

TITLE 1

Administrative

Chapter 1 Official Town Code

- 1-1-1 Title
- 1-1-2 Acceptance
- 1-1-3 Amendments
- 1-1-4 Code alterations
- 1-1-5 Copies of Code available

Chapter 2 Saving Clause

- 1-2-1 Repeal of general ordinances
- 1-2-2 Public utility ordinances
- 1-2-3 Court proceedings
- 1-2-4 Severability clause

Chapter 3 Definitions

- 1-3-1 Construction of words
- 1-3-2 Definitions, general
- 1-3-3 Catchlines

Chapter 4 General Penalty

- 1-4-1 General penalty provisions applicable to Town Code
- 1-4-2 Application of penalties to juveniles
- 1-4-3 Violations, penalties
- 1-4-4 Court costs
- 1-4-5 Alternatives in sentencing
- 1-4-6 Required obedience to Code
- 1-4-7 Application of provisions
- 1-4-8 Liability of officers

Chapter 5 Mayor and Board of Trustees

- 1-5-1 Election; qualifications
- 1-5-2 Elected officials; terms of office
- 1-5-3 Vacancies
- 1-5-4 Mayor, duties
- 1-5-5 Mayor Pro Tem; acting Mayor
- 1-5-6 Board meetings; procedures
- 1-5-7 Intergovernmental contracts

Chapter 6 Emergency Protection

- 1-6-1 Purpose
- 1-6-2 Mayor's authority
- 1-6-3 Powers of Mayor
- 1-6-4 Violation

Chapter 7 Town Officers and Employees

- 1-7-1 Town Clerk
- 1-7-2 Town Treasurer
- 1-7-3 Town Attorney
- 1-7-4 Town Administrator
- 1-7-5 Oath and bond
- 1-7-6 Compensation of officers and employees
- 1-7-7 Personnel policies and regulations

1-7-8 Removal of officers

Chapter 8 Municipal Court

1-8-1 Municipal Court
1-8-2 Municipal Judge
1-8-3 Municipal Court Clerk
1-8-4 Court facilities and supplies
1-8-5 Powers and procedures
1-8-6 Fines and costs
1-8-7 Failure to appear
1-8-8 Court of record

Chapter 9 Town Finances

1-9-1 Fiscal year
1-9-2 Annual budget
1-9-3 Rate of tax levy
1-9-4 Deposits
1-9-5 Annual audit
1-9-6 Publication of bills and contracts
1-9-7 Conservation Trust Fund

Chapter 10 Municipal Elections

1-10-1 Write-in candidates; affidavit of intent
1-10-2 Cancellation of elections; declaration of elected officials

Chapter 11 Hearings, Uniform Procedure

1-11-1 Rules of procedure; purpose and applicability
1-11-2 Quasi-judicial hearings
1-11-3 Rights of participants
1-11-4 Order of procedure
1-11-5 Rules of evidence
1-11-6 Deliberation and notice of decision
1-11-7 Judicial enforcement and review
1-11-8 Administrative hearings
1-11-9 Commencement of proceedings
1-11-10 Referral to hearing body
1-11-11 Public notice
1-11-12 Preserving order
1-11-13 Continuance

CHAPTER 1

Official Town Code

- 1-1-1 Title**
- 1-1-2 Acceptance**
- 1-1-3 Amendments**
- 1-1-4 Code alterations**
- 1-1-5 Copies of the Code available**

1-1-1. Title.

Upon the adoption by the Board of Trustees, this Town Code is hereby declared to be and shall hereafter constitute the official code of the Town. This Code of ordinances shall be known and cited as the *Hot Sulphur Springs Town Code*, and it is hereby published by authority of the Board of Trustees and shall be kept up to date as provided in Section 1-1-3 of this Chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this Code by title in any legal document.

1-1-2. Acceptance.

This Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the Town of general and permanent effect, except the excluded ordinances enumerated in Section 1-2-1 of this Code.

1-1-3. Amendments.

Any ordinance amending this Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Code. All such amendments or revisions by ordinance shall be codified, and the said ordinance material shall be inserted in its proper place in each copy of this Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of this Code.

1-1-4. Code alterations.

It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the Board of Trustees. The Town Clerk/Treasurer shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk/Treasurer. Any person having in his custody an official copy of this Code shall make every effort to maintain said Code in an up-to-date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the Town Clerk/Town Treasurer. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the Town and shall be returned to the office of the Town Clerk/Town Treasurer when directed to do so by order of the Board of Trustees.

1-1-5. Copies of Code available.

At least three (3) copies of this Code shall be and remain on file in the office of the Town Clerk. These three (3) copies shall be the official copies of the Hot Sulphur Springs Code and may be inspected by any interested person at any time during regular business hours.

CHAPTER 2

Saving Clause

1-2-1 Repeal of general ordinances

1-2-2 Public utility ordinances

1-2-3 Court proceedings

1-2-4 Severability clause

1-2-1. Repeal of general ordinances.

All general ordinances of the Town passed prior to the adoption of this Code are hereby repealed, except such as are included in this Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; annual budget ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; ordinances authorizing the executing of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the Town; and all special ordinances.

1-2-2. Public utility ordinances.

No ordinances relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this Code or by virtue of the preceding Section 1-2-1, except where this Code contains provisions for such matters, in which case, this Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

1-2-3. Court proceedings.

(A) No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, and so far as practicable, if any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision, by consent of the party affected, may be applied to any judgment announced after the new ordinance takes effect.

(B) This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

(C) Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the Town herein repealed, and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, or as waiving any right of the Town under any ordinance or provision thereof in force at the time of the adoption of this Code.

1-2-4. Severability clause.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The Board of Trustees of Trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one (1) or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

CHAPTER 3

Definitions

1-3-1 Construction of words

1-3-2 Definitions, general

1-3-3 Catchlines

1-3-1. Construction of words.

(A) Whenever any word in any section of this Code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, part or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this Code by words importing the singular number only, or the masculine genders, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included, provided that these rules of construction shall not be applied to any section of this Code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto.

