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Chapter 2.04BOARD OF TRUSTEESSections:

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2.04.010 Mayor--Trustees--Appointment. The legislative and corporate authority of the town shall be vested in a board of trustees consisting of one mayor and six trustees, who shall be registered electors, who have resided

within the limits of the town for a period of at least twelve consecutive months immediately preceding the date of the election. The mayor shall be elected for a term of two years. Those three members of the board of trustees receiving the greatest number of votes shall be elected for a term of four years. The other three members of the board of trustees shall be elected for a term of two years. Thereafter all members of the board shall be elected for a term of four years. Pursuant to CRS 31-4-304 (1973, as amended), the board of trustees is given the power to appoint a clerk, treasurer, marshal and town attorney, or provide by ordinance for the election of such officers, and may appoint such other officers, including a town administrator, as it deems necessary for the good government of the town, and shall prescribe by ordinance their duties when the same are not defined by law and the compensation or fees they are entitled to receive for their services. (Ord. 10-1987 §1, 1987: prior code §2-2-1(part))

2.04.020 Qualifications. Each trustee shall be a resident of the town and a qualified elector herein. If any trustee shall move from, or become, during the term of his office, a nonresident of the town, he shall be deemed thereby to have vacated his office, upon the adoption by the board of trustees, or a resolution declaring such vacancy to exist. (Ord. 3-1990 §1(part), 1990: prior code §2-2-1(part))

2.04.030 Vacancies. In case of death, resignation, vacation or removal for cause of any of the town officers during their term of office, the board by a majority vote of all the members thereof may select and appoint from among the duly qualified electors of the town until the next regular town election. (Ord. 3-1990 §1(part), 1990: prior code §2-2-1(part))

2.04.040 Regular meetings. Beginning with the month of August, 1998, the regular meeting of the board of trustees shall be held on the third Tuesday of each month at the hour of six-thirty p.m.; provided, however, that when the day fixed falls upon a date designated by law as a legal holiday or a national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday. All such regular meetings of the board will be held at 5931 S. Middlefield Road, Suite 101, Columbine Valley, Colorado 80123. (Ord. 7-1998 §1, 1998: Ord. 4-1991 §§1, 2, 1991; Ord. 4-1988 §1, 1988: prior code §2-2-2(a))

2.04.050 Special meetings. The mayor may convene the board at any time. Whenever a special meeting shall be called, a summons or a notice in writing signed by the mayor shall be served upon each member of the board, either in person or by notice left at his place of residence, stating the date and hour of the meeting and the purpose for which such meeting is called, and no business shall be transacted thereat, except as is stated in the notice. If the mayor is absent from the town, a special meeting may be convened by a majority of the board. (Prior code §2-2-2(b))

2.04.060 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, at any regular or special meeting, may, in writing, demand the attendance of the absent members, which demand shall be entered on the record forthwith by the clerk, who shall thereupon notify the absent members of the time and place of the meeting. (Prior code §2-2-2(c))

2.04.070 Agenda. All reports, communications, ordinances, resolutions, contracts, documents, or other matters to be submitted to the board shall, at least two hours prior to each meeting, be delivered to the town clerk, whereupon the clerk shall immediately arrange a list of such matters according to the order of business. Each trustee, the mayor, and the town attorney will be furnished with a copy of the order of business, together with a copy of the minutes of the last preceding meeting, prior to the council meeting and as far in advance of the meeting as time for preparation will permit. (Prior code §2-2-2(d))

2.04.080 Order of business. The order of business of a board meeting shall be as follows:

A. Call to Order. The mayor shall take the chair precisely at the hour appointed for the meeting and shall immediately call the board to order. The mayor or temporary chairman shall preserve the order and decorum, decide all questions of order and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in "Robert's Rules of Order" unless otherwise provided by ordinance.

B. Roll Call. Before proceeding with the business of the board, the clerk or his deputy shall call the roll of the members, and the names of those present shall be entered in the minutes.

C. Reading the Minutes. Unless a reading of the minutes of a board meeting is requested by a member of the board, the minutes of the preceding meeting, which have been furnished by the clerk to each trustee, shall be considered approved if correct, and errors rectified if any exist.

D. Reports by Officers. Town officials and/or committees shall present such reports as may be required by the board.

E. Old Business. The board shall consider any business not heretofore considered, including the introduction or readings of ordinances and resolutions.

F. Petitions. Petitions, remonstrances, communications, and comments or suggestions from citizens present shall be heard by the board. All such remarks shall be addressed to the board as a whole, and not to any member thereof. Such remarks shall be limited to a reasonable time and such determination will be in the discretion of the presiding officers. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer.

G. Other Business. Prior to adjournment the board shall, as it deems necessary, consider such business as is not specifically provided for herein.

H. The board may, by a majority vote of those present, adjourn from time to time to a specific date and hour. A motion to adjourn shall always be in order and decided without debate. (Prior code §2-2-2(e))

2.04.090 Motions--Roll call vote. Every subject coming before the board for its action shall be submitted by resolution or motion. The clerk shall call the roll and the vote thereon shall be taken by ayes and nays. (Prior code §2-2-2(f))

2.04.100 Adoption of ordinances. No ordinance shall be passed finally on the date it is introduced, except in cases of special emergency, for the preservation of the public peace, health or safety, and then only by the affirmative vote of three-fourths of the members of the board. In all other cases an ordinance shall be introduced and read at one regular meeting of the board, and, if the ordinance is passed on first reading, the ordinance shall be read by title only and again voted upon at the next regular meeting of the board. If the ordinance receives the required vote on its second reading, the same shall be duly adopted. (Prior code §2-2-2(g))

2.04.110 Vote required. All ordinances, all resolutions or orders for the appropriation of money, all resolutions or orders to enter into contract, and all appointments of officers, shall require for the passage or adoption the concurrence of a majority of all the members elected to the board. In all other matters a majority of the votes cast is sufficient for passage except in cases of special emergency, for the preservation of the public

peace, health or safety, and then only by the affirmative vote of three-fourths of the members of the board (CRS 139-33-6, 1963). (Ord. 1-1998 §1, 1998; prior code §2-2-2(h))

2.04.120 Publication of ordinances. All ordinances as soon as as may be after their adoption, shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the mayor and the clerk. All ordinances of a general or permanent nature and those imposing any fine, penalty, or forfeiture, following adoption, shall be published in some newspaper of general circulation in the town. Except for 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, such ordinances shall not take effect and be in force before thirty days after they have been so published. The excepted ordinances shall take effect upon adoption, if they are adopted by an affirmative vote of three-fourths of the members of the board of trustees. (Ord. 3-1990 §1(part), 1990: Ord. 6-1988 §1, 1988: prior code §2-2-2(i))

2.04.130 Committees. Any question pending before the board 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. (Prior code §2-2-2(j))

2.04.140 Suspension of rules. Any of the provisions of this chapter may be temporarily suspended in connection with any matter under consideration by a recorded vote of three-fourths of the members present, except that this shall not be construed to permit any action that is contrary to state statute. (Prior code §2-2-2(k))

2.04.150 Intergovernmental contracts. The board of trustees shall have the authority on behalf of the town to enter into contractual arrangements with one 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 by resolution or by ordinance (CRS 29-1-201, 1973 as amended). (Ord. 3-1990 §1(part), 1990: prior code §2-2-3)

2.04.160 Oath and bond. All officers elected or appointed in the town shall take an oath or affirmation, administered by the municipal judge, clerk, or other person

who is designated by the board of trustees or who is authorized by law to administer oaths, to support the Constitution of the United States and the state constitution. The board of trustees shall require, from the treasurer, or any other town employee or independent contractor empowered to handle town finances, and such other officers and employees as they think proper, a bond, with proper penalty and surety, for the care and disposition of municipal funds in their hands and the faithful discharge of the duties of their offices. The board of trustees has the power to declare vacant the office of any person appointed or elected to any office who fails to take the oath of office or give bond when required within ten days after he has been notified of appointment or election, and it shall proceed to appointment as in other cases of vacancy (CRS 31-4-401, 1973 as amended). (Ord. 3-1990 §1(part), 1990: prior code §2-2-4)

2.04.170 Removal from office. By a majority vote of all members of the board of trustees, the mayor, the clerk, the treasurer and any member of the board, 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 unless the officer against whom the charge is made has moved out of the limits of the town. When any officer ceases to reside within the limits of the town, he may be removed from office pursuant to this section. 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. The marshal is specifically excluded from the applicability of this section. The term "officer," as used in this section, does not include police officer. (Ord. 1-1994 §1, 1994)

Chapter 2.08

MAYOR

Sections:

- 2.08.010 Duties.
- 2.08.020 Mayor pro tem.
- 2.08.030 Acting mayor.
- 2.08.040 Office.

