

## Title 2

### ADMINISTRATION AND PERSONNEL

<u>Chapters</u>	<u>Page</u>
2.04 - Board of Trustees.....	1
2.08 - Town Manager.....	6
2.12 - Mayor.....	8
2.16 - Town Attorney.....	10
2.20 - Town Clerk.....	11
2.24 - Town Treasurer.....	12
2.32 - Regional Planning Commission.....	13
2.36 - Town Planning Commission.....	14
2.40 - Urban Renewal Authority.....	16
2.44 - Elections.....	17
2.48 - Qualified Municipal Court of Record.....	18
2.52 - Police Department.....	25
2.56 - Personnel.....	26
2.60 - Disposition of Unclaimed Property.....	27

#### **2.04 - Board of Trustees**

<u>Sections</u>	<u>Page</u>
2.04.010 Qualifications.....	1
2.04.020 Term of office.....	2
2.04.030 Compensation.....	2
2.04.040 Oath.....	2
2.04.050 Corporate authority.....	2
2.04.060 Authority in general.....	2
2.04.070 Meetings - Quorum.....	2
2.04.080 Order of business.....	2
2.04.090 Resolutions and motions.....	3
2.04.100 Vote required.....	3
2.04.110 Record of vote.....	3
2.04.120 Mayor's veto.....	3
2.04.130 Ordinances - Record, publication, adoption.....	3
2.04.140 Appointment of officers.....	4
2.04.150 Vacancies in appointive offices.....	4
2.04.160 Vacancies in elective offices.....	5
2.04.170 Removal of officers.....	5
2.04.180 Combined offices.....	5
2.04.190 Intergovernmental contracts.....	5
2.04.200 Committees.....	5

#### **2.04.010 Qualifications.**

Trustees shall be qualified 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; provided, that in case of annexation, any person who has resided within the annexed territory for the time prescribed shall be deemed to have met the residence requirements for the Town to which the territory is annexed.

(Prior Code §2-3-1)

**2.04.020 Term of office.**

Trustees shall be elected to serve a four-year term. At each regular election, three Trustees shall be elected to serve four-year terms. (Prior Code §2-3-2)

**2.04.030 Compensation.**

- A. Trustees shall receive such compensation as may be fixed by ordinance. The emolument of any trustee shall not be increased or diminished during the term for which he has been elected or appointed. (Ord. 352. §1, 1991; Prior Code §2-3-3)
- B. Pursuant to Sections 2.04.030.A and 2.12.040 of the Kremmling Municipal Code, mayors and trustees serving terms of office which commence on or after the general municipal election of April, 2006, shall receive as compensation the sum of Fifty Dollars (\$50.00) for each regular meeting or special meeting of the Board of Trustees which mayor and members of the Board of Trustees attend. However, the total annual compensation to be paid the mayor and to any trustee shall not exceed \$1,200 per twelve months in office. (Ord. 508 §1, 2006)

**2.04.040 Oath.**

Before entering upon the duties of the office, a trustee shall take an oath or affirmation, administered by the Municipal Judge, Clerk, or other person who is designated by the governing body or who is authorized by law to administer oaths, to support the Constitution of the United States and the State Constitution. (Prior Code §2-3-4)

**2.04.050 Corporate authority.**

The legislative and corporate authority of the Town shall be vested in a Board of Trustees, consisting of one Mayor and six Trustees. (Prior Code §2-1-1)

**2.04.060 Authority in general.**

The Board of Trustees shall constitute the legislative body of the Town, and shall have 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 ordinances and resolutions as it shall deem proper in the exercise of its powers. (Prior Code §2-1-2)

**2.04.070 Meetings - Quorum.**

- A. The Board of Trustees shall hold regular meetings on the first and third Wednesdays of each month at six-thirty (6:30) p.m. at the Town Hall, 200 Eagle Avenue, Kremmling, Colorado. When those dates fall on a holiday, the Board of Trustees may cancel the meeting or set a different date for that meeting. (Ord. 570 §1, 2010)
- B. Special meetings may be called by the Mayor and any four members of the Board, or by any four members of the Board, at times other than the above specified. (Ord. 595 §1, 2011)
- C. Four Trustees shall constitute a quorum for the transaction of business. (Prior Code §§2-4-1, 2-4-3)

**2.04.080 Order of business.**

The Board of Trustees may, by resolution, provide for the order of business and the rules of procedure to be followed at its meetings. (Prior Code §2-4-4)

#### **2.04.090 Resolutions and motions.**

Every subject coming before the Board of Trustees shall be submitted by resolution or motion. The Clerk shall call the roll and the vote thereon shall be taken by yeas or nays. (Prior Code §2-4-5)