(B) The word *ordinance* contained in the ordinances of the Town has been changed in the content of this Code to "Title," "Chapter," "Section" and/or "Subsection" or words of like import for organizational and clarification purposes only. Such change to the Town's ordinances is not meant to amend passage and effective dates of such original ordinances.

1-3-2. Definitions, general.

Whenever the following words or terms are used in this Code; they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

Agent. A person acting on behalf of another.

Board. Unless otherwise indicated, the Board of Trustees of the Town.

Code. This Code of Hot Sulphur Springs, Colorado, and amendments thereto.

County. The County of Grand, State of Colorado.

Employees. Whenever reference is made in this Code to a Town employee by title only, this shall be construed as though followed by the words "of the Town of Hot Sulphur Springs."

Fee. A sum of money charged by the Town for any purpose other than an imposition of a fine or a levy of a tax.

Fine. A pecuniary punishment imposed by a lawful tribunal upon a person convicted of a crime, misdemeanor or offense.

Fiscal year. The fiscal year of the Town shall be from January 1 through December 31 of each year.

License. The permission granted for the carrying on of a business, profession or occupation.

Mayor. The Mayor of the Town.

Misdemeanor. Any offense deemed a violation of the provisions of this Code which is a lesser offense than a felony as defined by Sections 18-1-105 and 18-1-106, C.R.S.

Nuisance. Anything offensive or obnoxious to the health and welfare of the inhabitants of the Town, or any act or thing repugnant to, or creating a hazard to or having a detrimental effect on the property of another person or to the community.

Occupant, as applied to a building or land, shall include any person who occupies the whole or any part of such building or land whether alone or with others.

Offense. Any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

Officers. Whenever reference is made in this Code to a Town officer by title only, this shall be construed as though followed by the words "of the Town of Hot Sulphur Springs."

Operator. The person who is in charge of any operation, business or profession.

Owner, as applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

Person. Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.

Personal property shall include every description of money, goods, chattels, effects, evidences of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right of interest therein.

Retailer, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities directly to the consumer.

Right-of-way. The privilege of the immediate use of any property for utility, access and street purposes for persons and vehicles.

State. The State of Colorado.

Street shall include alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.

Tax. A pecuniary contribution made by persons liable for the support of government.

Tenant, as applied to a building or land, shall include any person who occupies the whole or any part of such buildings or land whether alone or with others.

Town. The Town of Hot Sulphur Springs, County of Grand, State of Colorado.

Wholesaler and wholesaler dealer. The terms *wholesaler* and *wholesale dealer* as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in quantity by persons who purchase for the purpose of resale.

Written, in writing may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.

1-3-3. Catchlines.

The catchlines of the several sections of this Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

CHAPTER 4

General Penalty

1-4-1 General penalty provisions applicable to Town Code

- 1-4-2 Application of penalties to juveniles
- 1-4-3 Violations, penalties
- 1-4-4 Court costs
- 1-4-5 Alternatives in sentencing
- 1-4-6 Required obedience to Code
- 1-4-7 Application of provisions
- 1-4-8 Liability of officers

1-4-1. General penalty provisions applicable to Town Code.

(A) Any person convicted of a noncriminal violation, as designated in Subsection 1-4-3(A) of this Code, may be fined by an amount not to exceed five hundred dollars (\$500.00).

(B) Any person convicted of a criminal violation, as designated in Subsection 1-4-3(B) of this Code, may be incarcerated for a period of one (1) year or fined by an amount not to exceed two thousand six hundred fifty dollars (\$2,650.00), as shall be adjusted for inflation on January 1, 2014 and on January 1 of each year thereafter based on the annual percentage change in the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Denver-Boulder, all items, all urban consumers, or its successor index, or both.

(C) Any voluntary plea of guilty or *nolo contendere* to the original charge or to a lesser or substituted charge shall subject the person so pleading to all of the fines and/or penalties applicable to the original charge.

(D) Where any violation is a continuing offense, each day that the violation continues shall be considered and held to be a separate and distinct offense. (Ord. 2013-6-1-390 §3)

1-4-2. Application of penalties to juveniles.

Every person who, at the time of the commission of the offense, was at least ten (10) years but not yet eighteen (18) years of age, and who is subsequently convicted of or pleads guilty or *nolo contendere* to a violation of any provision of this Code classified as noncriminal pursuant to Subsection 1-4-3(A) herein, shall be punished by a fine of not more than five hundred dollars (\$500.00). Every such juvenile who is subsequently convicted of or pleads guilty or *nolo contendere* to a violation of any provision of this Code classified as criminal pursuant to Subsection 1-4-3(B) herein shall be punished by a fine of not more than the maximum fine amount authorized in Subsection 1-4-1(B) above. Any voluntary plea of guilty or *nolo contendere* to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge. (Ord. 2013-6-1-390 §4)

1-4-3. Violations, penalties.

(A) Except for those violations classified as criminal offenses pursuant to Subsection 1-4-3(B) of this Code, all violations of this Code are designated noncriminal violations. Any person charged with violating any provision of this Code so designated shall not be subject to incarceration upon conviction. Further, such person shall not be entitled to a trial by jury.

(B) Those violations enumerated in Subsection 6-1-5(B) of Title 6 of this Code are hereby designated criminal violations. Any person charged with violating any provision of this Code so

designated may be subject to incarceration, in addition to fines and costs, upon conviction. Further, such person may be entitled to a trial by jury upon meeting the requirements of Rule 223 of the Colorado Municipal Court Rules of Procedure, as amended.

(C) Any provision of this Code or any ordinance of the Town not specifically designated as noncriminal or criminal in nature shall be presumed to be noncriminal, provided there is no counterpart state statute for which, upon conviction, incarceration is possible.

1-4-4. Court costs.

The following costs may be assessed by the presiding Municipal Judge against any defendant in the Municipal Court:

<i>Description</i>	<i>Cost</i>
Court costs upon entry of a plea of guilty <i>nolo contendere</i> , or finding of guilt or liability	\$20.00
Witness fee (per witness) upon conviction after trial	5.00
Default judgment fee	30.00
Warrant fee	30.00

1-4-5. Alternatives in sentencing.

