers.

(a) The following officers of the Town shall be appointed by a majority vote of all the members of the Board of Trustees at the first meeting in May of each even year and shall serve at the pleasure of the Board of Trustees:

- (1) Town Clerk.
- (2) Town Treasurer.
- (3) Town Attorney.
- (4) Municipal Judge.

(b) Said officers shall hold their respective offices for the period of two (2) years, unless removed for cause, and until their successors are duly appointed and qualified. Vacancies shall be filled for the unexpired term by appointment of the Board of Trustees. (Ord. 1-1992, § 1)

Sec. 2-52. 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 laws of the State 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. 1-1992, § 1)

Sec. 2-53. Oath of office; bond.

(a) When required by the Board of Trustees, 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 Board of Trustees, 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, with two (2) or more good and sufficient sureties, to be approved by the Board of Trustees, 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. (Ord. 1-1992, § 1)

Sec. 2-54. Town Attorney.

The Board of Trustees shall appoint a qualified person or persons to act as the Town Attorney. The person or firm so appointed shall serve as legal advisor and shall be responsible solely to the Board of Trustees. The Town Attorney shall have such powers and perform such duties as are prescribed by law or ordinance, shall perform such other duties as are prescribed by law or ordinance, and shall perform such other duties as the Board of Trustees shall direct. (Ord. 1-1992, § 1)

Sec. 2-55. Town Clerk.

The Town Clerk appointed by the Board of Trustees shall have such powers and perform such duties as prescribed by law, by ordinance or by the Board of Trustees, including but not limited to the following:

- (1) The Town Clerk shall attend all meetings of the Board of Trustees and make a true and accurate record of all the proceedings, rules and ordinances made and passed by the Board of

Trustees. The record, at any time, shall be open for the inspection of qualified electors of the Town.

(2) The Town Clerk shall keep and maintain the seal of the Town. Said seal shall be affixed to all transcripts, orders or certificates which may be necessary or proper to authenticate under law or any ordinance of the Town.

(3) In addition to the foregoing, the Town Clerk shall perform such duties and functions as the Board of Trustees shall direct from time to time. (Ord. 1-1992, § 1)

Sec. 2-56. Town Treasurer.

(a) The powers and duties of the Town Treasurer as provided in this Article may be performed by the Town Clerk at the discretion of the Board of Trustees.

(b) The Board of Trustees at its first regular meeting after each election shall appoint a qualified person as Town Treasurer, who shall serve at the pleasure of the Board of Trustees. In case a vacancy should occur in the office of Town Treasurer, the Board of Trustees shall appoint a Town Treasurer for the unexpired term.

(c) Before entering upon the duties of the office, the Town Treasurer shall take an oath of office and furnish a surety bond in the amount of ten thousand dollars (\$10,000.00) to be approved by the Board of Trustees, conditioned upon the faithful performance of his or her duties as Town Treasurer and that when he or she shall vacate such office, he or she will turn over and deliver to his or her successor all monies, books, papers, property or things belonging to the Town and remaining in his or her charge as Treasurer.

(d) The Town Treasurer shall perform the following duties:

(1) The Town Treasurer shall receive all monies belonging to the Town and give receipts therefor; shall keep his or her books and accounts in such manner as may be prescribed by the Board of Trustees; shall keep a separate account of each fund or appropriation and the debts and credits belonging thereto; and shall report to the Board of Trustees, at each regular monthly meeting thereof, the state of the Treasury at the date of such account and the balance of money in the Treasury. He or she shall also accompany such statement of accounts with a statement of all monies received in the Treasury and on what account, during the preceding month, together with all warrants redeemed and paid by him or her, and such warrants and their supporting vouchers shall be delivered and filed in the Town Clerk's office upon every day of such statement. All books and accounts of the Town Treasurer shall always be subject to inspection of any member of the Board of Trustees.

(2) Annually, no later than March 1 after the close of the fiscal year, the Town Treasurer shall make out and file with the Town Clerk a full and detailed account of all receipts and expenditures of the Town, and all of his or her transactions as Town Treasurer during the preceding fiscal year, and shall show in such account the state of the Treasury at the close of the fiscal year. The Town Clerk shall immediately cause such account to be published in a newspaper of general circulation in the Town.