#### **2.04.100 Vote required.**

The Mayor shall not vote upon any question at a meeting of the Board of Trustees, except in the case of a tie vote, when he shall be allowed to cast a vote. All ordinances, and all resolutions and orders for the appropriation of money shall require for their passage or adoption the concurrence of a majority of all the Trustees. All other matters of the Board upon which a vote is taken shall require for adoption the concurrence of a majority of those present if a quorum exists; except in cases of special emergency for the preservation of the public peace, health or safety, which require the affirmative vote of three-fourths of the members of the Board. (Prior Code §2-4-6)

#### **2.04.110 Record of vote.**

On the adoption of every ordinance and of every resolution authorizing the expenditure of money or the entering into of a contract by the Board, the yeas and nays shall be called and recorded. All appointments of officers made by the Board shall be by ballot, and the concurrence of a majority of all members elected to the governing body shall be required. The names of those who voted and vote of each candidate received upon the vote resulting in an appointment shall be recorded. (Prior Code §2-4-7)

#### **2.04.120 Mayor's veto.**

Any ordinance passed, and all resolutions adopted by the Board involving the expenditure of money shall receive the approval and signature of the Mayor before they shall become valid, for any purpose whatsoever, except as otherwise provided in this section. Such ordinances or resolutions shall be presented to the Mayor, within forty-eight hours after the action of the Board, for his signature approving the same. If he disapproves, he shall return such ordinance or resolution to the Board at its next regular meeting, with his objections thereto in writing. The Board shall cause such objections to be entered at large upon the record and shall forthwith proceed at the same or next subsequent meeting to consider the question: "Shall the ordinance or resolution, notwithstanding the Mayor's objection, be passed?"

If two-thirds of the members elected to the Board vote in the affirmative, such resolution shall be valid, and such ordinance shall become a law the same as if it had been approved by the Mayor.

If the Mayor shall fail to return to the next subsequent meeting of the Board any resolution or ordinance presented to him for his approval, the same shall become a valid ordinance or resolution as the case may be, in like manner as if it had been approved by him.

(Ord. 605 1, 2011; Prior Code §2-4-8)

#### **2.04.130 Ordinances - Record, publication, adoption.**

- A. All ordinances as soon 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 presiding officer and the Clerk.
- B. All ordinances of a general or permanent nature, and those imposing any fine, penalty or forfeiture, shall be published by title in a newspaper of general circulation within the Town, and shall contain a notice that "the complete text of all ordinances are available through the Town of Kremmling Town Hall and on the Town's official website." Such ordinances shall not take effect until thirty days after such publication, except for ordinances calling for special elections or

necessary for the immediate preservation of the public peace, health or safety which shall take effect in five days. The reasons making the ordinance necessary for the immediate preservation of the public peace, health or safety shall be set forth in a separate section. (Ord. 579 §1, 2010)

- C. The Board of Trustees may enact any ordinance which adopts by reference any Code in whole or in part; and such primary Code thus adopted may in turn adopt by reference, in whole or in part, any secondary Codes duly described therein. However, every primary Code which is incorporated in any such adopting ordinance shall be specified in the title of the ordinance. Whenever the reading of an ordinance or of a Code which is to be adopted by reference is required by statute, any such requirement shall be deemed to be satisfied if the title of the proposed ordinance is read and the entire text of the proposed Code which is to be adopted by reference is submitted in writing to the Board before adoption. After the introduction of the adopting ordinance, the Board shall schedule a public hearing thereon. Notice of the hearing shall be published twice in a newspaper of general circulation in the Town, once at least fifteen days preceding the hearing and once at least eight days preceding it. It shall also state that copies of the primary Code and copies of the secondary Codes, if any, being considered for adoption are on file with the Clerk and are open to public inspection. The notice shall also contain a description which the Board deems sufficient to give notice to interested persons of the purpose of the primary Code, the subject matter of the Code, the name and address of the agency by which it has been promulgated or, if any municipality, the corporate name of such municipality which has enacted such Code, and the date of publication of such Code.

(Prior Code §§2-4-9, 2-4-11)

#### **2.04.140 Appointment of officers.**

- A. The Board of Trustees shall appoint a clerk, a treasurer, a marshal, a town attorney, and a municipal judge.
- B. The Board of Trustees may appoint other officers as it may deem necessary for the good government of the Town and prescribe by ordinance their duties when they are not defined by law and the compensation or fees they are entitled to receive for their services. The Board of Trustees may require of them an oath of office and a bond, with surety, for the faithful discharge of their duties.
- C. All appointments of officers shall be made by ballot, and the concurrence of a majority of those members elected to the Board is required. The names of those who voted, and the vote each candidate received upon the vote resulting in an appointment shall be recorded.
- D. All appointed officers shall be appointed by the Board of Trustees, at the first regular meeting after each regular election, and shall hold their respective offices for a term of two years, or until their respective successors are appointed and qualified. No appointment of any officer shall continue beyond thirty days after the qualification of the members of the succeeding Board of Trustees.