When a defendant enters a plea of guilty or *nolo contendere* or is convicted after trial, the Municipal Court has the following alternatives, which are not mutually exclusive, in entering judgment and imposing sentence:

(A) The defendant may be sentenced to pay a fine, to imprisonment, or both, within the minimum and maximum sentence authorized pursuant to this Code.

(B) All or part of the sentence may be suspended, and the defendant placed on probation for a term not longer than one (1) year.

(C) The Court, with the consent of the defendant and the prosecution, may defer prosecution or judgment and sentence for a term of not longer than one (1) year.

(D) The Court may order that the defendant make restitution to the victim for the actual damage or loss that was sustained. The Court shall fix the manner and time for performance.

1-4-6. Required obedience to Code.

It shall be a violation of this Code for any person to do any act which is forbidden or declared to be unlawful, or to fail to do or perform any act required in this Code.

1-4-7. Application of provisions.

(A) The penalties provided in this Chapter shall be applicable to every section of this Code the same as though it were a part of each and every separate section. Any person convicted of a violation

of any section of this Code where any duty is prescribed or obligation imposed, or where any action which is of a continuing nature is forbidden or is declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day that such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Code.

(B) In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the prosecuting officer may elect under which to proceed; but not more than one (1) recovery shall be had against the same person for the same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(C) Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply.

1-4-8. Liability of officers.

No provision of this Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the Board of Trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

CHAPTER 5

Mayor and Board of Trustees

- 1-5-1 Election; qualifications**
- 1-5-2 Elected officials; terms of office**
- 1-5-3 Vacancies**
- 1-5-4 Mayor, duties**
- 1-5-5 Mayor Pro Tem; Acting Mayor**
- 1-5-6 Board meetings; procedures**
- 1-5-7 Intergovernmental contracts**

1-5-1. Election; qualifications.

The legislative and corporate authority of the Town is by state law vested in a Board of Trustees, consisting of one (1) Mayor and six (6) Trustees, who shall be qualified electors residing within the limits of the Town for a period of at least twelve (12) consecutive months immediately preceding the date of the election; except that, in case of annexation, any person who has resided within the annexed territory for the time prescribed in this Section shall be deemed to have met the residence requirements.

1-5-2. Elected officials; terms of office.

(A) Trustees' terms: At the first election, six (6) Trustees shall be elected. The three (3) candidates for Trustee receiving the highest number of votes shall be elected for four-year terms, and

the three (3) candidates for Trustee receiving the next highest number of votes shall be elected for two-year terms. At the next subsequent regular election and at each regular election thereafter, three (3) Trustees shall be elected to serve four-year terms.

(B) Mayor's term: At the first election and at the regular election every four (4) years thereafter, a Mayor shall be elected to serve a four-year term.

(C) Attendance: It shall be the duty of the members of the Board of Trustees to attend all regular and special meetings and workshops of the Board of Trustees. If any member of the Board shall miss three (3) or more meetings and/or workshops in one (1) calendar year, including properly noticed special meetings, such member may be subject to removal from the Board of Trustees under the procedure provided by Section 31-4-307, C.R.S., as amended. A member shall use his best efforts to inform the Town Clerk of any nonemergency absence from a meeting or workshop at least two (2) days prior to such meeting or workshop. (Ord. 333, 02-20-03)

(D) Educational duty of Trustees: All elected and appointed officials to the Board of Trustees shall attend at least one (1) educational seminar on the duties and roles of elected officials sponsored by the Colorado Municipal League within a reasonable time after taking office. The expense for attendance at such seminar shall be paid by the Town. (Ord. 333, 02-20-03)

1-5-3. Vacancies.

The Board of Trustees shall have power, by appointment, to fill all vacancies in the Board of Trustees or in any other elected office, and the person so appointed shall hold office until the next regular election and until his 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-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.

1-5-4. Mayor, duties.

The Mayor shall have the following powers and duties:

(A) The Mayor or, in his absence, the Mayor Pro Tem, shall preside at all meetings of the Board of Trustees and shall have the same voting powers as any member of said Board. The Mayor shall be considered a member of the governing body and a Trustee.

(B) Insofar as required by statute and for all ceremonial purposes, he shall be the executive head of the Town.

(C) He shall execute and authenticate by his signature such instruments as the Trustees or any statutes or ordinances of the Town shall require.

(D) He shall sign all warrants drawn upon the Treasury, which warrants shall also be countersigned by the Town Clerk. Said warrants must also state the particular fund or appropriation to which the same is chargeable and the person to whom payable.

(E) Such other powers and duties as are provided by statute or ordinance, or specifically conferred upon him by the Trustees.

1-5-5. Mayor Pro Tem; Acting Mayor.

(A) At its first meeting following each regular election, the Board of Trustees shall choose one (1) of the Trustees as Mayor Pro Tem who, in the absence of the Mayor from any meeting of the Board or during the Mayor's absence from the Town or his inability to act, shall perform the duties of Mayor. When performing the Mayor's duties, the Mayor Pro Tem votes as a Trustee.

(B) In the event of absence or disability of both the Mayor and Mayor Pro Tem, the Trustees may designate another of its members to serve as acting Mayor during such absence or disability.

1-5-6. Board meetings; procedures.

(A) Regular meetings: The Board of Trustees shall hold regular meetings on the third Thursday of each month at 6:30 p.m.; provided, however, that when the day fixed for any regular meeting of the Board of Trustees falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday. All regular meetings of the Board will be held in the Town Hall or other designated place of the Town.

(B) Special meetings: The Mayor, or the Mayor Pro Tem if the Mayor is absent, or a majority of the Board of Trustees (as evidenced by each member's signature of such majority on the written notice described below), may call a special meeting of the Board of Trustees at any time upon written notice to each Board member, either delivered personally or left at his residence, at least twenty-four (24) hours before the meeting. The notice shall state the date and hour of the meeting and the purpose for which such meeting is called, and no business shall be transacted, except such as is stated in the notice.