(3) If there shall be no funds in his or her hands for the payment of any Town warrant presented to him or her for such payment, it shall be his or her duty to register such warrants in a book to be kept by him or her for that purpose, and the Town Treasurer shall endorse upon all such warrants so presented to him or her the time and date of such registry. Whenever the Town Treasurer shall pay such warrant, he or she shall enter the payment and the amount of interest allowed or paid on such warrant in the registry.

(4) The Town Treasurer shall perform all other duties, keep all records and make all reports that are required by other provisions of the Code, other ordinances of the Town or the laws of the State. (Ord. 1-1992, § 1)

Secs. 2-57—2-70. Reserved.

ARTICLE IV

Social Security

Sec. 2-71. Legislative declaration.

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 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. (Ord. 1-1992, § 1)

Sec. 2-72. 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. (Ord. 1-1992, § 1)

Secs. 2-73—2-90. Reserved.

ARTICLE V

Police Department

Sec. 2-91. Creation; composition.

There is hereby created a Police Department for the Town which shall consist of one (1) Chief of Police and as many police officers as may from time to time be deemed necessary for the safety and good order of the Town. (Ord. 1-1992, § 1)

Sec. 2-92. 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 Board of Trustees. (Ord. 1-1992, § 1)

Sec. 2-93. Chief of Police; appointment; powers and duties.

(a) The Board of Trustees 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 are duly enforced and the rules and regulations of the Police Department obeyed, and perform such duties as may be required by the Board of Trustees.

(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 Board of Trustees, and keep the records of his or her office open to inspection by the Board of Trustees 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. The Chief of Police shall furnish a surety bond to be approved by the Board of Trustees, in the amount of one thousand dollars (\$1,000.00), conditioned upon the faithful discharge of the duties of his or her office. (Ord. 1-1992, § 1)

Sec. 2-94. 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 delay) all persons engaged in the violation in their presence of any provision of the ordinances of the Town or the laws of the State. Upon such arrest, they shall forthwith convey such offenders before the proper officer to be dealt with according to law; provided that they may incarcerate any person whom they shall arrest at a late and unusual hour of the night until the following morning; and provided further that, in the special cases relating to traffic offenses, they may release an arrested person upon his or her written promise to appear in court.

(4) They shall report such offenses as may come to their knowledge to the proper Town official, or they shall report the same to the Chief of Police, securing a warrant for the arrest of offenders when desirable.

(5) They shall execute and return all writs and 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. (Ord. 1-1992, § 1)

Sec. 2-95. 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. (Ord. 1-1992, § 1)

Sec. 2-96. Uniforms.

Every police officer shall, at all times while on duty, wear a uniform of the type and quality prescribed by the Board of Trustees. (Ord. 1-1992, § 1)

Sec. 2-97. 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. (Ord. 1-1992, § 1)

Sec. 2-98. 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. (Ord. 1-1992, § 1)

Secs. 2-99—2-110. Reserved.

ARTICLE VI

Municipal Court

Sec. 2-111. Applicability; definitions.

(a) Applicability. This Section shall apply to and govern the operation of the Municipal Court of the Town.

(b) Definitions.

(1) *Municipal Court* as used in this Article shall mean a "qualified Municipal Court of Record" as defined in Title 13, Article 10, Section 102, C.R.S.

(2) *Municipal Judge* as used in this Article shall mean and include the presiding Municipal Judge and all assistant Municipal Judges, unless the context of it requires otherwise. (Ord. 4-1991, § 4.91-1)

Sec. 2-112. Municipal Court created.

A qualified Municipal Court in and for the Town is hereby created and established. (Ord. 4-1991, § 4.91-2)

Sec. 2-113. Appointment of Municipal Judge.

The Municipal Court of the Town shall be presided over by a Municipal Judge, appointed for a term of two (2) years by resolution of the Board of Trustees. Additional Judges as may be needed to transact the business of the Court may be appointed by the Board of Trustees for a term as necessary. (Ord. 1-1992, § 1)

Sec. 2-114. Qualifications of Municipal Judges.

A Municipal Judge shall be an attorney admitted to practice law in the State. (Ord. 4-1991, § 4.91-4)

Sec. 2-115. Compensation of Judge.

The compensation of the Judge shall be an annual salary in an amount set by the Board of Trustees and shall be payable monthly. (Ord. 1-1992, § 1)

Sec. 2-116. Oath of office.

Before entering upon the duties of his or her office, a Municipal Judge shall take an oath of 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. 1-1992, § 1)

Sec. 2-117. Jurisdiction.

