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ARTICLE I

Mayor and Board of Trustees

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

No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the Town Clerk by the person whose name is written in prior to twenty (20) days before the day of the election indicating that such person desires the office and is qualified to assume the duties of that office if elected. (Ord. 207 §1, 1986; Ord. 215 §1, 1993)

Sec. 2-2. Election may be cancelled when.

If the only matter before the voters is the election of persons to office and if, at the close of business on the Friday before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the Town Clerk shall certify such fact to the Board of Trustees, and it shall hold a meeting and may cancel the election and by resolution declare the candidates elected. Upon such declaration, 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. (Ord. 207 §2, 1986)

Sec. 2-3. 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, 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. 215 §1, 1993)

Sec. 2-4. Mayor.

(a) The Mayor of the Town shall be elected to serve a term of four (4) years. The Mayor shall preside over all meetings of the Board of Trustees and shall perform such duties as may be required of him or her by statute or ordinance.

(b) Insofar as is required by statute and for all ceremonial purposes, the Mayor shall be the executive head of the Town. The Mayor shall be the presiding officer of the Board of Trustees.

(c) The Mayor shall execute and authenticate by his or her signature all bonds, warrants, contracts and instruments of and concerning the business of the Town, as the Trustees or any statutes or ordinances may require.

(d) Except as may be required by statute, the Mayor shall exercise only such powers as the Trustees shall specifically confer upon him or her. (Ord. 215 §1, 1993)

Sec. 2-5. Mayor Pro Tern.

At its first meeting following each biennial election, the Board of Trustees shall choose one (1) of the Trustees as Mayor Pro Tern. The Mayor Pro Tern shall, in the absence of the Mayor from any meeting of the Board of Trustees or during the absence of the Mayor from the Town or his or her inability to act, perform the duties of the Mayor. (Ord. 215 §1, 1993)

Sec. 2-6. Compensation of Mayor and Trustees.

(a) The Mayor and each member of the Board of Trustees shall serve with no compensation.

(b) No change in compensation shall occur for the Mayor or any trustee until that person has been elected or reelected following adoption of this Section pursuant to state law. (Ord. 177 §1, 1958; Ord. 215 §1, 1993; Ord. 237 §1, 2006)

Sec. 2-7. Regular meetings.

The regular meetings of the Board of Trustees shall be held on the 4th Tuesday of each month at the Town Hall at 9 a.m., except on legal holidays, when no meeting shall be held. (Ord. 215 §1, 1993)

Sec. 2-8. Special meetings.

(a) Any four (4) members of the Board of Trustees may call special meetings by verbal 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, at least twenty-four (24) hours in advance of the meeting.

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

(c) Should the Board of Trustees convene for a special meeting pursuant to a request of an interested party for the purpose of accommodating time constraints of said interested party, the Board

of Trustees may, in its discretion, assess fees for the special meeting against the interested party. 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. 215 §1, 1993)

Sec. 2-9. Conduct of meetings; voting.

(a) Meetings of the Board of Trustees shall be conducted by the Mayor.

(b) A majority shall constitute a quorum to do business at all meetings of the Board of Trustees, and each member, including the Mayor, 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 and shall have the same voting powers as any member 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.

(c) 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 Tern, 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. 215 §1, 1993)

Sec. 2-10. Boards and commissions.

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

(1) Housing Board of Appeals.

(2) Planning Commission. (Ord. 215 §1, 1993)

Secs. 2-11—2-30. Reserved.

ARTICLE II

Officers and Employees

Sec. 2-31. 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:

(1) Town Attorney.

(2) Office Manager and Bookkeeper.

(3) Municipal Judge.

(4) Chief of Police.

(5) Town Clerk.

(b) Said officers shall hold their respective offices until their successors are duly appointed and qualified. Vacancies shall be filled by appointment of the Board of Trustees. (Ord. 215 §1, 1993; Ord. 223, 2002)

Sec. 2-32. Powers and duties of officers generally.

Appointed officers of the Town shall have such power and perform such duties as are now or hereafter may be prescribed by state law and the ordinances of the Town, shall further perform any additional duties required by the Board of Trustees, and shall be subject to the control and orders of the Board of Trustees. (Ord. 215 §1, 1993)

Sec. 2-33. 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, 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. 215 §1, 1993)

Sec. 2-34. Compensation of Town Clerk.

The Town Clerk and Treasurer shall receive a salary set by the Board of Trustees. (Ord. 178 §1, 1958; Ord. 215 §1, 1993)

Sec. 2-35. Removal of Town officers.

(a) Cause for removal. Any Town officer, including the Mayor, Town Administrator, Town Clerk, Chief of Police or any member of the Board of Trustees who shall be guilty of any willful violation of any of his or her official obligations or derelict in the discharge of any of his or her official duties, may be removed from office by a vote of a majority of all members elected to the Board of Trustees, as provided in this Article.

(b) Specification of charges. All charges preferred against any such officer of the Town, for any cause or causes specified in the foregoing subsection, for the removal of such officer, shall be made in writing to the Board of Trustees and shall clearly specify any such cause or causes of removal.

(c) Service of charges and notice of hearing. A copy of such charges and specifications, together with a notice of the time and place of hearing, shall be served upon the accused at least fifteen (15) days before the day of hearing.

(d) Hearing. At the time and place so set, the Board of Trustees shall meet and proceed according to its rules to hear the evidence against the accused officer, as well as the evidence offered in his or her behalf, adjourning from time to time as may be necessary, until all the evidence shall have been given.

(e) Decision. Within three (3) days after the evidence shall have been given, the Board of Trustees shall vote by yeas and nays upon each charge and specification separately. The question upon each charge shall be "Is the accused guilty?" If the Board of Trustees, by a lawful number, finds the accused officer guilty of any specified charge aforesaid, it shall resolve that the accused be removed from office and his or her office declared vacant.