(C) Quorum: No action shall be taken unless a quorum is present. A majority of the Trustees shall constitute a quorum. A lesser number may adjourn from time to time and compel the attendance of absent members. Any member of the Board of Trustees, at any regular or special meeting, may, in writing, demand the attendance of the absent members, which said demand shall be entered on the record forthwith by the Town Clerk who shall thereupon notify the absent members of the time and place of the meeting.

(D) Commissions: The Board of Trustees may appoint such boards and commissions as it deems necessary.

(E) Agenda; order of business: The agenda, order and manner of business of a Board meeting shall be based upon a resolution of the Board of Trustees, which may be amended or modified from time to time.

(F) Adoption of ordinances: Ordinances shall be introduced, read and approved at a regular meeting of the Board of Trustees. If the entire text of the proposed ordinance has been submitted to the Board of Trustees, only the title of the ordinance needs to be read at the Board meeting.

(G) Vote required: The affirmative vote of a majority of all members of the Board of Trustees shall be required for passage or adoption of all ordinances, all resolutions and orders for the appropriation of money, and all appointments of officers. The affirmative vote of three-fourths ($\frac{3}{4}$) of the members of the Board of Trustees, which shall be defined as six (6), shall be required for passage or adoption of an ordinance as an emergency measure. Unless otherwise provided by statute or ordinance, all other actions upon which a vote is taken shall require the concurrence of a majority of those present if a quorum exists. A roll call vote shall be taken on the adoption of every ordinance and every resolution authorizing the expenditure of money or the entering into of any contract.

(H) Publication of ordinances: All ordinances, as soon as may be after their passage, shall be recorded in a book kept for that purpose and authenticated by the signature of the Mayor and Town Clerk. All ordinances of a general or permanent nature and those imposing any fine, penalty or forfeiture following adoption and compliance with the following subsection, shall be published in a newspaper of general circulation within the Town. If there is no newspaper published within or which has a general circulation within the limits of the Town, then upon a resolution being passed by the Board of Trustees to that effect, such ordinances may be published by posting copies thereof in three (3) public places, to be designated by the Board of Trustees within the limits of the Town. Such ordinances shall not take effect until thirty (30) days after such publication, except for ordinances calling for special elections or necessary to the immediate preservation of the public health or safety and containing the reasons making the same necessary in a separate section. The excepted ordinances shall take effect upon adoption; provided that they shall have been passed by an affirmative vote of three-fourths ($\frac{3}{4}$) of the members of the Board of Trustees. Codes may also be adopted by reference as provided by state law.

(I) Matters referred to committees: Any question pending before the Board of Trustees may be referred to the appropriate committee, or to a special committee, for its consideration and report. When a question has been referred to a committee, such committee shall report thereon with its recommendation at the next meeting, or as otherwise directed by the Board of Trustees.

(J) Suspension of the rules: Any of the provisions of this Section may be temporarily suspended in connection with any matter under consideration by a recorded vote of three-fourths ($\frac{3}{4}$) of the members present, except that this shall not be construed to permit any action that is contrary to state statute.

(K) Executive session: All meetings of the Board of Trustees shall be open to the public; except that, by majority consent of members present, the Board of Trustees may go into executive session for consideration of documents or testimony given in confidence or privileged as under lawyer-client privilege or for any matter allowed by state statute. No final decision or formal action shall be made, taken or approved in executive session.

1-5-7. Intergovernmental contracts.

The Board of Trustees shall have the authority on behalf of the Town to enter into contractual arrangements with one (1) or more other local governments for the performance of any governmental

service, activity or undertaking which could be performed by each of the local governments. Any such contract shall set forth fully the purposes, powers, rights, obligations and the responsibilities, financial and otherwise, of the contracting parties. Such contract may be approved by the Board of Trustees by resolution or by ordinance.

CHAPTER 6

Emergency Protection

- 1-6-1 Purpose**
- 1-6-2 Mayor's authority**
- 1-6-3 Powers of Mayor**
- 1-6-4 Violation**

1-6-1. Purpose.

In all probability, the Town will have from time to time in the future, within its corporate limits, fires, floods, civil disturbances, riots and health emergencies; therefore, it is deemed in the best interest of the Town to exercise certain emergency police powers necessary to and incidental to the maintenance of the safety, health and welfare of the citizens of the Town.

1-6-2. Mayor's authority.

Emergency police powers shall be placed in the hands of the Mayor, and these powers should be exercised only in the event of an emergency as herein contemplated and shall only be exercised for such period of time as the actual emergency exists; and further, said powers shall only be invoked after a declaration and proclamation of an emergency.

1-6-3. Powers of Mayor.

In addition to any and all powers enumerated in this Code, the Mayor shall have further emergency powers necessary to preserve the peace and order of the Town, as follows:

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

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

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

media within the Town and who shall also use public address systems throughout the Town and immediately notify the public of said proclamation and that violators will be arrested and subject to penalty.

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

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

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

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

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

(5) To do any and all acts necessary and incidental to the preservation of life, limb and property within the Town.

(D) The proclamation specifying with exactness the area in which the emergency is declared to exist shall become effective upon its issuance and dissemination to the public by the appropriate news media.

(E) Term of emergency:

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

(2) No emergency period shall extend beyond the next regular, special or called meeting of the Board of Trustees unless at such meeting the declaration of emergency is specifically approved by resolution of the Board of Trustees.

1-6-4. Violation.

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

CHAPTER 7

Town Officers and Employees

- 1-7-1 Town Clerk**
- 1-7-2 Town Treasurer**
- 1-7-3 Town Attorney**
- 1-7-4 Town Administrator**
- 1-7-5 Oath and bond**
- 1-7-6 Compensation of officers and employees**
- 1-7-7 Personnel policies and regulations**
- 1-7-8 Removal of officers**

1-7-1. Town Clerk.

(A) Appointment: The Board of Trustees shall appoint some qualified person as Town Clerk, in compliance with applicable state statute.