The Municipal Court has original jurisdiction of all civil and criminal cases arising under this Code and other ordinances of the Town, with power to punish violators thereof by imposing fines and penalties as authorized by this Code or any ordinance, and to assess and collect civil penalties, order and enforce by contempt abatement of nuisances, and perform other responsibilities prescribed by this Code and other ordinances of the Town. (Ord. 1-1992, § 1)

Sec. 2-118. 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. (Ord. 1-1992, § 1)

Sec. 2-119. Record of proceeding.

The Municipal Judge shall require that all proceedings and evidence presented within the Municipal Court shall be recorded verbatim by either electric devices or stenographic means. (Ord. 4-1991, § 4.91-3)

Sec. 2-120. Judicial powers and procedures.

(a) The Municipal Judge shall have all judicial powers relating to the operation of his or her Court, subject to any rules of procedure governing the operation and conduct of the Municipal Court promulgated by the Colorado Supreme Court, and may administer oaths, punish contempts of the Municipal Court by a fine not to exceed nine hundred ninety-nine dollars and ninety-nine cents (\$999.99); may enforce its process, orders and judgments, may issue search warrants, may issue temporary and permanent restraining orders to prevent domestic abuse as authorized by law, may summon and compel the attendance of jurors, may pass upon the competency evidence and may render final judgment on any forfeited bond or recognizance returnable to the Municipal Court.

(b) 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. (Ord. 4-1991, § 4.91-3; Ord. 1-1992, § 1)

Sec. 2-121. Court Clerk.

The Municipal Judge, with the approval of the Board of Trustees, may appoint a person to serve as Court Clerk, whose duties shall be those assigned by the Presiding Judge. The Presiding Judge may also act as Court Clerk in accordance with state statutes. (Ord. 1-1992, § 1)

Sec. 2-122. 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. (Ord. 1-1992, § 1)

Sec. 2-123. 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. (Ord. 1-1992, § 1)

Sec. 2-124. 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 and/or imprisonment as set forth in this Code.

(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. 1-1992, § 1)

Sec. 2-125. Civil traffic infractions.

Notwithstanding any provision contained in this Code, all violations of any provision of the Model Traffic Code for Colorado Municipalities, as adopted or amended by the Town, for which a fine only is established as a penalty for the violation thereof, are hereinafter referred to as "traffic infractions," and are deemed and shall constitute civil matters and not criminal violations, except those violations set forth as Section 14.91-5 of the Model Traffic Code, which may carry a jail sentence. (Ord. 5-1991, § 5.91-1)

Sec. 2-126. Juvenile offenses.

Any offense committed by a juvenile defendant, whether criminal violation, civil traffic infraction or by any ordinance adopted by the Board of Trustees, shall be heard as stated in the Colorado Children's Code, Section 19-1-105, C.R.S., which provides "all hearings, including adjudicatory hearings, shall be heard by a judge or commission without a jury except as otherwise stated." Upon conviction of any person not yet eighteen (18) years of age, such offense shall be punishable only by a fine not to exceed the maximum limitations provided by law. (Ord. 5-1991, § 5.91-2)

Sec. 2-127. Trial before court.

Civil traffic infractions, juvenile offenses and Town ordinances shall be tried only to the Municipal Judge or an associate Municipal Judge. (Ord. 5-1991, § 5.91-3)

Sec. 2-128. No jury trial.

A defendant brought to trial solely upon a traffic infraction, infractions of an ordinance of the Town, and juvenile cases, shall have no right to a jury trial as contemplated by Section 13-10-114, C.R.S. or Rule 223 - Municipal Court Rules of Procedure, and such trial of any aforementioned infractions shall be to the Court. (Ord. 5-1991, § 5.91-4)

Sec. 2-129. Trial by jury.

(a) Whereby it is within the power of the Municipal Court to promulgate local rules not consistent with the Colorado Municipal Court Rules of Procedure, and Section 13-10-101, C.R.S., the Court establishes a right to trial by jury in the following type of offenses where such right is properly perfected:

- (1) Speed contests;
- (2) Careless driving;
- (3) Traffic infractions five (5) points or greater;
- (4) Reckless driving;

(5) Eluding a peace officer;

(6) Fighting in a public place, domestic violence; and

(7) All violations of ordinances adopting by reference misdemeanors contained in Title 18 of the Colorado Criminal Code.