2.08.010 Duties. The mayor, or in his absence, one of the trustees, who may be elected mayor pro tem, shall preside at all meetings of the board of trustees and shall

have the same voting powers as any member of the board. The mayor shall be considered a member of the governing body of the board of trustees. He shall execute and authenticate by his signature such instruments as the trustees, or any statutes or ordinances shall require. (Ord. 3-1990 §1(part), 1990: prior code §2-1-2)

2.08.020 Mayor pro tem. At its first meeting following each regular election, the board shall elect one 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 in his inability to act, shall perform the duties of mayor. (Ord. 3-1990 §1(part), 1990: prior code §2-1-3)

2.08.030 Acting mayor. 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. (Prior code §2-1-4)

2.08.040 Office. The office of the town shall be located at such location as is determined by the board of trustees, from time to time. In the event the office of the town is not located in the town, then it shall be as close to the town as is reasonably practical, as determined by the board of trustees. In no event shall the office of the town be beyond the borders of Arapahoe County, Colorado. The minutes of the meeting of the board of trustees and the books and records of the town shall be made available at such office and be open to public inspection. (Ord. 2-2000 §1, 2000: prior code §2-1-5)

Chapter 2.12

TOWN ADMINISTRATOR

Sections:

- 2.12.010 Created--Term.
- 2.12.020 Powers and duties.
- 2.12.030 Orders and reports.
- 2.12.040 Powers and duties in cooperation with other town officials.

2.12.010 Created--Term. A. There is created and established the office of town administrator. The administrator shall be appointed for one year by the mayor by and with the consent of the board of trustees.

B. The town administrator shall be appointed on the basis of his/her qualifications and ability and need not be a resident of the town.

C. The same person may hold the office of town clerk and the office of town administrator. (Ord. 4-1986 §1, 1986)

2.12.020 Powers and duties. Except as otherwise provided by law or the ordinances of the town, the town administrator shall:

A. Manage, direct, control and supervise all the administrative departments and services of the town;

B. Recommend to the mayor and board of trustees for hiring all appointive officers and employees;

C. Supervise, direct, and assign the duties of all appointive officers and employees;

D. Prepare and administer all contracts of the town;
 E. Be responsible for the preparation and submission of the annual budget to the board of trustees, and keep it fully, completely, and timely advised as to the financial condition of the town;

F. Exercise general supervision and control over all town purchases and expenditures in accordance with the budget and such policies as may be established by the board of trustees;

G. Recommend to the board a schedule of salaries for all officers and employees;

H. Have the care and management of all town owned land, property, buildings, and equipment;

I. Develop and prepare such research, reports and information as the board shall request, and shall submit same to the board;

J. Attend all meetings of the board, and such other meetings of commission and other organizations as the board shall designate and shall regularly report on the status of the town and its services to the board of trustees;

K. Make such recommendations to the board as are deemed to be necessary for effective administration of all town services;

L. Be responsible for the prompt and efficient discharge of the duties of all town officers and employees;

M. Perform such duties as the board of trustees may direct. (Ord. 4-1986 §2, 1986)

2.12.030 Orders and reports. It shall be the general practice of the board of trustees to issue all orders and directives to all town officers and departments, and receive reports and communications therefrom through the office of the town administrator. (Ord. 4-1986 §3, 1986)

2.12.040 Powers and duties in cooperation with other town officials. It shall be the general practice of the town administrator to help and assist the members of the board of trustees individually and as a whole in the carrying out of their responsibilities and the accomplishment of their duties. The town administrators shall not be accountable for the responsibilities charged to the trustees, but may assist them as they choose to direct him. Examples of duties might include:

A. With the approval of the building commissioner, and under his supervision, may:

1. Fill out and issue building permits,
2. Keep the building department files up-dated and in good order,
3. Correspondence by letter and telephone,
4. Prepare and return required reports,
5. Other duties as assigned;

B. With the approval of the treasurer, and under his supervision may:

1. Maintain petty cash fund,
2. Monitor budgets and cash accounts,
3. Interface with bookkeeper on a regular and timely basis to insure the timely payment of bills,
4. Correspondence by letter and telephone,
5. Handle lottery and HUTF reporting and certification,
6. Other duties as assigned;

C. With approval and direction of public works commissioner, may:

1. Send billings and assessments,
2. Perform fiscal planning and budgeting,
3. Coordinate and schedule projects,
4. Correspondence by letter and telephone gathering costs and bids and other information,
5. Attend meetings, fill out reports,
6. Direct and supervise laborers;

D. With the approval of the public safety commissioner, and under his supervision, may:

1. Coordinate and supervise officers,
2. Handle administrative duties of the marshal's office,
3. Assist with the coordination of municipal court operations,
4. Follow-up to officer contact on complaints, etc.,
5. Other duties;

E. With the approval of the commissioner of special affairs, and under his direction may:

1. Handle town insurance,
2. Negotiate trash removal contract,
3. Other projects as directed;

F. With the approval and direction of the commissioner of planning and development:

1. Information gathering,
2. Coordinating communications and correspondence by telephone and by letter,
3. Other projects as assigned;

G. Assistance to mayor:

1. Cause to have prepared the agenda for regular meetings of the board, and such other meetings as may arise,
2. Correspondence, setting up meetings, attending meetings, etc.;

H. Assistance to the town clerk: Would work closely with the town clerk in the day-to-day coordination of town business;

I. Assistance to the court clerk and traffic violations bureau:

1. Corresponding and coordinating with the court clerk,

2. Being at the town office at designated times to receive payment of fines and traffic tickets,
3. Record keeping;
- J. Interface with town attorney: Information gathering and coordination;
- K. Board of trustees:
 1. Projects, research, and correspondence,
 2. Resolution and ordinance preparation,
 3. Keep town office hours at specified times to enhance orderly flow of town business,
 4. Regularly consult with the mayor and trustees on an equitable basis so as to insure continued and open communications on all matters affecting town business,
 5. On behalf of the mayor and the board of trustees, to speak before groups and individuals to explain the functions and operation of the town's government,
 6. Liaison and communication with the town attorney,
 7. Other duties as directed. (Ord. 4-1986 §4, 1986)

Chapter 2.16

TOWN CLERK

Sections:

- 2.16.010 Appointment.
- 2.16.020 Oath.
- 2.16.030 Duties.

2.16.010 Appointment. The board of trustees at its regular meeting after each regular election shall appoint some qualified person as town clerk. In the event a vacancy should occur in the office of the town clerk, the board of trustees shall appoint a clerk for the unexpired term (CRS 31-4-304 and 31-4-401, 1973 as amended). (Ord. 3-1990 §1(part), 1990: prior code §2-3-1)

2.16.020 Oath. Before entering upon the duties of office, the clerk shall take an oath of office (CRS 31-4-304 and 31-4-401, 1973 as amended). (Ord. 3-1990 §1(part), 1990: prior code §2-3-2)

2.16.030 Duties. The town clerk shall perform the following duties:

A. He shall be the clerk of the board and shall attend all meetings of the board and shall keep a permanent journal of its proceedings;

B. He shall be the custodian of all of the town's records and such records shall be open at all reasonable times for inspection by electors of the town;

C. He shall certify by his signature all ordinances and resolutions enacted or passed by the board;

D. He shall provide and maintain in his office a supply of forms for all petitions required to be filed for any purpose provided by the board;

E. He shall countersign all warrants drawn on the town treasury (CRS 31-20-401, 1973 as amended);

F. He shall be custodian of all bonds of all officers or employees of the town;

G. He shall perform such other duties as may be prescribed for him by law or by the board of trustees. (Ord. 3-1990 §1(part), 1990; prior code §2-3-3)

Chapter 2.20

TOWN TREASURER

Sections:

- 2.20.010 Appointment.
- 2.20.020 Oath and bond.
- 2.20.030 Duties.
- 2.20.040 Annual report.
- 2.20.050 Records.