(B) Clerk Pro Tem: Within thirty (30) days after its first meeting following each annual election, the Board of Trustees shall appoint a Town Clerk Pro Tem who, in the absence of the Town Clerk from any meeting or during the Town Clerk's absence from the Town, or his inability to act or refusal to act, shall perform the duties of the Town Clerk.

(C) Oath and bond: Before entering upon the duties of the office, the Town Clerk shall take an oath of office and furnish a surety bond in an amount deemed sufficient by the Board of Trustees conditioned upon the faithful discharge of his duties as Town Clerk.

(D) Duties: The Town Clerk shall perform the following duties:

(1) As the Clerk of the Board, shall attend all meetings of the Board and shall keep a permanent journal of its proceedings.

(2) Act as custodian of all of the Town's records, laws and ordinances, and such records shall be open at all reasonable times for inspection by electors of the Town, in conformance with applicable state statute.

(3) Shall certify by his signature all ordinances and resolutions enacted or passed by the Board of Trustees.

(4) Shall provide and maintain in his office a supply of forms for all petitions and applications required to be filed for any purpose provided by the Board of Trustees.

- (5) Shall countersign all warrants drawn on the Town Treasury.
- (6) Act as custodian of all bonds of all officers or employees of the Town.
- (7) Shall perform such other duties as may be prescribed for him by law or by the Board of Trustees.
- (8) Shall serve as parliamentarian at all meetings of the Board of Trustees.

1-7-2. Town Treasurer.

(A) Appointment: The Board of Trustees shall appoint some qualified person as Town Treasurer, in compliance with applicable state statute. The same person may serve as both Town Clerk and Town Treasurer.

(B) Oath and bond: Before entering upon the duties of the office, the Town Treasurer shall take an oath of office and furnish a surety bond in an amount deemed sufficient by the Board of Trustees to be approved by the Board of Trustees, conditioned upon the faithful performance of his duties as Town Treasurer and that, when he shall vacate such office, he will turn over and deliver to his successor all moneys, books, papers, property or things belonging to the Town and remaining in his charge as Town Treasurer.

(C) Duties:

(1) Keep records and render accounts: The Town Treasurer shall receive all moneys belonging to the Town and give receipts therefor; he shall keep his books and accounts in such manner as may be prescribed by the Board of Trustees; he shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto; and he 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 shall also accompany such statement of accounts with a statement of all moneys received in the Treasury, and on what account, during the preceding month, together with all warrants redeemed and paid by him, and such warrant 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 Treasurer shall always be subject to inspection by any member of the Board. The Town Treasurer shall deposit all funds and moneys of whatsoever kind that shall come into his possession by virtue of his office as such Treasurer in one (1) or more responsible banks in the State of Colorado as provided by state statute, and subject to the determinations of the Board pursuant to Section 1-9-4 of this Code.

(2) Other duties: The Town Treasurer shall perform all other duties, keep records and make all reports that are required by other provisions of this Code or by the laws of the State.

1-7-3. Town Attorney.

(A) Appointment: The Board of Trustees shall appoint some qualified attorney at law as the Town Attorney, in compliance with applicable state statute, and shall fix his compensation.

(B) Duties: The Town Attorney shall perform the following duties:

(1) Act as legal advisor to, and be attorney and counsel for, the Board of Trustees and shall be responsible solely to the Board. He shall advise any officer or department head of the Town in matters relating to his official duties when so requested by the Board and shall file with the Town Clerk a copy of all written opinions given by him.

(2) Prosecute ordinance violations in Municipal Court.

(3) Prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to him by the Board of Trustees and shall promptly give his opinion to the legal consequences thereof.

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

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

1-7-4. Town Administrator.

(A) Office created: Pursuant to the authority of Section 31-4-304, C.R.S., the Board of Trustees may appoint a Town Administrator, who shall be the chief administrative officer.

(B) Qualifications: The Town Administrator shall be chosen by the Board of Trustees on the basis of his executive and administrative qualifications, with particular emphasis on actual experience and knowledge of the accepted practice in respect to the duties of the office. The Town Administrator shall be a resident of Grand County.

(C) Appointment, salary and term: The Board of Trustees may appoint a Town Administrator for an indefinite term at a salary to be fixed by the Board of Trustees, and he shall hold office at the pleasure of a majority of the Board of Trustees.

(D) Powers and duties: If one is appointed, the Town Administrator shall be responsible to the Board of Trustees for the proper administration of all affairs of the Town placed in his charge, and to that end, he shall have the power and duty to:

(1) Require compliance with the provisions of the ordinances of the Town.

(2) Appoint, suspend, transfer and remove all employees of the Town subject to the personnel regulations of the Town, state statute and Section 1-7-8 of this Chapter.

(3) Prepare, with the assistance of department heads, a proposed budget annually and submit the same to the Board of Trustees for approval. Further, be responsible for the administration of the budget after its adoption.

(4) Prepare with the assistance of necessary department heads and submit to the Board of Trustees at the end of the fiscal year a complete report on the finances and administrative activities of the Town for the preceding year. Upon request of the Board of Trustees, he shall make a written or verbal report at the time concerning the affairs of the Town under his supervision.

(5) Keep the Board of Trustees advised of the financial condition and the future needs of the Town and make such recommendations to the Town for adoption as he may deem necessary or expedient.

(6) Exercise direct supervision and control over all departments and Town employees and, with the assistance of department heads, recommend to the Board of Trustees any proposals to establish more effective procedures in departmental functions and operation.

(7) Enforce all terms and conditions imposed in favor of the Town or its inhabitants in any contract or public utilities franchise and, upon acquiring knowledge of any violation thereof, report the same to the Board of Trustees for such action and proceedings as may be necessary to enforce the same.

(8) Attend all Board of Trustees meetings and participate in discussions in an advisory capacity.

(9) At the direction of the Board of Trustees, inform the public concerning plans and activities of the Board of Trustees and of the Town administration.

(10) With the assistance of the Town Auditor, establish a system of accounting and auditing for the Town; show that legal provisions have been complied with and reflect the financial condition and financial operation of the Town; and establish a cost accounting system whenever practical.