(b) Where a defendant is charged with more than one (1) offense in the same charging document, and any offense charged qualifies for trial by jury, all may be tried by jury upon people demand. (Ord. 5-1991, § 5.91-5)

Sec. 2-130. Call for jury.

In all trials before or in the Municipal Court in cases arising under Sections 2-125, 2-126, 2-127, 2-128 and 2-129, where a defendant shall have the right to trial by jury, such defendant may demand a jury which may consist of three (3) or six (6) jurors, or where written demand is made in accordance with Section 13-10-114, C.R.S., and Rule 223 Colorado Municipal Court Rules of Procedure; and thereupon said Court shall issue a venire for the jury, directed to any police officer of the Town, which shall be substantially in the following form:

STATE OF COLORADO)
COUNTY OF WELD) ss VENIRE
TOWN OF LA SALLE)

The People of the Town of LaSalle in the County of Weld and State of Colorado, to any police officer of the Town of LaSalle, Weld County, Colorado, Greeting:

We command you to summon _____ persons of the Town of LaSalle, State of Colorado, to appear before me at _____, in said Town, on the _____ day of _____, 19__, who are not kin to _____, defendant, _____, to make a jury between the Town of LaSalle and the said defendant _____ in a plea of not guilty to a charge of a violation of one or more ordinances of the said Town; because the said defendant _____ has or have demanded trial by jury; and have you then and there, the names of the jury, and this writ.

WITNESS my hand and seal this ___ day of _____, 19__.

(seal)

Municipal Judge

(Ord. 6-1991, § 6.91-1)

Sec. 2-131. Attachment for jurors; contempt.

In all cases where a person shall be summoned as a juror to try any case before the Municipal Court, and shall fail to attend at the time and place appointed in such summons, said Court shall have power to issue an attachment, directed to any police officer of the Town, commanding him or her forthwith to bring before such Court the body of such juror so failing to attend, to show cause why he or she should not be punished for contempt; and on the appearance of such juror on such attachment, it shall be lawful for such Court to punish him or her for contempt or wholly discharge him or her, if a satisfactory excuse is made. (Ord. 6-1991, § 6.91-2)

Sec. 2-132. Juror's qualifications.

All residents of this Town of the age of twenty-one (21) years who have not been convicted of a felony shall be competent to serve as jurors in the Municipal Court. (Ord. 6-1991, § 6.91-3)

Sec. 2-133. Challenge for cause; peremptory.

If any juror summoned shall be interested in the event of the case or kin to a defendant, shall have expressed his or her opinion on the matter about to be tried, or shall for any cause, to be judged by the Municipal Judge, be considered as a partial or improper juror, the Municipal Judge shall discharge such juror; and when, by such discharge or the failure of any juror to attend, the jury shall not be complete, the Municipal Judge shall direct any police officer of the Town to summon as many persons as shall be required to complete such jury, instantly, from among the bystanders or other persons in the Town, which summons shall be verbal; and the person so summoned shall be bound to serve on such jury, and on refusal or failure to do so may be attached and punished for contempt. In all cases arising under the ordinances of the Town wherein a jury trial is had, each party shall be entitled to three (3) peremptory challenges. (Ord. 6-1991, § 6.91-4)

Sec. 2-134. Verdict; sentence.

Upon the jury returning its verdict of guilty, the Municipal Judge shall record the same, and shall proceed to fix or determine the punishment or penalty and to render judgment upon such verdict for the punishment or penalty so determined by him or her and for all costs including witness and jury fees and expenses; but if the jury returns a verdict of not guilty, the Municipal Judge shall record the same, and shall discharge the defendant or defendants. (Ord. 6-1991, § 6.91-5)

Sec. 2-135. Juror's fees.

Jurors shall receive for attending Municipal Court three dollars (\$3.00) per day, to be paid out of the general funds of the Town. (Ord. 6-1991, § 6.91-6)

Sec. 2-136. Plea of guilty.

If any person accused of violating any of the provisions of the ordinances of the Town, and having a right of trial by jury for such alleged violation thereof, shall confess himself or herself guilty, the Municipal Court, without a jury, shall hear the evidence relating to such violation and fix and determine the punishment or penalty, and shall enter judgment and issue execution thereon. (Ord. 6-1991, § 6.91-7)

Sec. 2-137. Suspended sentence.