2.20.010 Appointment. The board of trustees at its first regular meeting after each regular election shall appoint a qualified person as town treasurer. In case a vacancy should occur in the office of treasurer, the board shall appoint a treasurer for the unexpired term. The board may in its discretion appoint the town clerk as treasurer (CRS 31-4-304, 1973 as amended). (Ord. 3-1990 §1(part), 1990: prior code §2-4-1)

2.20.020 Oath and bond. Before entering upon the duties of the office, the treasurer shall take an oath of office and furnish a surety bond in the amount of one thousand dollars, to be approved by the board of trustees, and 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 treasurer (CRS 31-4-401(2), 1973 as amended). (Ord. 3-1990 §1(part), 1990: prior code §2-4-2)

2.20.030 Duties. The trustee designated and the town treasurer shall perform or oversee the performance of the following duties by the town clerk or bookkeeper:

A. Receive all moneys belonging to the town and shall keep books and accounts in such manner as prescribed by the board of trustees and in accordance with the rules and regulations of the Colorado Division of Local Governments. Such books and accounts shall always be subject to inspection of any member of the board of trustees;

B. Keep a separate account of each fund or appropriation and the debits and credits belonging thereto;

C. Give every person paying money into the treasury a receipt therefor specifying the date of payment and upon what account paid, and shall also file statements of such receipts with the town clerk on the date of the treasurer's monthly report;

D. Report to the board of trustees at each regular monthly meeting thereof, on a cash basis, the state of the treasury as of the last day of the month preceding the month in which the meeting is held. The treasurer's report shall be substantially in the form attached to the ordinance codified in this section as Exhibit A, and on file in the office of the town clerk or such other form as may be approved by the board of trustees from time to time;

E. Cause checks to be issued from the treasury to pay such sums of money as may be authorized by the board of trustees. All such checks issued shall require the signature of two members of the board of trustees and the town clerk. In the event a check is issued for more than five thousand dollars, it must be signed by the trustee in charge of the department requesting the check, as well as the trustee designated as the treasurer or the mayor. All checks issued shall state for what purpose the check is appropriated. (Ord. 3-1990 §1(part), 1990: prior code §2-4-3(a))

2.20.040 Annual report. Annually, by March 1st or after the close of the fiscal year, he shall make out and file with the town clerk a full and detailed account of all such receipts and expenditures and all his transactions as such treasurer during the preceding fiscal year and shall show in such account the state of the treasury at the close of the fiscal year, which accounts the town clerk shall immediately cause to be published in a newspaper printed in the town, if there is one and, if not, by posting the same in a public place in the town clerk's office. (Ord. 3-1990 §1(part), 1990: prior code §2-4-3(b))

2.20.050 Records. The town treasurer shall perform all other duties, keep all records, and make all reports that are required by other provisions of this code or by the

laws of the state. (Ord. 3-1990 §1(part), 1990: prior code §2-4-3(c))

Chapter 2.24

TOWN ATTORNEY

Sections:

- 2.24.010 Appointment.
- 2.24.020 Duties.

2.24.010 Appointment. The board of trustees at its first regular meeting after each biennial election shall appoint some qualified attorney at law as the town attorney and shall fix his compensation. In case a vacancy should occur in the office of town attorney, the board shall appoint a town attorney for the unexpired term (CRS 139-6-4, 1963 as amended). (Prior code §2-5-1)

2.24.020 Duties. The town attorney shall perform the following duties:

A. He shall act as legal advisor to, and be attorney and counsel for, the board 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 clerk a copy of all written opinions given by him.

B. He shall prosecute ordinance violations and he shall conduct for the town cases in municipal court. He shall file with the clerk copies of such records and files relating thereto.

C. He shall prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to him by the board and shall promptly give his opinion as to the legal consequences thereof.

D. He shall call to the attention of the board all matters of law, and changes or developments therein, affecting the town.

E. He shall perform such other duties as may be prescribed for him by the board. (Prior code §2-5-2)

Chapter 2.28

TRAFFIC ENGINEER

Sections:

2.28.010 Created--Duties.

2.28.010 Created--Duties. Pursuant to Section 23-8 of the Model Traffic Code for Colorado municipalities, the town marshal for the town shall be vested with the duties of the traffic engineer as enumerated in Section 23-9 of the Model Traffic Code for Colorado municipalities. (Ord. 2-1987 §1, 1987)

Chapter 2.32

ELECTIONS

Sections:

- 2.32.010 Nominees for election.
- 2.32.020 Circulation of petitions.
- 2.32.030 Conduct of elections.
- 2.32.040 Write-in candidate affidavit.
- 2.32.050 Election may be cancelled--When.

2.32.010 Nominees for election. Every qualified elector twenty-one years of age or older on the date of the election may be a candidate and hold office as mayor or member on the board of trustees of the town. (Ord. 73-1976 §1(part), 1976: prior code §4-1-1)

2.32.020 Circulation of petitions. Every circulator of a nomination petition for a candidate for mayor or member of the board of trustees of the town shall have attained the age of eighteen years at the time of circulation of the petition and shall circulate the petition in accordance with the provisions of (CRS 31-10-302, 1973 as amended). (Ord. 73-1976 §1(part), 1976: prior code §4-1-2)

2.32.030 Conduct of elections. Except as provided in sections 2.32.010 and 2.32.020 of this chapter the elections of town officials of the town shall be conducted in all respects in accordance with the provisions of the Colorado Municipal Election Code of 1965 (CRS 31-10-101 et seq., 1973 as amended). (Ord. 73-1976 §1(part), 1976: prior code §4-1-3)

2.32.040 Write-in candidate affidavit. No write-in vote, for any town 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 days before the day of the municipal election, indicating that such person desires the office and is qualified to assume the duties of the office, if elected. (Ord. 6-1996 §1, 1996)

2.32.050 Election may be canceled--When. Whenever the only matter before the voters is the election of persons to town office and if, at the close of business on the nineteenth day before said municipal election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the town clerk, if instructed by resolution of the board of trustees either before or after such date, shall cancel the election and by resolution declare the candidates elected. Upon such declaration, the candidates shall be deemed elected. Notice of such cancellation of the municipal election 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 in not less than one other public place. (Ord. 6-1996 §2, 1996)

Chapter 2.36

MUNICIPAL COURT

Sections:

- 2.36.010 Created.
- 2.36.020 Definitions.
- 2.36.030 Municipal judge--Appointment.
- 2.36.040 Municipal judge--Duties.
- 2.36.050 Municipal judge--Qualifications.
- 2.36.060 Municipal judge--Oath.
- 2.36.070 Municipal judge--Bond.
- 2.36.080 Appropriations.
- 2.36.090 Municipal judge--Salary.
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- 2.36.360 Qualifications and exemptions of jurors.
- 2.36.370 Summoning jurors.
- 2.36.380 Failure to appear--Penalty.
- 2.36.390 Jury fees.
- 2.36.400 Waiver of jury fees.
- 2.36.410 Discharge of jurors.
- 2.36.420 Challenges for cause--Preemptory charges.
- 2.36.430 Jury not to be quashed.
- 2.36.440 Jurors not to be disqualified for opinion.
- 2.36.450 Trial court.

- 2.36.460 Instructions to jury.
 2.36.470 Jury verdict--Sentence.

2.36.010 Created. A municipal court in and for the town is created and established to hear and try all alleged violations of ordinance provisions. The municipal court shall be a qualified municipal court of record, and a verbatim record of the proceedings and evidence at arraignments and trials therein shall be kept by electronic devices or stenographic means. (Ord. 3-1982 §1, 1982: prior code §5-1-2)

2.36.020 Definitions. As used in this chapter, the following terms shall have the following meanings:

"Municipal court" means the magistrate's court.