(Ord. 333 §1, 1991; Prior Code §2-1-3)

#### **2.04.150 Vacancies in appointive offices.**

The Board of Trustees has the power, by appointment, to fill all vacancies in any appointive office, and the person so appointed shall hold office until the next regular election, and until his successor is elected and qualified. (Prior Code §2-1-4)

**2.04.160 Vacancies in elective offices.**

The Board of Trustees shall have power, by appointment, to fill all vacancies on the Board or in any other elected office and the person so appointed shall hold office until the next regular election and until his successor is elected and qualified. If the term of the person creating the vacancy was to extend beyond the next regular election, the person elected to fill the vacancy shall be elected for the unexpired term. Where a vacancy or vacancies exist in the office of trustee and a successor or successors are to be elected at the next election to fill the unexpired term or terms, the three candidates for trustee receiving the highest number of votes shall be elected to four-year terms and the candidate or candidates receiving the next highest number of votes, in descending order, shall be elected to fill the expired term or terms. (Prior Code §2-1-5)

**2.04.170 Removal of officers.**

By the vote of four Trustees, the Mayor, the Clerk, the Treasurer, the Marshal, 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 from his term of office only for cause, as set forth in section 13-10-105(2), Colorado Revised Statutes, 1973, as amended. (Prior Code §2-1-6)

**2.04.180 Combined offices.**

The Board of Trustees may appoint one person to hold more than one office, where such offices are compatible. The Board of Trustees may appoint one person to hold the offices of Town Clerk and Town Treasurer. (Prior Code §2-1-6)

**2.04.190 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 governmental bodies for the performance of any governmental service, activity or undertaking which could be performed by each of the governmental bodies, in accordance with the requirements of state law. (Prior Code §2-1-8)

**2.04.200 Committees.**

Any question pending before the Board of Trustees may be referred to a standing committee, or to a special committee, for its consideration and report. Standing committees shall be appointed at the first regular meeting following a regular election, by the Mayor. The Mayor may, as he deems necessary, create or dissolve special committees. (Prior Code §2-1-9)

## 2.08 - Town Manager

<u>Sections</u>	<u>Page</u>
2.08.010 Office created.....	6
2.08.020 Function. ....	6
2.08.030 Appointment - Removal.....	6
2.08.040 Oath and Bond. ....	6
2.08.050 Duties. ....	6

### **2.08.010 Office created.**

Pursuant to Section 31-4-304, Colorado Revised Statutes, there is created the office of Town Manager. (Ord. 295 §1 (part), 1987)

### **2.08.020 Function.**

The Town Manager shall be the chief administrative officer of the Town. The Town Manager shall be responsible to the Board of Trustees for the efficient administration of the affairs of the Town placed in his charge. (Ord. 295 §1 (part), 1987)

### **2.08.030 Appointment - Removal.**

- A. The Board of Trustees by a majority vote shall appoint the Town Manager. He shall serve at a salary to be fixed by the Board of Trustees. He shall be selected on the basis of his executive and administrative qualifications with respect to the duties of his office. At the discretion of the Board of Trustees, the Town Manager may serve in a part-time capacity, and may consult with other municipalities. Any provision for sharing the services of the Town Manager shall be agreed to formally by the Board of Trustees.
- B. The Trustees at a regular or special meeting may, upon a vote of the majority of the entire Board of Trustees, remove the Town Manager from office for cause. Upon such termination, the Trustees may at their discretion provide termination pay.

(Ord. 295 §1 (part), 1987)

### **2.08.040 Oath and Bond.**

Before entering upon the duties of the office, the Town Manager shall take an oath or affirmation of office to support the Constitution of the United States and the Constitution of the state of Colorado. The Town Manager may also be required to furnish a surety bond in an amount directed by the Board of Trustees, conditioned upon the faithful discharge of the duties of the office. (Ord. 295 §1 (part), 1987)

### **2.08.050 Duties.**

The Manager shall have and exercise all powers and duties assigned to him by the Board of Trustees. In discharge of the functions and duties of the office, the Town Manager shall have the power and duty to:

- A. Enforce the laws and ordinances of the Town;
- B. Keep the Board of Trustees advised of the overall operations, financial condition, and future needs of the Town and make such recommendations to the Board.