The Judge shall have the power to suspend all or any part of the sentence, whether it is fine or imprisonment, upon such conditions believed to be proper by the Court under the circumstances. The Court shall have the power to retain jurisdiction of the defendant for a period of twelve (12) months after the suspension of any sentence. The Court shall have the power to revoke any suspended sentence within twelve (12) months after the date of the suspension. The Court may order reasonable restitution, rehabilitative measures or restraining orders as provided in Section 14-4-102, C.R.S. (Ord. 6-1991, §6.91-8)

Sec. 2-138. Court costs; witness fees.

(a) Court costs in the Municipal Court shall be fixed at twenty-five dollars (\$25.00) whenever a defendant appears in Court and when a summons and complaint requiring the defendant to appear is docketed with the Municipal Court. These costs may be avoided if a penalty assessment is issued by the complaining officer with the instruction contained thereon to pay the applicable fine within ten (10) days of the issuance of the penalty assessment.

(b) Whenever witnesses are subpoenaed by the prosecution for trial in the Municipal Court, a fifteen-dollar-per-witness witness fee shall be assessed as part of the costs assessed in the action.

(c) The Municipal Judge shall have the power, in a case to determine the indigence of a defendant to waive the costs, if such a waiver is in the interest of justice. (Ord. 5-1996, §1; Ord. 1-2011, §1)

Secs. 2-139—2-150. Reserved.

ARTICLE VII

Planning and Zoning Commissions

Sec. 2-151. Created.

Pursuant to the authority conferred by Article 23, Chapter 31, C.R.S., there are created a Planning Commission and a Zoning Commission for the Town. The members of the Planning Commission shall also serve, and are appointed, as the Zoning Commission. (Prior code 2.04.010)

Sec. 2-152. Members; terms; appointment; transition.

(a) The Town Planning Commission shall consist of seven (7) members as follows: two (2) members of the Board of Trustees selected by the Board of Trustees, who shall serve during their respective official terms of office. The other five (5) members shall be citizens of the Town appointed by the Mayor and affirmed by the Board of Trustees. The term of each appointed member shall be six (6) years. The Mayor shall serve in an advisory capacity on the Planning Commission during his or her official term of office.

(b) The members of the Planning Commission holding such position as of the effective date of this amendment shall continue to serve until their official terms regularly expire or they resign. (Prior code 2.04.020; Ord. 11-1981; Ord. 3-1986; Ord. 1-2001, §1)

Sec. 2-153. Members; qualifications.

All members of the Planning and Zoning Commissions shall be bona fide residents in the Town and, if any member ceases to reside in the Town, his or her membership shall immediately terminate. All members of the Planning and Zoning Commissions shall serve as such without compensation and the appointed members shall hold no other municipal office, except that one (1) such appointed member may be a member of the Zoning Board of Adjustment. (Prior code 2.04.030)

Sec. 2-154. Organization and rules.

The Planning and Zoning Commissions shall elect a chairman from among the appointed members and create and fill such other of their offices as they may determine. The term of the chairman shall be one (1) year, with eligibility for reelection. Such Commissions shall hold at least one (1) regular meeting in each month and such meetings may be held consecutively on the same date. Such Commissions shall adopt 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 2.04.040)

Sec. 2-155. Staff and finances.

The Planning and Zoning Commissions, jointly or severally, may appoint such employees as they may deem necessary for their work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the Town. Such Commissions may also, with the consent of the Board of Trustees, contract with Town planners, engineers, architects and other consultants for such services as it may require. The expenditures of the Commissions, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Board of Trustees, which shall provide the funds, equipment and accommodations necessary for the Commissions' work. (Prior code 2.04.050)

Sec. 2-156. Powers and duties.

The Planning and Zoning Commissions shall have all of the powers and perform each and all of the duties specified by said Chapter 31, Article 23, C.R.S., together with any other duties or authority which may hereafter be conferred upon them by the laws of the State. The performance of such duties and the exercise of such authority is to be subject to each and all of the limitations expressed in such legislative enactment or enactments. (Prior code 2.04.060)

Sec. 2-157. Planning Commission; purpose in view.

In the preparation of a Master Plan, the Planning Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the Town with due regard to its relations to neighboring territory. The Master Plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the Town and its environs, which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy, in the process of development; including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of a healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds and the adequate provision of public utilities and other public requirements. (Prior code 2.04.070)

Sec. 2-158. Zoning Commission; purpose in view.