(11) Carry forth the Board of Trustees' directives concerning engineering, architectural, maintenance, construction, work and equipment services required by the Town.

(12) Sign purchase agreements and approve payment of bills pursuant to directives of the Board of Trustees.

(13) Perform such other duties as may be prescribed by ordinance, or required by the Board of Trustees, and not inconsistent with this Code.

(E) Relation of the Town Administrator to department heads and relation of department heads to Board of Trustees members: Department heads are accountable for their activities in their departments in the technical and professional areas. The Town Administrator, as administrator for the Board of Trustees, is the first contact upward for department heads in the Town organization. The Town Administrator is expected to keep department heads informed of all administrative, legal and fiscal matters affecting their departments, and to work in harmony with them in order that each department performs in the most efficient, economical and practical method to achieve goals and accomplish projects.

(F) Relation of Board of Trustees to Town Administrator: The Town Administrator shall carry forward the policies and directives of the Board of Trustees, and shall further adhere to and obtain adherence by Town employees of the rules, regulations and ordinances of the Town.

(G) Absence: The Town Administrator shall designate, in writing, to the Board of Trustees a person who is a Town employee to act as Town Administrator during any absence or disability of the

Town Administrator, which designated appointment shall be subject to approval of the Board of Trustees. In the event of the failure of the Town Administrator to make such designation, the Board of Trustees shall appoint an Acting Town Administrator. Such Acting Town Administrator shall, while he is in such office, have all of the responsibilities, duties, functions and authority of the Town Administrator.

(H) Employment agreement: The Board of Trustees may adopt and enter into an employment agreement with the Town Administrator. Such agreement may address all or any part of the obligations, responsibilities and duties of the Town Administrator and the Town, including but not limited to compensation, benefits, termination, and the payment of severance and benefits following termination.

1-7-5. Oath and bond.

All officers elected or appointed in any capacity shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Colorado. The Board of Trustees shall provide that the payment of premiums on surety bonds to any officer of the Town shall be made by the Town Treasurer from funds so designated by the Board of Trustees.

1-7-6. Compensation of officers and employees.

All appointed officers and employees of the Town shall receive a salary in accordance with the salary schedule or compensation plan established by motion or resolution of the Board of Trustees. Such salary schedule or compensation plan shall be reviewed annually by the Board of Trustees, and, no later than the first regular meeting of each calendar year, the Board of Trustees shall adopt the salary schedule or compensation plan for that year.

1-7-7. Personnel policies and regulations.

The Board of Trustees may adopt, by motion or resolution from time to time, such personnel policies or regulations as determined by the Board of Trustees, and may include such matters as recruitment, hiring and promotion; performance evaluation; vacation, sick leave and other benefits; job descriptions and employee activities; discipline and discharge; and grievance procedures.

1-7-8. Removal of officers.

By a majority vote of all members of the Board of Trustees, the Mayor, the Town Clerk, the Town Treasurer, the Police Chief, any member of the Board of Trustees or any other officer of the Town may be removed from office. No such removal shall be made without a charge in writing and an opportunity of hearing being given. A Municipal Judge may be removed during his term of office only for cause, as set forth in Section 13-10-105(2), C.R.S. (1985 Code)

CHAPTER 8

Municipal Court

1-8-1 Municipal Court

1-8-2 Municipal Judge

- 1-8-3 Municipal Court Clerk**
- 1-8-4 Court facilities and supplies**
- 1-8-5 Powers and procedures**
- 1-8-6 Fines and costs**
- 1-8-7 Failure to appear**
- 1-8-8 Court of record**

1-8-1. Municipal Court.

There is hereby established a Municipal Court to hear and try all alleged violations of ordinance provisions of the Town.

1-8-2. Municipal Judge.

(A) Qualifications: The Municipal Judge shall meet the qualifications required by state statute and such other qualifications as the Board of Trustees may establish. The Municipal Judge shall be licensed to practice law in the State of Colorado.

(B) Acting Municipal Judge: In the case of temporary absence, sickness or other inability of the Municipal Judge to act, the Board of Trustees may appoint some qualified person as Acting Municipal Judge.

(C) Oath and bond: The Municipal Judge shall take an oath or affirmation to support the Constitutions of the United States and the State of Colorado and shall give a surety bond in an amount deemed sufficient by the Board of Trustees conditioned upon the faithful performance of his duties as Municipal Judge and the faithful accounting for and payment of all moneys coming into his hands by virtue of his office.

(D) Compensation: The Municipal Judge shall receive a fixed annual salary.

(E) Removal: The Municipal Judge may be removed during his term of office only for cause, as provided by statute.

1-8-3. Municipal Court Clerk.

There is hereby established the position of Clerk of the Municipal Court. The Clerk of the Municipal Court shall be appointed by the Municipal Judge with the approval of the Board of Trustees and will have such duties as are delegated to him by law, court rule or the Municipal Judge. The salary of the Municipal Court Clerk shall be set in the same manner as the salary of the Municipal Judge.

1-8-4. Court facilities and supplies.

The Board of Trustees shall furnish the Municipal Court with suitable courtroom facilities and sufficient funds for the acquisition of all necessary books, supplies and furniture for the proper conduct of business.

1-8-5. Powers and procedures.

The Municipal Judge shall have all judicial powers relating to the operation of his Court, subject to the Colorado Rules of Municipal Court Procedure promulgated by the Colorado Supreme Court.

1-8-6. Fines and costs.

All fines and costs collected or received by the Municipal Court shall be reported and paid monthly to the Town Treasurer and deposited in the General Fund of the Town.

1-8-7. Failure to appear.

(A) Any person who shall fail to appear at the time, date and place stated in any summons or subpoena, except with respect to traffic infractions, after personal service, shall be guilty of a violation of this Section. A violation under this Section shall constitute a separate offense from any offense charge in the summons. The penalty for a violation of this Section shall be fixed by the Municipal Judge.

(B) Failure to appear on a summons for a traffic infraction shall cause a default judgment to be entered.