- C. Prepare a proposed budget annually, in cooperation with the Treasurer and Board of Trustees, and submit it to the Board of Trustees. The Manager, along with the Board, shall also be responsible for the administration of the budget after its adoption;
- D. Prepare and submit to the Board of Trustees, on a quarterly basis, a complete report on finances and administrative activities of the Town, and upon request of the Board, make written or verbal reports at any time concerning the affairs of the Town known to him;
- E. Enforce all terms and conditions in any contract or public utility franchise, as delegated by the Board of Trustees, and upon knowledge of any violation thereof, report to the Board such action and proceedings as may be necessary to enforce such contract or franchise;
- F. Attend meetings of the Board of Trustees and the Planning Commission and participate in discussions on an advisory capacity and attend such other meetings at the Board may designate;
- G. Be responsible for engineering, architectural maintenance, construction and equipment services required by the Town as delegated by the Board of Trustees;
- H. Cooperate with the other offices of the Town in performance of the duties of the other such offices;
- I. Prepare or cause to be have prepared all records required by law to be kept by the Town and not by specific officer, and shall have custody of all such records.
- J. Sign contracts on behalf of the Board of Trustees;
- K. Perform such other duties as may be prescribed by ordinance or by the Board of Trustees, including those function agreed to by the Town in any administrative services contract;
- L. Maintain an office in the Town and to spend such time in the performance of his duties as may be required by the Board of Trustees.

(Ord. 295 §1 (part), 1987)

## 2.12 - Mayor

<u>Sections</u>	<u>Page</u>
2.12.010 Qualifications.....	8
2.12.020 Term of office.....	8
2.12.030 Oath.....	8
2.12.040 Compensation.....	8
2.12.050 Powers and duties.....	8
2.12.060 Mayor Pro Tem.....	9
2.12.070 Acting Mayor Pro Tem.....	9

### **2.12.010 Qualifications.**

The Mayor shall be a qualified elector, who has resided within the limits of the Town for a period of at least twelve consecutive months immediately preceding the date of the election; provided, that in case of annexation, any person who has resided in the annexed territory for the time prescribed shall be deemed to have met the residence requirements for the Town to which the territory was annexed. (Prior Code §2-2-1)

### **2.12.020 Term of office.**

The Mayor shall be elected to serve a four-year term at the regular municipal election on the first Tuesday of April, 1974, and at the regular election every four years thereafter. (Prior Code §2-2-2)

### **2.12.030 Oath.**

Before the entering upon the duties of the office, the Mayor shall take any oath or affirmation, administered by the Municipal Judge, Clerk, or other person who is designated by the governing body or who is authorized by law to administer oaths, to support the Constitution of the United States and the State Constitution. (Prior Code §2-2-6)

### **2.12.040 Compensation.**

The Mayor shall receive such compensation as may be fixed by ordinance. The emoluments of the Mayor shall not be increased or diminished during the term for which he has been elected or appointed. (Prior Code §2-2-5)

### **2.12.050 Powers and duties.**

- A. 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, but the Mayor shall have no vote upon any question except in the case of a tie vote when he shall be allowed to cast a vote.
- B. The Mayor shall perform such duties as may be required of him by statute, the provisions of this Code, or other ordinances of the Town.
- C. He shall execute and authenticate by his signature such instruments as the Trustees or any statutes or ordinances shall require.
- D. Except as may be required by statute, the Mayor shall exercise only such powers as the Trustees shall specifically confer upon him.

(Prior Code §2-2-3)

**2.12.060 Mayor Pro Tem.**

At the first regular meeting of the Board after a regular municipal election, the Board shall choose 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 his inability to act, shall perform the Mayor's duties. When performing the Mayor's duties, the Mayor Pro Tem votes as a trustee. The Board also has the power to elect a clerk pro tem to perform the duties of the Clerk during his absence or inability to act. (Prior Code §2-2-4)

**2.12.070 Acting Mayor Pro Tem.**

In the event of the absence or disability of both the Mayor and the Mayor Pro Tem, the Trustees may designate another of their number to serve as acting Mayor Pro Tem during such absence or disability. (Prior Code §2-2-7)

## 2.16 - Town Attorney

<u>Sections</u>	<u>Page</u>
2.16.010 Appointment. ....	10
2.16.020 Oath and Bond. ....	10
2.16.030 Duties. ....	10

### **2.16.010 Appointment.**

The Board of Trustees shall appoint some qualified person as Town Attorney, to serve until not more than thirty days after the election and qualification of new members of the succeeding Board of Trustees. (Ord. 534 §1, 2008; Prior Code §2-7-1)