The Zoning Commission shall prepare its regulations in accordance with a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and general welfare, to provide adequate light and air, to prevent the overcrowding of

land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its particular suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town. (Prior code 2.04.080)

Secs. 2-159—2-170. Reserved.

ARTICLE VIII

Planning and Zoning Commissions—Rules of Procedure

Sec. 2-171. Adoption of rules and regulations.

In order to properly carry out the powers granted unto them and to transact their business in an orderly and consistent pattern, the Planning and Zoning Commissions adopt the rules and regulations set forth in this Chapter for procedure. (Prior code 2.08.010)

Sec. 2-172. Officers.

The officers of the Planning and Zoning Commissions shall consist of a chairman and vice-chairman, who shall be elected annually from among the members of the Commissions. The chairman shall be the presiding officer at all meetings of the Commissions, the vice-chairman shall assume the duties of the chairman in his or her absence, and a secretary appointed by the Commissions and approved by the Board of Trustees shall record all minutes of all regular and special meetings of the Planning and Zoning Commissions and perform such other duties as may be assigned by the chairman. (Prior code 2.08.020)

Sec. 2-174. Quorum.

A quorum of Planning and Zoning Commissions members shall be required before any meeting may be constituted or called to order. A quorum shall consist of the presence of at least four (4) duly appointed members. (Prior code 2.08.040)

Sec. 2-175. Voting.

The concurring vote of four (4) duly appointed members shall be necessary for the adoption of any rule, regulation, resolution, action, decision, finding or any other official act of the Planning and Zoning Commissions, except where otherwise provided by the ordinances of the Town or the statutes of the State. (Prior code 2-08.050)

Sec. 2-176. Minutes.

(a) Copies of the minutes of all meetings of the Planning and Zoning Commissions shall be sent to all Planning and Zoning Commission members.

(b) The normal reading of the minutes of previous meetings shall be dispensed with unless specifically requested by any one (1) member of the Planning and Zoning Commissions. (Prior code 2.08.060)

Sec. 2-177. Agenda.

An agenda shall be prepared by the secretary and delivered to each member of the Planning and Zoning Commissions prior to any regular meeting. (Prior code 2.08.070)

Sec. 2-178. Hearings.

(a) In all matters and petition hearings, the Planning and Zoning Commissions may direct the course of the meeting or hearing as it progresses, may continue any hearing to another time or may recess any hearing if the situation may demand. After any hearing has been concluded by the Planning and Zoning Commissions, the Commissions may immediately act upon the petition or may defer the decision to the next meeting.

(b) The chairman may rule upon the relevancy of any testimony presented at any meeting or hearing, subject to being overruled by a majority vote of the Planning and Zoning Commissions. (Prior code 2.08.080)

Sec. 2-179. Public notice.

If they deem advisable that the general public be informed of any meeting because of the nature of the matters to be considered, the Planning and Zoning Commissions may advertise a meeting in a newspaper of general circulation in the Town. (Prior code 2.08.090)

Sec. 2-180. Petitions.

Any party requesting a hearing before the Planning and Zoning Commissions shall file with the secretary a written petition or request for hearing at least ten (10) days prior to the regular meeting. The Commissions may establish forms from time to time upon which petitions or requests for hearings shall be submitted. (Prior code 2.08.100)

Sec. 2-181. Testimony.

Any petitioner has a right to open, close and present testimony in accordance with the rules and regulations of procedure of the Planning and Zoning Commissions and the rulings of the chairman of the Commissions. (Prior code 2.08.110)

Sec. 2-182. Special hearings.

The Planning and Zoning Commissions from time to time may adopt special rules for hearings on zoning, rezoning, subdivision, annexation and other matters. (Prior code 2.08.120)

Sec. 2-183. Amendment of rules.

These rules and regulations may be revised, amended and waived as the Planning and Zoning Commissions deem advisable. (Prior code 2.08.130)

Secs. 2-184—2-220. Reserved.

ARTICLE X

Building Advisory and Appeals Board

Sec. 2-221. Created.

There is hereby created a Building Advisory and Appeals Board to hear appeals from Chapter 18 decisions. (Ord. 1-1992, § 1)

Sec. 2-222. Members; terms.

The Building Advisory and Appeals Board shall consist of five (5) members. The term of each appointed member will be four (4) years; however, the initial terms of two (2) members shall be two (2) years, of one (1) member shall be three (3) years, and of two (2) members shall be four (4) years. (Ord. 1-1992, § 1)

Sec. 2-223. Meetings.