(C) Continuance from the original date stated in a municipal summons shall be liberally granted upon request of a defendant or his attorney.

(D) In the event a defendant in any case before the Municipal Court shall fail to appear according to the terms, requirements and conditions of his bond for appearance or, after appearing, shall depart the Municipal Court without leave, the bond shall automatically be forfeited.

1-8-8. Court of record.

The Municipal Court is expressly denominated a qualified court of record established by and operating in conformity with either local charter or ordinances containing provisions requiring the keeping of a verbatim record of the proceedings and evidence at trials by either electric devices or stenographic means, and requiring as a qualification for the office of Judge of such Court that he has been admitted to and is currently licensed in the practice of law in Colorado.

CHAPTER 9

Town Finances

- 1-9-1 Fiscal year**
- 1-9-2 Annual budget**
- 1-9-3 Rate of tax levy**
- 1-9-4 Deposits**
- 1-9-5 Annual audit**
- 1-9-6 Publication of bills and contracts**
- 1-9-7 Conservation Trust Fund**

1-9-1. Fiscal year.

The Town's fiscal year shall commence on the first day of January and end on the last day of December of each year.

1-9-2. Annual budget.

The Board of Trustees shall cause a proposed budget for the following year to be prepared in the manner and within the time provided by the laws of the State.

1-9-3. Rate of tax levy.

The Board of Trustees shall by resolution fix the rate of tax to be levied upon all taxable property within the Town for municipal purposes and, through the Town Clerk, shall officially certify said levy to the County Commissioners on or before the date fixed by the laws of the State for the same to be so certified.

1-9-4. Deposits.

(A) Deposit of Town funds: The Town Clerk/ Town Treasurer shall deposit all of the funds and moneys which come into his possession by virtue of his office as Town Clerk/ Town Treasurer in one (1) or more responsible banks which have been designated by written resolution of the Board of Trustees "Financial Institutions."

(B) Interpretation and scope:

(1) All transactions, if any, with respect to any deposits, withdrawals, re-discounts and borrowings by or on behalf of the Town with the Financial Institutions prior to the effective date hereof are hereby ratified, approved and confirmed.

(2) Any and all resolutions adopted by the Board of Trustees of Trustees and certified to the Financial Institutions as governing the operation of the Town's accounts are in full force and effect, unless supplemented or modified by this authorization.

(3) This Section shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Financial Institutions.

(C) Authority regarding Town funds: The Town Clerk/ Town Treasurer, the Mayor and the Mayor Pro Tem, so long as they act in a representative capacity as agents of the Town, are authorized to make any and all other contracts, agreements, stipulations and order which they may deem advisable, from time to time, with the Financial Institutions concerning the deposit of funds, borrowing of money or any other business transacted by and between the Town and the Financial Institutions subject to any restrictions stated below. Said officers, subject to any restrictions indicated, are authorized to:

(1) Open any deposit or checking accounts in the name of the Town.

(2) Endorse checks and orders for the payment of money and withdraw funds on deposit with the Financial Institutions. The number of authorized signatures required for this purpose is two (2).

(3) Borrow money on behalf and in the name of the Town sign, execute and deliver promissory notes or other evidences of indebtedness. The number of authorized signatures required for this purpose is two (2).

(4) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or hereafter owned or acquired by the Town as security for sums borrowed, and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of nonpayment. The number of authorized signatures required for this purpose is two (2).

(5) Enter into a written lease for the purpose of renting and maintaining a safety deposit box in the Financial Institutions. The number of authorized persons required to gain access and to terminate the lease is two (2).

(D) Account costs: The Town agrees to the terms and conditions of any account agreement, properly opened by any authorized representatives of the Town, and authorizes the Financial Institutions named herein, at any time, to charge the Town for all checks, drafts or other orders for the payment of money that are drawn on such Financial Institutions, regardless of by whom or by what means the facsimile signatures may have been affixed, so long as they resemble the facsimile signature specimens that the Town files with such Financial Institutions from time to time and contain the required number of signatures for this purpose.

1-9-5. Annual audit.

The Board of Trustees shall cause to be performed an annual audit of the financial affairs and transactions of all funds and activities for each fiscal year end after each fiscal year end according to Section 29-1-601, C.R.S.

1-9-6. Publication of bills and contracts.

The Town Clerk/ Town Treasurer shall, within twenty (20) days after the adjournment of each regularly or special meeting, publish such portions of the Town's proceedings as relates to the payment of bills and a statement as to any contracts awarded in accordance with the state law.

1-9-7. Conservation Trust Fund.

A Conservation Trust Fund is hereby created pursuant to Article 21 of Title 29, C.R.S., for the Town, and monies received from the State pursuant to said statutes shall be deposited in said Fund and expended only for the purposes set forth in said laws.

CHAPTER 10

Municipal Elections

1-10-1 Write-in candidates; affidavit of intent

1-10-2 Cancellation of elections; declaration of elected officials

1-10-1. Write-in candidates; affidavit of intent.

(A) In any election, no write-in vote for office shall be counted unless the person who is the write-in candidate on the ballot shall have filed with the Town Clerk an affidavit of intent at least twenty (20) days prior to the day of the election.

(B) Such affidavit of intent shall indicate that the person filing the same desires to be elected to the office indicated on the ballot and is qualified to assume the duties of that office if elected.

1-10-2. Cancellation of elections; declaration of elected officials.

In any Town election, if the only matter in the election is the election of persons to municipal offices and if at the close of business on the 19th day before the election, there are not more candidates than offices to be filled in such election, including candidates filing affidavits of intent, the Town Clerk, if instructed by resolution of the governing body either before or after such date, shall cancel the election and by resolution declare the candidates elected and the candidates shall be deemed elected. Notice of such cancellation shall be published, if possible, in order to inform the electors of the Town, and notice of such cancellation shall be posted at each polling place and in not less than one (1) other public place.