### **2.16.020 Oath and Bond.**

Before entering upon the duties of the office, the Town Attorney shall take an oath or affirmation of office to support the Constitution of the United States and the Constitution of the State of Colorado. The Town Attorney may also be required to furnish a surety bond in an amount directed by the Board of Trustees, conditioned upon the faithful discharge of the duties of office. (Ord. 534 §2, 2008; Prior Code §2-7-2)

### **2.16.030 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 of Trustees and shall be responsible solely to the Board. He shall advise any officer or department head of the Town in matters relating to his official duties when so requested by the Board and shall file with the Town Clerk a copy of all written opinions given by him.
- 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 §2-7-3)

## 2.20 - Town Clerk

### Sections

2.20.010 Appointment. ....	11
2.20.020 Oath and Bond. ....	11
2.20.030 Duties. ....	11

#### **2.20.010 Appointment.**

The Board of Trustees shall appoint some qualified person as Town Clerk, to serve until not more than thirty days after the election and qualification of new members of the succeeding Board of Trustees. (Ord. 534 §3, 2008; Prior Code §2-5-1)

#### **2.20.020 Oath and Bond.**

Before entering upon the duties of the office, the Town Clerk shall take an oath or affirmation of office to support the Constitution of the United States and the Constitution of the State of Colorado. The Town Clerk may also be required to furnish a surety bond in an amount directed by the Board of Trustees, conditioned upon the faithful discharge of the duties of office. (Ord. 534 §4, 2008; Prior Code §2-5-2)

#### **2.20.030 Duties.**

The Clerk shall attend all meetings of the Board of Trustees and make a true and accurate record of all the proceedings, rules, ordinances made and passed by the Board. The record, at any time, shall be open for inspection of qualified electors of the Town. Other duties and authority may be prescribed by ordinance and this Code. (Prior Code §2-5-3)

## 2.24 - Town Treasurer

### Sections

2.24.010 Appointment. ....	12
2.24.020 Oath and Bond. ....	12
2.24.030 Duties. ....	12

#### **2.24.010 Appointment.**

The Board of Trustees shall appoint some qualified person as Treasurer, to serve until not more than thirty days after the election and qualification of new members of the succeeding Board of Trustees. (Ord. 534 §5, 2008; Prior Code §2-6-1)

#### **2.24.020 Oath and Bond.**

Before entering upon the duties of the office, the Treasurer shall take an oath or affirmation of office to support the Constitution of the United States and the Constitution of the State of Colorado. The Treasurer may also be required to furnish a surety bond in an amount directed by the Board of Trustees, conditioned upon the faithful discharge of the duties of office, and that when the Treasurer vacates such office, the Treasurer will turn over and deliver to the successor Treasurer, all monies, books, papers, property, or things belonging to the Town, and remaining in his charge as Treasurer. (Ord. 534 §6, 2008; Prior Code §2-6-2)

#### **2.24.030 Duties.**

The Treasurer shall:

- A. Receive all moneys belonging to the Town and shall keep his books and accounts in such manner as may be prescribed by ordinance. Such books and accounts shall always be subject to the inspection of any member of the Board of Trustees;
- B. Keep a separate account of each fund or appropriation and the debts and credits belonging thereto;
- C. Give every person paying money to the treasury a receipt therefor specifying the date of payment and upon what account paid. He shall also file statements of such receipts with the Town Clerk on the date of his monthly report;
- D. Render an account to the Board of Trustees or such officer as may be designated by ordinance, at the end of each month and more often if required, showing the state of the treasury at the date of such account and the balance of money in the treasury. He shall also accompany such accounts with a statement of all moneys received into the treasury and on what account during the preceding month, together with all warrants redeemed and paid by him. The warrants with any vouchers held by the Treasurer shall be delivered to the Clerk and filed with his account in the Clerk's office upon every day of such statement. He shall return all warrants paid by him stamped or marked "paid." He shall keep a register of all warrants redeemed and paid, which shall describe such warrants and show the date, amount, number, the fund from which paid, and the name of the person to whom and when paid.

(Prior Code §2-6-3)

## 2.32 - Regional Planning Commission

### Sections

2.32.010 Approval - Adoption of rules.....	13
2.32.020 Powers and duties. ....	13
2.32.030 Membership. ....	13

#### **2.32.010 Approval - Adoption of rules.**

The Town of Kremmling hereby:

- A. Approves a plan to cooperate with specified political subdivisions after the effective date of the ordinance codified in this chapter, in the creation of the Grand County Regional Planning Commission, as provided for in Section 30-28-103, Colorado Revised Statutes, 1973, as amended; and
- B. Adopts the recommended rules, regulations, plan of organization and operation of the Grand County Regional Planning Commission as set forth in the “Rules of Association” adopted by the official representatives of the county of Grand and the Towns of Granby, Fraser, Hot Sulphur Springs and Kremmling, cooperating in the organization of the Grand County Regional Planning Commission, dated March 1, 1966, which by reference thereto is expressly made a part of this section.