(f) Appearance by counsel. Upon the trial as aforesaid, the accused shall be heard by himself or herself or by counsel in his or her defense, and the Town may also be represented by counsel in the prosecution of such charges. The Chief of Police, the Mayor or the Town Clerk may serve any paper required to be served by any provisions of this Article. (Ord. 215 §1, 1993)

Sec. 2-36. Establishment of the office of Housing Enforcement Official.

(a) The office of Housing Enforcement Official, also known as the Building Official, is hereby created.

(b) The Building Official shall be responsible for the enforcement of Chapter 18 of this Code.

(c) The Building Official shall be appointed by the Mayor subject to confirmation of the Board of Trustees. His or her appointment shall continue during good behavior and satisfactory service. He or she shall not be removed from office except for cause after full opportunity has been given him or her to be heard on specific charges. (Ord. 186 §2, 1968)

Sec. 2-37. Duties of the Housing Enforcement Official.

It shall be the duty of the Housing Enforcement Official to enforce all laws and provisions specified in the uniform codes adopted in Chapter 18 of this Code. (Ord. 186 §4, 1968; Ord. 215 §1, 1993)

Secs. 2-38—2-50. Reserved.

ARTICLE III

Social Security

Sec. 2-51. 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. 215 §1, 1993)

Secs. 2-52—2-70. Reserved.

ARTICLE IV

Municipal Court

Sec. 2-71. Creation of Municipal Court.

A Municipal Court in and for the Town is hereby created and established pursuant to and governed by the provisions of state law. (Ord. 215 §1, 1993)

Sec. 2-72. 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. 215 §1, 1993)

Sec. 2-73. Compensation of Judge.

The compensation of the Judge shall be a monthly salary in an amount set by the Board of Trustees and shall be payable monthly. (Ord. 215 §1, 1993)

Sec. 2-74. 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. 215 §1, 1993)

Sec. 2-75. Original jurisdiction.

The Municipal Court shall have original jurisdiction of all cases arising under the provisions of this Code and ordinances of the Town, with full power to punish violators thereof by the impositions of such fines and penalties as are prescribed by ordinance. (Ord. 215 §1, 1993)

Sec. 2-76. Rules of procedure.

In addition to other powers, a Municipal Judge shall have full power and authority to make and adopt rules and regulations for conducting the business of the Municipal Court, consistent with the Municipal Court Rules of Procedure promulgated by the Colorado Supreme Court. (Ord. 215 §1, 1993)

Sec. 2-77. Municipal Court costs established.

(a) The Municipal Judge is empowered in his or her discretion to assess costs against any defendant who pleads guilty or nolo contendere or who enters a plea agreement or who, after trial, is found guilty of an ordinance violation.

(b) Such costs shall be fifteen dollars ($15.00) for any proceedings other than a trial by jury and for a trial by jury such costs shall be forty-five dollars ($45.00). (Ord. 247 §1, 2012)

Sec. 2-78. Contempt power.

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

(b) In cases of indirect contempt, the alleged contemnor shall have all the rights, privileges, safeguards and protections of a defendant in a petty offense case, including but not limited to a formal written complaint, arraignment and trial by jury. (Ord. 215 §1, 1993)

Sec. 2-79. Court Clerk.

The Mayor, 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. 215 §1, 1993)

Secs. 2-80—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. 215 §1, 1993)

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. 215 §1, 1993)

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

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

(1) See that the ordinances of the Town and the laws of the State are duly enforced and the rules and regulations of the Police Department obeyed, and perform such duties as may be required by the 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. (Ord. 215 §1, 1993)

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 by the Chief of Police.

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

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

(4) They shall execute and return all writs and process to them directed by the Municipal Judge in any case arising under a Town ordinance, and they may serve the same in any part of the County. (Ord. 215 §1, 1993)

Sec. 2-95. Oath of officers.

Before entering upon the duties of his or her office, each police officer shall take and subscribe an oath that he or she will support the Constitution 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. 215 §1, 1993)

Sec. 2-96. Duty of citizens to aid police

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. 215 §1, 1993)

Secs. 2-97—2-110. Reserved.

ARTICLE VI

Housing Board of Appeals

Sec. 2-111. Establishment of a Housing Board of Appeals.

(a) There is hereby created a Housing Board of Appeals which shall consist of the Mayor and the Board of Trustees.

(b) This Board shall act by majority vote of the members present.

(c) This Board shall have the power and be required to hold public hearings in deciding appeals where it is alleged there is an error in law or fact in any order or decision of the Building Inspector in the enforcement of this Code. (Ord. 186 §3, 1968)

Secs. 2-112—2-130. Reserved.

ARTICLE VII

Planning Commission

Sec. 2-131. Creation.

Pursuant to state law, there is hereby created a Planning Commission for the Town consisting of members appointed by the Board of Trustees. (Ord. 215 §1, 1993)

Sec. 2-132. Participation in Regional Planning Commission.

The Town shall participate in the Las Animas County Regional Planning Commission, adopting the recommended rules, regulations, plan of organization and operation of such Regional Planning Commission. The Las Animas County Regional Planning Commission shall have the function, powers and duties which are now prescribed by law or which may hereafter be enacted. (Ord. 192 §§ 1, 2, 1970; Ord. 215 §1, 1993)

Sec. 2-133. Membership in Regional Planning Commission.

The membership from the Town in the Las Animas Regional Planning Commission shall consist of the Mayor and Board of Trustees. (Ord. 192 § 3, 1970; Ord. 215 §1, 1993)

Secs. 2-134—2-150. Reserved.