CHAPTER 11

Hearings, Uniform Procedure

1-11-1 Rules of procedure; purpose and applicability

1-11-2 Quasi-judicial hearings

1-11-3 Rights of participants

1-11-4 Order of procedure

1-11-5 Rules of evidence

1-11-6 Deliberation and notice of decision

1-11-7 Judicial enforcement and review

1-11-8 Administrative hearings

1-11-9 Commencement of proceedings

1-11-10 Referral to hearing body

1-11-11 Public notice

1-11-12 Preserving order

1-11-13 Continuance

1-11-1. Rules of procedure; purpose and applicability.

The purpose of the rules of procedure contained herein is to provide a uniform, consistent and expeditious method of procedure for the conduct of all hearings held before the Board of Trustees or

any board, commission or official of the Town. The provisions of this Chapter shall be applied uniformly in all such hearings; provided, however, that any board, commission or official may supplement the provisions of this Chapter by the adoption of further rules of procedure not inconsistent herewith. All rules adopted to supplement the provisions of this Chapter by any board, commission or official shall be reduced to writing, and copies thereof shall be made available to the public.

1-11-2. Quasi-judicial hearings.

The provisions of Sections 1-11-2 through 1-11-7 hereof shall be applicable only to those hearings where the Board of Trustees, board, commission or official is called upon to exercise a power of a judicial or quasi-judicial nature which, for purposes of this Chapter, shall be deemed to consist of the following:

(A) Hearings before the Board of Trustees upon ordinances which zone or re-zone real property and upon any appeals from the decisions of any Town official, board or commission, where such an appeal is otherwise authorized and which requires an evidentiary hearing to determine such appeal.

(B) Hearings before the Board of Adjustment upon appeals from any decision of the Building Inspector, or upon request for a variance or exception from the terms of any ordinance.

(C) Hearings before any board, commission or official respecting the issuance, suspension or revocation of any license issued by the Town.

1-11-3. Rights of participants.

All quasi-judicial hearings shall be conducted under procedures designed to ensure all interested parties due process of law and shall, in all cases, provide the following:

(A) The administration of oaths to all parties or witnesses who appear for the purpose of testifying upon factual matters.

(B) The stenographic or other verbatim reproduction of all testimony presented in the hearing, or an adequate summary of such testimony.

(C) A clear decision by the hearing body which shall set forth the factual basis and reasons for the decision rendered.

1-11-4. Order of procedure.

In all quasi-judicial hearings, the following order of procedure shall be followed:

(A) Presentation of those documents showing the regularity of the commencement of the proceedings and the form of the public notice given.

(B) Presentation of evidence by the applicant, petitioner, appealing party or complainant.

(C) Presentation of evidence in support of the applicant, petitioner, appealing party or complainant by any other person.

(D) Presentation of evidence from any person opposing the application, petition or appeal of complaint.

(E) Presentation of evidence in opposition or rebuttal to the matters presented by the opposition.

(F) All documents or other items of physical evidence shall be marked as exhibits with such identifying symbols as may be necessary to determine the exhibit referred to by any witness or other person.

1-11-5. Rules of evidence.

The hearing body shall not be required to observe any formal rules of evidence, but may consider any matter which is reasonably reliable and calculated to aid the hearing body in reaching an accurate determination of the issues involved.

1-11-6. Deliberation and notice of decision.

(A) Any decision of the hearing board shall be effective upon a vote of the members of the hearing body conducted in an open session thereof, which shall be duly recorded in the minutes of the public body.

(B) Written copies of all decisions shall be delivered to the applicant, petitioner, appellant, complainant and other interested party requesting same.

1-11-7. Judicial enforcement and review.

Any party aggrieved by any decision rendered by the hearing body in any quasi-judicial hearing, as well as department heads or authorized officials of the Town, or the Town itself, may apply to have said decision reviewed by a court of competent jurisdiction, in accordance with the provisions of the Colorado Rules of Civil Procedure.

1-11-8. Administrative hearings.

All other hearings before the Board of Trustees, or any board, commission or official, shall be deemed to be administrative hearings, the purpose of which is to obtain information to enable the Board of Trustees to determine legislative policy or to enable any board, commission or official to make recommendations to the Board of Trustees on pending legislation. Such hearing shall be conducted in such a manner so as to enable any person desiring to be heard a reasonable opportunity for the presentation of his views.

1-11-9. Commencement of proceedings.

All proceedings conducted pursuant to the provisions of this Chapter shall be commenced in the manner provided by the ordinance or state statute governing the matter.

1-11-10. Referral to hearing body.

Upon receipt by the Town Clerk or the secretary of any board, commission or other appropriate officer of the Town of any application, petition, notice of appeal, complaint or other instrument

initiating a hearing, the same shall be referred to the Board of Trustees, board, commission or official having jurisdiction over the matter, and a date, time and place for hearing thereon shall be set by said Board of Trustees, board, commission or official, who shall direct any required public notice thereof to be given; provided, however, that the Board of Trustees or any board or commission may authorize its clerk or secretary to set a date, time and place for hearing upon receipt of such instrument without the necessity for action by the Board of Trustees, board, commission or official.

1-11-11. Public notice.

Public notice of the date, time and place of the hearing shall be given in the manner provided by Town ordinance or state statute. In the absence of provisions specifically delineating the manner in which any required public notice is to be given, notice of the date, time, place and purpose of the hearing to be held shall be published once in that newspaper designated by the Board of Trustees, not less than fifteen (15) days prior to the date of said hearing.

1-11-12. Preserving order.

Each hearing body shall have the right to preserve order during the hearing and to take such steps, including the ejection of any disorderly or obstreperous person interfering with the proceedings, as may be necessary, and the hearing body may, prior to any presentations and as a condition to the taking of testimony or information from any person, require the registration of all persons desiring to be heard during the hearings. The hearing body may restrict the testimony of any person to the material issues pending before it and, in order to prevent duplicative or cumulative presentations, may impose reasonable time restrictions on any person.

1-11-13. Continuance.

After commencement of any hearing, the hearing body may, if it is deemed necessary to obtain a full presentation, continue the hearing from time to time by publicly announcing the fact of such continuance and the date, time and place when and where the adjourned hearing shall re-commence, without the necessity of any further published notice thereof.