"Municipal judge" means the magistrate or judge presiding over the municipal court. (Prior code §5-1-1)

2.36.030 Municipal judge--Appointment. The court shall be presided over by a presiding municipal judge, appointed by the board for not less than a two-year term, or until a successor is appointed and duly qualified. The board may appoint additional judges from time to time as may be needed to transact the business of the court or to preside in the absence due to sickness, disqualification or other inability of the presiding judge to act. The presiding judge shall supervise and direct the court's operations. Any municipal judge may be removed by the board for cause (CRS 13-10-105(2), 1973 as amended). (Ord. 77-1977 §1(part), 1977: prior code §5-1-4)

2.36.040 Municipal judge--Duties. The municipal judge shall receive and examine affidavits and complaints, at all times, for the violation of any town ordinance, and shall issue a summons or warrant in every case where there is probable cause to believe that an offense has been committed. He shall file monthly reports with the town clerk of all moneys collected by him, either in the way of fines or otherwise, and shall on the last day of each month pay to the town treasurer all moneys in his hands; the reports shall state the number of cases filed in his court, how the same were disposed of, and other matters of information concerning his office. (Prior code §5-1-12)

2.36.050 Municipal judge--Qualifications. The municipal judge shall be admitted to and be currently licensed to practice law in the state. (Ord. 3-1982 §2, 1982: prior code §5-1-5)

2.36.060 Municipal judge--Oath. Before entering upon the duties of his office the municipal judge shall take and subscribe, before a judge of a court of record, and file

with the board an oath or affirmation that he will support the Constitution of the United States and the constitution and laws of the state and the ordinances of the town and will faithfully perform the duties of his office. (Ord. 77-1977 §1(part), 1977: prior code §5-1-6(a))

2.36.070 Municipal judge--Bond. If the municipal judge acts as his own clerk, he shall execute to the people of the state and the town a bond in the penal sum of ten thousand dollars, with a corporate surety authorized and licensed to do business in this state as surety, conditioned for the faithful performance of the duties as clerk required of him by law and for the faithful application and payment of all moneys and effects that may come into his hands in the execution of the duties of his office. The premium for such bond shall be paid by the town. (Ord. 77-1977 §1(part), 1977: prior code §5-1-6(b))

2.36.080 Appropriations. The board of trustees shall annually appropriate an amount sufficient to pay the salary of the town attorney's office, the clerical help, office help, office expense and expense of supplies necessary to carry out the provisions of this chapter. (Prior code §5-1-3)

2.36.090 Municipal judge--Salary. The annual salary of the municipal judge shall be set by the board and payable as other salaries to municipal employees. The board shall from time to time budget and appropriate moneys necessary for the compensation of the municipal judge. (Prior code §5-1-7)

2.36.100 Presiding judge's powers. The presiding municipal judge shall have full power and authority to make and adopt local rules and regulations for conducting the business of the municipal court which are not in conflict with the Colorado Municipal Court Rules of Procedure, adopted by the Supreme Court of the state, or with the laws of the state. Such rules and regulations shall be reduced to writing. (Prior code §5-1-8)

2.36.110 Ex-officio clerk. The judge shall also be ex-officio clerk of the court unless a separate clerk of the municipal court shall have been appointed by the judge by and with the consent of the board. (Prior code §5-1-9)

2.36.120 Jurisdiction and powers. The municipal court shall have original jurisdiction of all cases arising under this code and other ordinances of the town, with full power to carry the same into effect and to punish violations thereof by the imposition of such fines and penalties as in such ordinances provided; it shall have power to compel

attendance of witnesses and to punish for contempt of such court by fine, not to exceed one hundred dollars or by jail sentence not to exceed five days, and shall have all powers incident to a court of record in relation to same. (Prior code §5-1-11)

2.36.130 Session--Special and regular. There shall be regular sessions of court for the trial of cases and the municipal judge shall hear and determine complaints for the violation of any town ordinances where there is probable cause to believe that an offense has been committed; provided, however, it shall be lawful for the municipal judge to hold a special session of court at any time, including Sundays, holidays and night court, if in the discretion of the judge a special session is deemed advisable. (Prior code §5-1-13)

2.36.140 Municipal court--Clerk. A. The position of clerk of the municipal court of the town is established.
 B. The clerk of the municipal court shall be appointed by the presiding judge and shall have such duties as are delegated to him by law, court rule, or the presiding municipal judge.
 C. The salary of the clerk of the municipal court shall be determined by the board of trustees and shall be paid once each month.
 D. The clerk of the municipal court shall give a performance bond in the sum of two thousand dollars. The bond shall be approved by the board of trustees and shall be conditioned upon the faithful performance of the duties of the clerk and the faithful accounting for and payment of, all funds deposited with or received by the municipal court. (Ord. 77-1977 §3, 1977: prior code §5-1-13)*

2.36.150 Municipal court--Hours. The court shall be open during such hours as are set by the municipal judge with the consent and approval of the board, including such night sessions as the board shall approve. In case of any conflict between the municipal judge and the board as to the hours, the decision of the board shall govern. The municipal court shall be closed on Sundays and holidays except for special sessions. (Prior code §5-1-14)

2.36.160 Hearings on traffic cases. Insofar as it is practicable, traffic cases shall be heard separately from other cases. Where traffic cases and other cases are set for the same court session, traffic cases shall be heard first. (Prior code §5-1-15)

* Editor's note: There were two sections numbered §5-1-13 in the town's prior code.

2.36.170 Rules of procedure. Any rules of procedure contained herein, or promulgated by the municipal judge that conflict with the Rules of Procedure for Municipal Courts as promulgated by the supreme court of the state shall be invalid and of no force and effect. (Prior code §5-2-1)

2.36.180 Commencement of action. Any action or summons brought in the town municipal court to recover any fine or enforce any penalty or forfeiture under any ordinance shall be filed in the corporate name of the town by and on behalf of the people of the state. Process issued from the municipal court runs in the corporate name of the town by and on behalf of the people of the state. Processes of the town shall be executed by the town's authorized law enforcement officer. Prosecution for the violation of any ordinances shall be commenced by the issuance of a summons and complaint; the issuance of a summons following the filing of a complaint; the filing of a complaint following an arrest; or the filing of a summons and complaint following arrest (CRS 13-10-111 et seq., 1973 as amended and CMCR 204). (Ord. 3-1990 §1(part), 1990: prior code §5-2-2)

2.36.190 Summons and complaint--Contents. A. The complaint shall contain the name of the defendant; the date and approximate location of the offense; identification of the offense charged, citing the ordinance section alleged to have been violated; and a brief statement or declaration of the offense charged, which statement or description shall be sufficient if it states the type of offense to which the ordinance relates. The summons and complaint shall contain all the foregoing information and shall also direct the defendant to appear before the town's municipal court at a stated date, time and place, or in the office of the court clerk, as provided in subsection B of this section.

B. The summons and complaint shall direct the defendant to appear before a specified court at a stated date, time and place, or to appear or to respond at the office of the court clerk of the municipal court at a stated time or within a stated period of time after service of the summons and complaint (CMCR 204).

C. The court may permit a complaint or summons and complaint be amended as to form or substance at any time prior to trial; the court may permit it to be amended as to form at any time before the verdict of finding if no additional or different offense is charged and if substantial rights of the defendant are not prejudiced (CMCR 204). (Ord. 3-1990 §1(part), 1990: prior code §5-2-3)

2.36.200 Witnesses. The defendant and the town shall be entitled to compel the attendance of any witness subject to the jurisdiction of the municipal court. The subpoena may be served upon any person within the jurisdiction of the

municipal court in the manner prescribed by the rules of procedure applicable to municipal courts. Any person subpoenaed to appear as a witness in municipal court shall be paid a witness fee in the amount of five dollars (CRS 13-10-111(4), 1973 as amended). (Ord. 3-1990 §1(part), 1990: prior code §5-2-4)

2.36.210 Summons or subpoena--Delivery. A. Any summons or subpoena issued in accordance with this chapter shall be served in any case by any police officer in the town or in any particular case by any person specifically designated by the court for that purpose.