(a) Regular meetings. The Building Advisory and Appeals Board shall meet at least twice annually to review current codes and make recommendations to the Building Official and Board of Trustees as to the applicability, interpretation and administration of the codes. Said meetings shall be held at LaSalle Town Hall on the first Tuesday in April and October at 7:30 p.m. The chairman has the power to cancel one (1) of these meetings if an appeal meeting has been held within the last six (6) months and regular business was conducted at that time.

(b) Special meetings. Meetings shall be held by the Building Advisory and Appeals Board as needed to hear and decide appeals of orders, decisions or determinations made by the Building Official. As soon as practicable after receiving a written appeal, the chairman shall fix a date, time and place for hearing the appeal. Such date shall be not less than ten (10) days nor more than sixty (60) days from the date the appeal was filed. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant and Board member, except when the situation is such that it is immediately dangerous to the life, limb, property or safety of the public, the ten (10) day minimum notice shall be waived. (Ord. 1-1992, § 1)

Sec. 2-224. Procedures.

(a) Order of business. The order of business at all regular meetings of the Building Advisory and Appeals Board, as reflected by the printed agenda, shall be transacted in the following order, unless said Board by a vote of the majority of the members present shall suspend the rules to change the order:

- (1) Roll call.
- (2) Consideration of minutes of preceding meeting.
- (3) Old business.

- (4) New business (including appeals).
- (5) Miscellaneous business.
- (6) Adjournment.

(b) Agenda. At least ten (10) days prior to a meeting of said Board, the secretary shall cause to be given to each Board member an itemized copy of the agenda, copies of any appeals to be considered by said Board, any information deemed to be pertinent to the purpose of the meeting, and a copy of the minutes of the previous meeting, except in immediately dangerous situations. Notice of the meetings will be posted in Town Hall and the Post Office to afford the public the opportunity to attend. (Ord. 1-1992, § 1)

Sec. 2-225. Presiding officer.

(a) The Building Advisory and Appeals Board shall annually elect from its membership a chairman and vice-chairman. The chairman shall be the presiding officer at all meetings of said Board; the vice-chairman shall assume the duties of the chairman in his or her absence.

(b) The Building Official as designated by the Board of Trustees shall be an ex officio member of the Building Advisory and Appeals Board and shall act as secretary to said Board, recording all minutes of all special and regular meetings and perform such duties as may be assigned by the chairman but shall have no vote upon any matter before the Board. The Fire Marshal shall also serve as an ex officio member of said Board.

(c) The chairman of the Building Advisory and Appeals Board will be the representative to the Board of Trustees and will attend Board of Trustees meetings if a recommendation is made to the Board of Trustees from the Building Advisory and Appeals Board. (Ord. 1-1992, § 1)

Sec. 2-226. Voting.

(a) Every member present, except the Building Official and Fire Marshal, when a question is put forth, shall vote either "Yes" or "No" unless the Building Advisory and Appeals Board shall, for reasons of a stated conflict of interest, excuse him or her from voting. The vote shall be taken by roll call and in alphabetical order.

(b) The concurring vote of three (3) duly appointed and voting members shall be necessary to the adoption of any rule, regulation, resolution, action, decision, finding or any other official act of said Board, except where otherwise provided by the ordinances of the Town or state statutes. In the case of a tie in votes on any proposal, the proposal shall be considered lost. (Ord. 1-1992, § 1)

Sec. 2-227. Hearing and testimony.

(a) In all matters, the Building Advisory and Appeals Board may direct the course of the meeting as it progresses, may continue any meeting to another time or may recess any meeting if the situation may demand. After any meeting has been concluded by the Board, the Board may immediately act upon the appeal or may defer the decision to the next meeting.

(b) The chairman may rule upon the relevancy of any testimony presented at any meeting or hearing, subject to being overruled by a majority vote of the Building Advisory and Appeals Board. Any appellant has a right to open, close and present testimony in accordance with the rules and regulations of procedure of said Board and the rulings of the chairman. (Ord. 1-1992, § 1)

Sec. 2-228. Amendment of rules.

These rules and regulations may be revised, amended and waived as the Building Advisory and Appeals Board deems advisable. (Ord. 1-1992, § 1)

Secs. 2-229—2-240. Reserved.