(Prior Code §14-2-1)

#### **2.32.020 Powers and duties.**

The Grand County Regional Planning Commission shall have the function, powers and duties which are prescribed by law. (Prior Code §14-2-2)

#### **2.32.030 Membership.**

The member of the Grand County Regional Planning Commission to represent the Town of Kremmling shall be one person appointed by the Mayor, which member so appointed may be the Mayor with consent of the Board of Trustees. (Prior Code §14-2-3)

## 2.36 - Town Planning Commission

### Sections

2.36.010 Membership.....	14
2.36.020 Qualifications - Term.....	14
2.36.030 Removal from office.....	14
2.36.040 Vacancies.....	14
2.36.050 Organization - Rules.....	14
2.36.070 Master Plan.....	15
2.36.080 Plan purpose.....	15

### **2.36.010 Membership.**

The Planning Commission of the Town shall consist of five members. The membership shall consist of the Mayor and a member of the governing body as ex officio members and three persons appointed by the Mayor. (C.R.S. 31-23-203 (1) (a), as amended.) (Ord. 433 §1, 1998; Ord. 334 §1, 1991; Prior Code §14-1-1)

### **2.36.020 Qualifications - Term.**

- A. All members of the Commission shall be bona fide residents of the Town and if any member ceases to reside in the Town, his membership on the Commission shall automatically terminate.
- B. All members of the Commission shall serve without compensation and the appointed members shall hold no other municipal office; except, that one such appointed member may be a member of the Zoning Board of Adjustment or Appeals.
- C. The terms of the ex officio members shall correspond to their respective official tenures; except, that the term of the administrative official selected by the Mayor shall terminate with the expiration of the term of the Mayor who selected him.
- D. The term of each appointed member shall be six years or until his successor takes office.

(Prior Code §14-1-2)

### **2.36.030 Removal from office.**

Members other than the member representing the Board of Trustees, may be removed, after public hearings, by the Mayor for inefficiency, neglect of duty, or malfeasance in office, and the Board of Trustees may remove the member representing it for the same reasons. The Mayor or the Board, as the case may be, shall file a written statement of reasons for such removal. (Prior Code §14-1-3)

### **2.36.040 Vacancies.**

Vacancies occurring otherwise than through the expiration of term shall be filled for the remainder of the unexpired term by the Mayor in the case of members selected or appointed by him, by the Board in the case of the member appointed by it. (Prior Code §14-1-4)

### **2.36.050 Organization - Rules.**

- A. The Commission shall elect its Chairman from among the non ex officio members and shall create and fill such other of its offices as it may determine.
- B. The term of the Chairman shall be one year, with eligibility for reelection.

- C. The Commission shall hold at least one regular meeting in each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, findings and determinations, which record shall be a public record.

(Prior Code §14-1-5)

**2.36.070 Master Plan.**

It is the duty of the Commission to make and adopt a master plan for the physical development of the Town, including areas outside its boundaries, subject to the approval of the governmental body having jurisdiction thereof, which in the Commission's judgment bear relation to the planning of such Town. Such plan with the accompanying maps, plats, charts and descriptive matter, shall show the Commission's recommendations for the development of the territory, including but not limited to:

- A. The general location, character and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields and other public ways, grounds and open spaces;
- B. The general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes;
- C. The removal, relocation, widening, narrowing, vacating, abandonment, changes of use or extension of any of the ways, grounds, open spaces, buildings, property, utility, or terminals referred to in subsection (A) and (B) of this section; and
- D. A zoning plan for the control of height, area, bulk, location and use of buildings and premises.

(Prior Code §14-1-7)

**2.36.080 Plan purpose.**

In the preparation of a master plan, the Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the Town with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the Town and its environs, which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development; including among other things, adequate provision for traffic, the promotion of safety from 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 requirement. (Prior Code §14-1-8)

## 2.40 - Urban Renewal Authority

### Sections

2.40.010 Findings.....	16
2.40.020 Authority established. ....	16
2.40.030 Functions, duties. ....	16
2.40.040 Appointment of commissioners. ....	16

#### **2.40.010 Findings.**

Based upon all of the evidence presented to it at a public hearing, notice of which was duly published, and after considering such factors as the physical condition and age of the buildings in particular areas of the Town, conditions of blight which exist, and the impairment of sound commercial growth patterns within portions of the Town and their adverse effect upon the future development of the Town, the Board of Trustees find as follows:

- A. One or more blighted areas exist within the Town; and
- B. The acquisition, clearance, rehabilitation, conservation, development, redevelopment, or a combination thereof, of such areas is necessary in preserving and ensuring the public health, safety and welfare of the residents of the Town. (Ord. 248 §1, 1983)

#### **2.40.020 Authority established.**

The Board of Trustees declares that it would be in the public interest for an urban renewal authority, created pursuant to Section 31-25-101 et seq., Colorado Revised Statutes, 1973, as amended, to function within the Town and to exercise the powers provided therein. (Ord. 248 §2, 1983)

#### **2.40.030 Functions, duties.**

Pursuant to Section 31-25-101 et seq., Colorado Revised Statutes, 1973, as amended, there is created and organized the Kremmling Urban Renewal Authority. The Authority is vested with all of the rights contained, and is authorized to carry out all of the duties and functions as provided, in Section 31-25-101, et seq., Colorado Revised Statutes, 1973, as amended as it now exists or as amended in the future. (Ord. 248 §3, 1983)

#### **2.40.040 Appointment of commissioners.**

The Mayor is directed, pursuant to Section 31-25-104, Colorado Revised Statutes, 1973, as amended, to appoint commissioners to serve on the Kremmling Urban Renewal Authority. (Ord. 248 §4, 1983)

## 2.44 - Elections

### Sections

2.44.010 Applicability of state law. ....	17
2.44.020 Write-in candidates and election cancellation. ....	17

#### **2.44.010 Applicability of state law.**

All regular and special municipal elections in the Town of Kremmling shall be held in accordance with the provisions of the Colorado Municipal Election Code and with other applicable state statutes. (Prior Code §6-1-1)

#### **2.44.020 Write-in candidates and election cancellation.**

- A. Write-in Candidates. 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 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.
- B. Election Cancellation. If the only matter before the voters is the election of persons to office and if, at the close of business on the nineteenth day 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 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 shall be published, if possible, in order to inform the electors of the municipality, and notice of such cancellation shall be posted at each polling place and in not less than one other public place.

(Ord. 445 §1, 2000; Ord. 361 §1, 1992)

## 2.48 - Qualified Municipal Court of Record

### Sections

2.48.010	Created.....	18
2.48.020	Definitions.....	18
2.48.030	Jurisdiction and powers.....	18
2.48.040	Municipal Judge - Appointment - Removal.....	19
2.48.050	Qualifications.....	19
2.48.060	Oath.....	19
2.48.070	Compensation.....	19
2.48.080	Clerk of the Municipal Court.....	19
2.48.090	Court facilities and supplies.....	20
2.48.100	Powers and procedures.....	20
2.48.110	Process.....	20
2.48.120	Fines, penalties and costs.....	21
2.48.130	Trial by jury.....	22
2.48.140	Disposition of fines and costs.....	22
2.48.150	Appeals.....	22
2.48.160	Time - Docket - Bond - Fees.....	22
2.48.170	Notice - Scope.....	22
2.48.180	Certification to appellate court.....	23
2.48.190	Stay, bond - Approval of sureties - Amount.....	23
2.48.200	Conditions of bond - Forfeiture - Release.....	23
2.48.210	<i>Procedendo</i> on dismissal.....	24
2.48.220	Court costs and fees.....	24

### **2.48.010 Created.**

A qualified Municipal Court of record in and for the Town of Kremmling is hereby created and established, pursuant to Title 13, Colorado Revised Statutes, and shall be conducted and governed by state law.

### **2.48.020 Definitions.**

As used in this chapter the following terms shall have the following meanings:

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

“Municipal Court” means the qualified Municipal Court of record of the Town of Kremmling.

“Municipal Judge” means the police magistrate, police judge or judge of the Municipal Court.

### **2.48.030 Jurisdiction and powers.**

A. 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.

B. The Municipal Court shall have power to compel attendance of witnesses and to punish for

contempt of any such court by fine, not to exceed one hundred dollars (\$100.00) or by jail sentence not to exceed five (5) days, and shall have all powers incident to a court of record to same.

**2.48.040 Municipal Judge - Appointment - Removal.**

A. The Court shall be presided over by a presiding Municipal Judge appointed by the Board of Trustees for a term concurrent with the term of the appointing Board, or until a successor is appointed and duly qualified. The presiding judge shall supervise and direct the court operations. The Board of Trustees may appoint assistant judges from time to time as may be needed to transact the business of the Court or to preside in the absence of the presiding judge.

B. Any Municipal Judge may be removed by the Board for cause if:

1. The judge is found guilty of a felony or any crime involving moral turpitude;
2. The judge has a disability which interferes with the performance of the duties of office, and which is, or is likely to become, of a permanent character;
3. The judge has willfully or persistently failed to perform the duties of office;
4. The judge is habitually intemperate; or
5. The judge is no longer a resident of Grand County.