B. Any person who shall fail to appear in response to any summons or subpoena served on him shall be guilty of a violation of this chapter and upon conviction shall be fined in an amount of not more than three hundred dollars or imprisoned for a period not exceeding ninety days, or by both such fine and imprisonment. (Prior code §5-2-5)

2.36.220 Summons--Form--Defects--Objections. No objection to the form of any summons or complaint shall be considered by the court because of any defect unless such objection was made by the defendant prior to trial of the case on its merits, but trial of the case on its merits shall not waive any objection theretofore made. (Prior code §5-2-6)

2.36.230 Bond--Amount. Every person arrested for a violation of the provisions of this code shall have the right to be taken before a municipal court, or a judge thereof, or the chief of police, or a police officer designated by the chief of police and to be admitted to bail on his executing a cash surety or recognizance bond conditioned that he will appear on a day and hour therein mentioned, before the municipal court and not depart the court, which bond shall be in an amount adjudged sufficient by the judge or officer to insure the appearance of the defendant. Such bond shall be approved by one of the judges of the municipal court and an entry of the filing thereof shall be made in the court docket. (Prior code §5-2-7)

2.36.240 Bond--Forfeiture. In case any defendant in any case before the municipal court of the town shall fail to appear according to the terms, requirement and conditions of his bond for appearance or appearing shall depart the court without leave, the bond shall automatically be forfeited. (Prior code §5-2-8)

2.36.250 Surety liable. Where a surety bond is forfeited, the surety on the bond shall pay the amount of the bond into the municipal court upon the date of forfeiture. Failure of surety to satisfy a bond forfeiture shall result

in proceedings being instituted in a court of competent jurisdiction in the name and on behalf of the town for recovery of the penalty of such bond named. The surety shall have the right to apply to the municipal court, in open court, within thirty days from the date of forfeiture for a return of the whole or a part of the bond amount paid to the municipal court. The application shall be in writing and shall be supported by affidavit setting forth the grounds for the demand. If good cause is shown by the surety for the return of the whole or a part of the bond amount, the municipal judge shall in open court, order the return to the surety of the amount determined by the municipal judge to be due surety. The surety shall have the right to institute a claim against the town in a court of competent jurisdiction for recovery of any bond payment believed to be wrongfully held. (Prior code §5-2-9)

2.36.260 Failure to appear--Penalty. A. The failure of any person to appear in the municipal court of the town pursuant to a summons, traffic citation, or notice attached to a vehicle shall constitute a violation of this code regardless of the disposition of the original charge, provided that a written promise to appear or appearance required by summons or notice may be complied with by an appearance by counsel.

B. In the event any person fails to appear pursuant to a summons, traffic citation or notice directing an appearance before the municipal court the municipal judge may cite the defendant with a separate violation for failure to appear, may issue a warrant for the arrest of the defendant, cite the defendant to appear before the court to answer as to why the defendant should not be cited for contempt of court, or may accept the total amount of any defendant bond in lieu of a fine or jail sentence. Such forfeiture shall amount to and be of the same force and effect as a finding of guilty.

C. Penalty. Any person who shall be convicted of a violation of this section shall, for each offense, be fined in a sum of not more than one thousand dollars or imprisoned in the Arapahoe County jail for a period not to exceed one year, or both such fine and imprisonment. (Ord. 3-1992 §1(part), 1992; Ord. 11-1990 §9(part), 1991: Ord. 75-1976 §1, 1975: prior code §5-2-10)

2.36.270 Open court sessions--Exceptions. All cases in municipal court shall be open to the public; provided, however, that where the type of offense charged and the nature of the case are such that it would be to the best interests of the witnesses and/or defendant to exclude all persons not directly connected with the case the municipal judge may order that the court be cleared of all persons not so directly connected with the case except qualified

representatives of news agencies. This decision shall be
sole-

ly in the discretion of the municipal judge. (Prior code §5-2-11)

2.36.280 Defendant's rights. At the beginning of each court session the municipal judge shall explain to defendants their rights in municipal court, as well as the order of trial; provided, however, that this may be done by pamphlet distributed to each defendant. (Prior code §5-2-12)

2.36.290 Continuance. A person who is duly summoned, who cannot be tried on account of the absence of witnesses or for any other good and sufficient cause, may request in open court a continuance of his case. The municipal judge may continue the matter upon terms set by him. Additional continuances may be granted upon application of the defendant or his attorney. However, in no case shall the total continuances exceed thirty days, unless it appears to the municipal judge that extreme hardship will result. Where a person on appearance is on bond and a continuance is requested, the municipal judge shall have the power to continue the bond for a period of the continuance. Nothing herein shall affect the right of the town attorney to request a continuance. (Prior code §5-2-13)

2.36.300 Execution. Every person against whom any fine or penalty shall be assessed under the laws of the town, who shall refuse or neglect to pay the same when demanded, may be committed in default thereof to the county jail or such other enclosure as may from time to time be designated by the board as a lawful place for the detention of town prisoners, under the direction of the proper officers, until the fine and penalty is fully paid and the satisfaction to be allowed at the rate of three dollars per day of twenty-four hours, or as in accordance with state law. Any such person may be required to do any reasonable work; provided, however, that no single terms of imprisonment shall exceed ninety days. The municipal court shall discharge such person from further imprisonment for such fine when it shall be made satisfactorily to appear to the judge that such person has no estate whatever wherewith to pay such fine. (Ord. 3-1990 §1(part), 1990: prior code §5-2-14)

2.36.310 Stay. In the discretion of the municipal judge a stay of execution may be granted to enable the defendant to pay the fine or penalty at a later date or in installments. In case the defendant shall not have met the terms of the stay of execution, then the execution shall issue and the defendant shall be placed in jail until the judgment is satisfied. (Prior code §5-2-15)

2.36.320 Persons in custody. A person in custody who cannot be tried on account of the absence of witnesses or other cause and who cannot give bail for appearance, may be confined to the town jail not exceeding three days, and in such case the judge shall deliver to the officer committing such person a commitment stating the cause of the detention. (Prior code §5-2-16)

2.36.330 Suspended sentence. The municipal judge is authorized to suspend the payment of any fine, or any part thereof, assessed for a violation of this code or any ordinance, and he may suspend all or any part of any jail sentence imposed for such a violation. He may impose reasonable conditions upon such suspension and revoke such suspension and reinstate the sentence for a violation of such conditions. (Prior code §5-2-17)

2.36.340 Fines payable to town treasurer. All fines or other moneys collected in the municipal court for the violation of this code or any of the ordinances of the town shall be reported by the judge and paid to the town treasurer each month. (Prior code §5-2-18)

2.36.350 Demand for jury. In all trials for a violation of this code or any ordinance of the town, the defendant shall have the right to demand a trial by jury. The demand shall be made in writing within ten days after arraignment or entry or plea along with a tender to the court of a jury fee of twenty-five dollars. The defendant may demand a jury which shall consist of three jurors unless, in the case of a trial for a petty offense, a greater number, not to exceed six, is requested by the defendant. The jury, when empaneled, shall be sworn by the judge to try the case according to the evidence and the laws provided for in criminal trials (CRS 13-10-114, 1973 as amended). (Ord. 3-1990 §1(part), 1990: prior code §5-3-1)

2.36.360 Qualifications and exemptions of jurors. Qualifications and exemptions shall be the same as provided in CRS 13-71-101--13-71-122, 1973 as amended. (Ord. 3-1990 §1(part), 1990: prior code §5-3-2)

2.36.370 Summoning jurors. Upon demand of the defendant for trial by jury, the municipal court of judge thereof shall issue a venire for the jury and shall issue his writ to any police officer or marshal which shall be substantially in the following form:

State of Colorado)	
)	ss:
Town of Columbine Valley)	

THE PEOPLE OF THE TOWN OF COLUMBINE VALLEY, STATE OF
COLORADO, TO _____ GREETING:

We command you to summon _____ persons of your county who are residents of the Town of Columbine Valley to appear before me at _____ on the day of _____, 19____, who are not of kin to _____, defendant, to make a jury between the People of the Town of Columbine Valley, State of Colorado, and the defendant in a plea of not guilty to a charge of violation of one or more ordinances of the town; because the said defendant has 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____.

Judge of the Municipal Court

(SEAL)

(Prior code §5-3-3)

2.36.380. Failure to appear--Penalty. If any person summoned as a juror shall fail, neglect, or refuse to appear, without reasonable excuse, he shall be deemed guilty of contempt and fined or imprisoned as the court may direct. The court shall have the power to issue a citation directed to the chief of police commanding him forthwith to bring before such court the body of such juror so failing to attend and for such juror to show cause why he should not be punished for contempt, or on the appearance of such juror on such citation it shall be lawful for the court to punish him for contempt or wholly discharge him if satisfactory excuse be made. (Prior code §5-3-4)

2.36.390 Jury fees. Persons summoned to jury duty pursuant to this chapter shall be entitled to a juror's fee of six dollars per day for actual jury service and three dollars for each day of service on the jury panel alone (CRS 13-10-114, 1973 as amended and CMCR 223(a)). (Ord. 3-1990 §1(part), 1990: prior code §5-3-5)

2.36.400 Waiver of jury fees. Whenever it shall be made satisfactorily to appear to the municipal judge, after all legal means have been exhausted, that any person who is charged with a violation of an ordinance and who requests a jury as herein provided, has no estate whatever wherewith to pay jury fees in advance as required it shall be the duty of the municipal judge to waive the requirement for advance payment, provided if the defendant is found guilty he shall be assessed the jury fees as part of the court costs. (Prior code §5-3-6)

2.36.410 Discharge of jurors. The term of jury service shall be as indicated on the venire facias, and a person who has actually been in attendance as a juror in the municipal court as ordered under the venire facias for the period of time ordered under the venire facias shall be discharged by the court. No juror shall be discharged until the close of the trial in which he may be serving, and if the selection of a jury in any cause has been begun, the court shall have the power to retain the panel until such jury is selected and sworn. A person discharged as prescribed in this section shall be disqualified for jury service in the municipal court for the period of one year thereafter. (Prior code §5-3-7)

2.36.420 Challenges for cause--Preemptory charges. Challenges for cause and preemptory challenges shall be as provided in CRS, 1973, Title 13, Article 70 and 71, and according to the provisions of Rule 224 of the Municipal Court Rules of Procedure. (Ord. 3-1990 §1(part), 1990: prior code §5-3-8)

2.36.430 Jury not to be quashed. No array or panel of any jury shall be quashed, nor shall any verdict be stayed or averted by reason of any informality or irregularity in the summoning or selecting of the jury, which in the opinion of the court is unimportant and insufficient to vitiate the return of the jury. (Prior code §5-3-9)

2.36.440 Jurors not to be disqualified for opinion. No person summoned as a juror shall be disqualified to serve as such by reason of a previously formed or expressed opinion with reference to the guilt or innocence of the accused; provided, however, that the court shall be satisfied, from the examination of the juror or from other evidence, that he will render an impartial verdict, according to the law and the evidence submitted to the jury in the trial of such cause. (Prior code §5-3-10)

2.36.450 Trial court. If any defendant pleads guilty or waives his right to a jury trial or fails to demand a jury trial, the municipal judge shall hear the evidence and render a judgment thereon. (Prior code §5-3-11)

2.36.460 Instructions to jury. At the conclusion of all of the evidence, and before arguments of counsel, the judge shall read to the jury the ordinance or code section alleged to have been violated by the defendant and shall orally instruct the jury as to any points of law that the judge believes to be pertinent to the issues to be determined by the jury. Counsel for either of the parties may submit written instructions to the judge, and if he believes

such instructions to be proper, he may read the same to the jury. (Prior code §5-3-12)

2.36.470 Jury verdict--Sentence. The submission and finding of a jury verdict and the sentence and judgment of any defendant before the court shall be conducted according to the provisions of Rules 231 and 232 of the Municipal Court Rules of Procedure and any amendments thereto. (Prior code §5-3-13)

Chapter 2.40

POLICE DEPARTMENT

Sections:

- 2.40.010 Created--Composition.
- 2.40.020 Departmental rules and regulations.
- 2.40.030 Town marshal--Powers and duties.
- 2.40.040 Police officers--Duties.
- 2.40.050 Police officers--Oath.
- 2.40.060 Police officers--Subsistence allowance.
- 2.40.070 Police officers--Uniforms.
- 2.40.080 Duty of citizens to aid.
- 2.40.090 Extraterritorial duty.
- 2.40.100 Reserve police--Appointment--Powers.
- 2.40.110 Private police.
- 2.40.120 Private police--Shield.

2.40.010 Created--Composition. There is created a police department of the town which shall consist of one town marshal and as many deputy marshals as may from time to time be deemed necessary for the safety and good order of the town. (Prior code §2-7-1)

2.40.020 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. (Prior code §2-7-2)

2.40.030 Town marshal--Powers and duties. At its first regular meeting following each biennial election the board of trustees shall appoint a town marshal who shall be the head of the law enforcement department. It shall be the duty of the town marshal to:

A. See that the ordinances of the town are duly enforced and the rules and regulations of the law enforcement department obeyed, and to perform such duties as may be required by the board;

B. Direct the operations of the law enforcement department, subject to the rules and regulations thereof;

C. Arrest any person violating any of the town ordinances and take such violator before the municipal court for trial;

D. Render such accounts of the law enforcement department, duties and receipts as may be required by the board, and keep the records of his office open to inspection by the board at any time;

E. Before entering upon the duties of such office, the town marshal shall take and subscribe to an oath that he will support the constitution and laws of the state, Constitution of the United States and ordinances of the town, and that he will faithfully perform the duties of the office upon which he is about to enter. If required by the board, he shall furnish a surety bond, in the amount of two thousand dollars, conditioned upon the faithful discharge of the duties of his office. (Ord. 3-1990 §1(part), 1990: prior code §2-7-3)

2.40.040 Police officers--Duties. All members of the law enforcement department shall have power and duties as follows:

A. They shall perform all duties required of town marshals;

B. They shall suppress all riots, disturbances and breaches of the peace, apprehend all disorderly persons in the town, and shall pursue and arrest any person fleeing from justice in any part of the state;

C. They shall be the law enforcement officers of the town and shall see that the provisions of this code 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 this code or the law 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 written promise to appear in court;

D. They shall report such offenses as may come to their knowledge to the proper town official or they shall report the same to the municipal judge, securing a warrant for the arrest of the offenders when desirable;

E. 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 country in which such town is situated;

F. They shall observe the condition of the streets, sidewalks and alleys of the town, and of any obstruction,

nuisance, or impediments therein, and shall take necessary measures to remove or abate the same. (Ord. 3-1990 \$1(part), 1990: prior code \$2-7-4)

2.40.050 Police officers--Oath. Before entering upon the duties of his office, each marshal, deputy marshal or police officer shall take and subscribe an oath that he will support the constitution and laws of the state, the Constitution of the United States, and ordinances of the town, and that he will faithfully perform the duties of the office upon which he is about to enter. (Ord. 3-1990 \$1(part), 1990: prior code \$2-7-5)

2.40.060 Police officers--Subsistence allowance. Of the amounts appropriated for police officers, the sum of five dollars per day for each work day shall be designated as and shall constitute a statutory subsistence allowance. The purpose of this section is to give to the police officers the tax benefits provided by section 120 of the 1954 Internal Revenue Code. (Prior code \$2-7-6)

2.40.070 Police officers--Uniforms. Every police officer shall wear at all times while on duty, a uniform of the type and quality prescribed by the board. (Prior code \$2-7-7)

2.40.080 Duty of citizens to aid. 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 duties. (Prior code \$2-7-8)

2.40.090 Extraterritorial duty. The town marshal may in his discretion, upon request of the town marshal or person exercising the functions thereof in any other jurisdiction, assign deputy marshals or police officers under his control together with such equipment as he shall deem to be proper, to perform temporary duty in the requesting jurisdiction. (Ord. 3-1990 \$1(part), 1990: prior code \$2-7-9)

2.40.100 Reserve police--Appointment--Powers. The mayor upon any emergency, riot, pestilence, invasion or at any time he shall deem it necessary for the peace, good order or health of the town, order the town marshal to appoint reserve policemen for a specified time, not exceeding two days without the approval of the board. He may also, with the approval of a majority of the board of trustees, order the town marshal to appoint such number of reserve policemen as may be agreed upon by the board, to serve upon days of election, public celebration and holidays, and the reserve policemen shall have and possess all the powers and privileges of regular marshals during the time for which they may be appointed. (Prior code \$2-7-10)

2.40.110 Private police. Any person desiring the services of a special policeman in or about his property or place of business, may upon application to the board, have any suitable person named for such special policeman duty appointed as such. Such special policeman shall take the usual oath of office and shall have the powers of a regular police officer in and upon the premises for which he may have been appointed, but not elsewhere; provided, however, special police officers so appointed shall be under the control of the town marshal. The person at whose instance such officer was appointed shall be responsible for the pay of such officer, and the town shall in no case incur any liability whatever by reason of the appointment of such special policeman. No person appointed as a special policeman under the terms of this section shall be considered a member of the police department. (Prior code §2-7-11)

2.40.120 Private police--Shield. All special or reserve police officers shall wear a shield having inscribed thereon, "special policeman," while on duty. It is unlawful for any special police officer to wear his badge or shield when he is not performing the duties for which he was employed. (Prior code §2-7-12)

Chapter 2.44

PLANNING AND ZONING COMMISSION

Sections:

- 2.44.010 Created.
- 2.44.020 Members.
- 2.44.030 Qualifications of members.
- 2.44.040 Removal and vacancies.
- 2.44.050 Organization and rules.
- 2.44.060 Staff and finances.
- 2.44.070 Powers and duties.
- 2.44.080 Planning--Purpose in view.
- 2.44.090 Zoning--Purpose in view.

2.44.010 Created. Pursuant to the authority conferred by CRS Article 23, Chapter 31, 1973, as amended, there is created a planning and zoning commission for the town. (Ord. 9-1987 §1(part), 1987: prior code §7-1-1)

2.44.020 Members. The town planning and zoning commission shall consist of eight members as follows:

A. The mayor, who shall be an ex-officio member of the commission with no vote, and shall serve during his office tenure;

B. The commissioner of planning and zoning, who shall

be an ex officio member of the commission with no vote, and shall serve during his office tenure;

C. The other six members shall be appointed from the town at large by the board of trustees. The members of the commission shall be appointed for four years with staggered terms of four years;

D. The board of trustees may appoint not more than four alternate members of the commission to serve in the absence of any regular member of the commission. The alternate members shall be appointed for terms of four years with staggered terms of four years. If a regular member is absent, the chairman of the commission shall designate which alternate shall serve until the regular members are in attendance at the commission meetings. (Ord. 1-1991 §1, 1991: Ord. 2-1989 §1, 1989: Ord. 9-1987 §1(part), 1987: prior code §7-1-2)

2.44.030 Qualifications of members. All members of the planning and zoning commission shall be bona fide residents the town and, if any member ceases to reside in the town, his membership shall immediately terminate. All members of the commission shall serve as such without compensation and the appointed members shall hold no other municipal office, except that one such appointed member may be a member of the town board of adjustment ex officio with no vote. (Ord. 9-1987 §1(part), 1987: prior code §7-1-3)

2.44.040 Removal and vacancies. Members may be removed, after public hearings, by the board of trustees for inefficiency, neglect of duty, or malfeasance in office. The board of trustees shall file a written statement of reasons for such removal. Vacancies occurring otherwise than through the expiration of term shall be filled for the remainder of the unexpired term by the board of trustees. (Ord. 9-1987 §1(part), 1987: prior code §7-1-4)

2.44.050 Organization and rules. The commission shall elect a chairman from among the non-ex officio members and create and fill such other of its offices as it may determine. The commission shall also choose one of its members as vice chairman, who in the absence of the chairman from any meeting of the commission or during the chairman's absence from the town or his inability to act, shall perform the duties of the chairman. The term of the chairman shall be for one year, with eligibility for reelection. The term of the vice chairman shall be for one year, with eligibility for reelection. Election is to be held in January of each year. The commission shall hold at least one regular meeting every other month, and such meetings may be held consecutively on the same date. The commission shall adopt rules for transaction of business, and shall keep a record of its resolutions, transactions, findings, and determination,

which record shall be public record. Three members of the commission, one of which must include the chairman of the commission or the vice chairman of the commission, shall constitute a quorum for the transaction of business. (Ord. 2-1989 §2, 1989: Ord. 9-1987 §1(part), 1987: prior code §7-1-5)

2.44.060 Staff and finances. The commission, jointly or severally, may, with the consent of the board of trustees, appoint such employees as it may deem necessary for its 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. Each commission may also, with the consent of the board of trustees, contract with town planners, engineers, and architects and other consultants for such services as it may require. The expenditures of the commission 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 work. The chairman of the planning and zoning commission shall submit an annual budget to the board of trustees by September 1st each year covering revenues and expenditures for the following calendar fiscal year. (Ord. 9-1987 §1(part), 1987: prior code §7-1-6)

2.44.070 Powers and duties. The commission shall have all of the powers and perform each and all of the duties specified by CRS Chapter 31, Article 23, 1973 as amended 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(s). (Ord. 9-1987 §1(part), 1987: prior code §7-1-7)

2.44.080 Planning--Purpose in view. In the preparation of a master plan, the planning and zoning commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality with due regard to its relations to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality 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 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. (Ord. 9-1987 §1(part), 1987: prior code §7-1-8)

2.44.090 Zoning--Purpose in view. The planning and zoning commission shall recommend to the town board of trustees for enactment the boundaries of the various districts and appropriate regulations to be enforced therein; 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 danger, to promote health and general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. Such regulation shall be made with reasonable consideration, among other things, as to the character of the district and its particular suitability for particular use, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality. (Ord. 9-1987 §1(part), 1987: prior code §7-1-9)

Chapter 2.48

RULES OF PROCEDURE

Sections:

- 2.48.010 Purpose and applicability.
- 2.48.020 Quasi-judicial hearings.
- 2.48.030 Participants' rights.
- 2.48.040 Order of procedure.
- 2.48.050 Rules of evidence.
- 2.48.060 Deliberation and notice of decision.
- 2.48.070 Judicial enforcement and review.
- 2.48.080 Administrative hearings.
- 2.48.090 Commencement of proceedings.
- 2.48.100 Referral to hearing body.
- 2.48.110 Public notice.
- 2.48.120 Preserving order.
- 2.48.130 Adjournments.

2.48.010 Purpose and applicability. The purpose of the rules of procedure contained in this chapter 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 provision of this chapter by any board, commission or official shall be reduced to writing and copies thereof shall be made available to the public. (Prior code §2-6-1)

2.48.020 Quasi-judicial hearings. The provisions of Sections 2.48.020 through 2.48.070 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 application for the issuance or hearings for the suspension or revocation of liquor or fermented malt beverage license, upon ordinances which zone or rezone realty; and upon all appeals from the decisions of any city 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 zoning 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. (Prior code §2-6-2)

2.48.030 Participants' rights. All quasi-judicial hearings shall be conducted under procedures designed to insure all interested parties due process of law and shall, in all cases, provide for the following:

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

B. The cross-examination, upon request, of all witnesses by the interested parties;

C. The stenographic, or other verbatim, reproduction of all testimony presented in the hearing, or an adequate summary of such testimony;

D. A clear decision by the hearing body which shall set forth the factual bases and reasons for the decision rendered. (Prior code §2-6-3)

2.48.040 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, appeal or 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. (Prior code §2-6-4)

2.48.050 Rules of evidence. The hearing body shall not be required to observe any formal rules of evidence, but may consider any matter which a majority thereof concludes is reasonably reliable and calculated to aid the hearing body in reaching an accurate determination of the issues involved. (Prior code §2-6-5)

2.48.060 Deliberation and notice of decision. Each hearing body is authorized to deliberate upon the issues presented at the hearing in private, nonpublic sessions; provided that no decision shall be effective, except 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. Written copies of all decisions shall be delivered to the applicant, petitioner, appellant, complainant and other interested party requesting same. (Prior code §2-6-6)

2.48.070 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 the decision reviewed by a court of competent jurisdiction, in accordance with the provisions of the Colorado Rules of Civil Procedure. (Prior code §2-6-7)

2.48.080 Administrative hearings. All other hearings before the board of trustees or any board or commission or official shall be deemed to be administrative hearings, the purpose of which is to obtain information to enable the board to determine legislative policy or to enable any board, commission or official to make recommendations to the board on pending legislation. Such hearings shall be conducted in compliance with the provisions of Sections 2.48.090 through 2.48.130 and in such a manner so as to enable any person desiring to be heard a reasonable opportunity for the presentation of his views. (Prior code §2-6-8)

2.48.090 Commencement of proceedings. All proceedings conducted pursuant to the provisions of this chapter shall be commenced in the manner provided by the ordinance or statute governing the matter. (Prior code §2-6-9)

2.48.100 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 the board of trustees, board, commission or official, who shall direct 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. (Prior code §2-6-10)

2.48.110 Public notice. Public notice of the date, time and place of the public hearing shall be given in the manner provided by the ordinance or statute. In the absence of provisions specifically delineating the manner in which 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, not less than fifteen days prior to the date of the hearing. (Prior code §2-6-11)

2.48.120 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. It may restrict the testimony of any person to the material issues pending before it and, to prevent duplicative or cumulative presentations, it may impose reasonable time restrictions on any person. (Prior code §2-6-12)

2.48.130 Adjournments. After commencement of any hearing, the hearing body may, if it is deemed necessary to obtain a full presentation, adjourn the hearing from time to time by publicly announcing the fact of such adjournment and the date, time and place when and where the adjourned hearing shall recommence, without the necessity of any further published notice thereof. (Prior code §2-6-13)

Chapter 2.52EMERGENCY PROTECTIONSections:

- 2.52.010 Purpose.
- 2.52.020 Emergency police powers.
- 2.52.030 Powers of mayor.
- 2.52.040 Penalties.

2.52.010 Purpose. The town will from time to time in the future, in all probability, have within its corporate limits fire, flood, civil disturbances and riots; and, therefore, it is deemed in the best interest of town to exercise certain emergency police powers necessary to and incidental to the maintenance of the safety, health and welfare of the citizens of town. (Prior code §2-11-1)

2.52.020 Emergency police powers. Emergency police powers shall be placed in the hands of the mayor and that 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 that the powers shall only be invoked after a declaration and proclamation of an emergency. (Prior code §2-11-2)

2.52.030 Powers of mayor. In addition to any and all powers enumerated in the town 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 or more of the following conditions exists:

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

B. The emergency shall be declared in a proclamation of the mayor, which proclamation shall be delivered to the chief of police, who shall then see that the 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 the 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. The power to close streets and sidewalks and to delineate areas within the town wherein an emergency exists;
3. To impose a curfew upon all or any portion of the town 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. The power to do any and all acts necessary and incidental to the preservation of life, limb and property within the town.

D. The proclamation of 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. 1. Any emergency proclaimed in accordance with the provisions of this chapter shall terminate after forty-eight 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 periods, but never for more than fortyeight hours in one 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.
(Prior code §2-11-3)

2.52.040 Violation--Penalties. Any person who shall wilfully 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 shall be deemed guilty of a

misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars or by imprisonment for a period not to exceed one year or by both such fine and imprisonment. (Ord. 3-1992 §1(part), 1992; Ord. 11-1990 §9(part), 1991: prior code §2-11-4)

Chapter 2.56

LOST OR ABANDONED PROPERTY

Sections:

- 2.56.010 Disposition of lost or abandoned property.
- 2.56.020 Property custodian.
- 2.56.030 Storage and safekeeping.
- 2.56.040 Property used as evidence.
- 2.56.050 Sale procedures.
- 2.56.060 Report of sale.
- 2.56.070 Sale of perishable or bulky property.
- 2.56.080 Disposal of toys and childrens' property.
- 2.56.090 Disposition of unsold property.
- 2.56.100 Disposition of contraband.

2.56.010 Disposition of lost or abandoned property. It shall be the duty of every police officer to take into his possession and to deliver to the town marshal or to his designee every item of personal property lost or abandoned within the town, which item shall be held by the town marshal for disposition in accordance with the provisions of this chapter. (Ord. 2-1980 §1(part), 1980: prior code §10-5.1-1)

2.56.020 Property custodian. The town marshal or his designee shall act as the custodian of all lost, abandoned, stolen, or confiscated property seized by or coming into the possession of the police department and shall keep a record thereof. (Ord. 2-1980 §1(part), 1980: prior code §10-5.1-2)

2.56.030 Storage and safekeeping. The town shall maintain a suitable place for the storage and safekeeping of all property so seized or taken possession of and this place shall be under the control of the town marshal. (Ord. 2-1980 §1(part), 1980: prior code §10-5.1-3)

2.56.040 Property used as evidence. It shall be the duty of the town marshal to hold, pending final disposition of any charges against the owner or possessor thereof, all articles of personal property seized as evidence for use in the trial of such charges. After final disposition of the

charges, except in the case of dangerous or deadly weapons,
and except as the court may otherwise direct, upon demand
by the rightful owner thereof and the presentation of

satisfactory proof of ownership, the articles shall be returned to such owner. In all other cases, the articles shall be disposed of in accordance with the provisions of this chapter. (Ord. 2-1980 §1(part), 1980: prior code §10-5.1-4)

2.56.050 Sale procedures. Any lost or abandoned property left unclaimed for a period of thirty days or more or after final disposition of any charges relating thereto, may be sold and disposed of, from time to time, by the town marshal, in accordance with the following procedures:

A. Not less than ten days prior to the contemplated sale of such articles there shall be published in a newspaper of general circulation within the town and duly qualified for publishing legal notices and advertisements within the meaning of a notice setting forth a description of each article to be sold, the time, date and place of the sale and that any person who claims to be the owner of any article so described may contact the police department prior to the time and date set for sale thereof to reclaim the same upon presentation of satisfactory proof of his ownership thereof.

B. All articles described in the notice and left unclaimed at the time and date set in the notice for the sale thereof shall be sold at public sale to the highest bidder and the town marshal shall give to each purchaser a bill of sale for the same.

C. Unclaimed property consisting of jewelry, gems, watches, precious metals, electronic equipment or other property having a unique value may, in the judgment of the town marshal, be sold either at auction or to the highest bidder after a solicitation of sealed bids from at least three regular dealers in that particular type of property.

D. Any purchaser submitting the highest bid must tender the amount of his bid in cash at the time of sale. Only United States currency shall be accepted. (Ord. 2-1980 §1(part), 1980: prior code §10-5.1-5)

2.56.060 Report of sale. When a sale is completed, it shall be the duty of the town marshal to make a report to the police commissioner giving a description of the article sold and the amount received therefor; the proceeds of all sales are to be placed in the general fund of the town. (Ord. 2-1980 §1(part), 1980: prior code §10-5.1-6)

2.56.070 Sale of perishable or bulky property. Notwithstanding the provisions of this chapter, any property seized or taken possession of by the police department which is of a perishable nature or so bulky or of such a nature as to make it dangerous or inadvisable to retain possession thereof, may be disposed of as follows:

A. In the case of perishable property, the town marshal shall present a report to the police commissioner set-

ting forth his reasons for believing the property specified cannot be retained as provided for in this chapter and recommending immediate disposition by the most practical method he deems appropriate under the circumstances. If the police commissioner concurs with the recommendation, he shall direct the town marshal to dispose of the property forthwith.

B. In the case of bulky property or property of such a nature as to make it dangerous or inadvisable to retain possession thereof, the town marshal shall present a report to the police commissioner setting his reasons for believing the property specified cannot be retained as provided for in this chapter and recommending immediate disposition thereof by the most practical method he deems appropriate under the circumstances. If the police commissioner concurs with the recommendations, he shall direct the town marshal to dispose of the property by whatever means he deems advisable, including public auction, any time after three days have elapsed from the seizure or the taking possession thereof. (Ord. 2-1980 §1(part), 1980: prior code §10-5.1-7)

2.56.080 Disposal of toys and childrens' property. At the option of the town marshal, and with the approval of the police commissioner, any toys of whatsoever nature, including bicycles and tricycles and other articles made for use by children, which are left unclaimed for thirty days or more, may be sold in accordance with Section 2.56.060 or, in the alternative, may be donated to any organization which represents that such articles will be distributed to needy or deserving persons. (Ord. 2-1980 §1(part), 1980: prior code §10-5.1-8)

2.56.090 Disposition of unsold property. The town marshal with the approval of the police commissioner, is authorized to donate any and all property not sold at a sale conducted pursuant to this chapter to any organization which represents that such property will be distributed to needy or deserving persons, or, in the alternative the town marshal, with the approval of the police commissioner, may have the property destroyed or retained for the use of the town at his discretion. (Ord. 2-1980 §1(part), 1980: prior code §10-5.1-9)

2.56.100 Disposition of contraband. No firearm nor any article of gambling equipment nor any contraband or confiscated article of any nature whatsoever coming into the hands of the custodian shall ever be sold at sale as herein-after provided. All such unclaimed or contraband articles shall be destroyed; provided, however, that the town marshal may use or display such articles for crime prevention or educational purposes, provided the same shall be first rendered unusable for any unlawful purpose, and provided

further such contraband items, if in good condition, may be placed in the police department arsenal and used for crime prevention and control or for police training purposes.
(Ord. 2-1980 §1(part), 1980: prior code §10-5.1-10)