**2.48.050 Qualifications.**

The Municipal Judge shall be a resident and elector of the County of Grand and licensed to practice law in the State of Colorado. The Board may, by ordinance or resolution duly considered and adopted, establish from time to time such additional qualifications for the office of Municipal Judge as it may deem fit and proper and consistent with the procurement of persons of judicial temperament and ability.

**2.48.060 Oath.**

Before entering upon the duties of the office, the Municipal Judge shall take and subscribe, before a judge of a court of record, and file with the Board of Trustees, an oath or affirmation that he or she will support the Constitution of the United States and the Constitution and laws of the State of Colorado and the ordinances and the Code of the Town of Kremmling and will faithfully perform the duties of the office.

**2.48.070 Compensation.**

A. The fixed annual compensation of the Municipal Judge, payable monthly, shall be set by the Board of Trustees. The Board of Trustees shall, from time to time, budget and appropriate moneys necessary for the compensation of the Municipal Judge.

B. Assistant judges shall be compensated based upon the number of court sessions served by such judge.

**2.48.080 Clerk of the Municipal Court.**

A. The Clerk of the Municipal Court shall be appointed by the presiding Municipal Judge and shall have duties as are delegated to the Clerk by law, court rule and the presiding Municipal Judge. The annual salary of the Clerk of the Municipal Court shall be set by the Board of Trustees, and

paid monthly as salary to a municipal employee.

- B. The Clerk of the Municipal Court shall give bond to the Town in the amount of two thousand dollars (\$2,000.00), in a form approved by the Board of Trustees, and be conditioned on the faithful performance of the duties of the office of the Clerk of the Municipal Court, and for the faithful accounting for and payment of all moneys coming into his or her hands by virtue of the office. The Board of Trustees may waive the bond required by this section.
- C. The presiding Municipal Court Judge can serve as *ex officio* Clerk if the business of the Court does not warrant a separate full or part time Clerk. The Municipal Court Judge will not receive additional compensation when serving as Clerk.

#### **2.48.090 Court facilities and supplies.**

The Board of Trustees shall furnish the Municipal Court with suitable courtroom facilities and sufficient funds for the acquisition of all necessary books, supplies, and furniture for the proper conduct of the business of the Court. The Board of Trustees shall also provide budgeted funding for education and other operating costs.

#### **2.48.100 Powers and procedures.**

- A. The Municipal Judge of the Kremmling Municipal Court has all judicial powers relating to the operation of his court, subject to any rules of procedure governing the operation and conduct of Municipal Courts promulgated by the Colorado Supreme Court. The presiding Municipal Judge has authority to issue local rules of procedure consistent with any rules of procedure adopted by the Colorado Supreme Court.
- B. The judicial powers of the Municipal Judge of the Kremmling Municipal Court shall include the power to enforce subpoenas issued by the Court, or other body or officer of the Town of Kremmling authorized by law or ordinance to issue subpoenas.

#### **2.48.110 Process.**

- A. Any action or summons brought in this Municipal Court to recover any fine or enforce any penalty or forfeiture under any ordinance shall be filed in the name of the Town of Kremmling and on behalf of the people of the state of Colorado.
- B. The Clerk of the Municipal Court shall issue a subpoena for the appearance of any witness in Municipal Court upon the request of either Town of Kremmling or the defendant. The subpoena may be served upon any person within the jurisdiction of the 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 as provided in Kremmling Municipal Code section 2.48.220.
- C. Upon the request of the Municipal Court, the prosecuting municipality, or the defendant, the Clerk of the Municipal Court shall issue a subpoena for the appearance, at any and all stages of the court's proceedings, of the parent, guardian, or lawful custodian of any child under eighteen years of age who is charged with a municipal offense.
- D. Whenever a person who is issued a subpoena fails, without good cause, to appear, the Court may issue an order for the person to show cause to the Court as to why the person should not be held in contempt. Following a show cause hearing, the Court may make findings of fact and conclusions of law and may enter an appropriate order, which may include finding the person in

contempt.

**2.48.120 Fines, penalties and costs.**

- A. Any person convicted of violating a municipal ordinance in the Town of Kremmling may be incarcerated for a period not to exceed one (1) year or fined an amount not to exceed one thousand dollars (\$1000.00), or both. In sentencing or fining a violator, the Municipal Judge shall not exceed the sentence or fine limitations established by the applicable ordinance or Code provision.
- B. Any other provision of the law to the contrary notwithstanding, the Municipal Judge may suspend the sentence or fine of any violator and place him on probation for a period not to exceed one (1) year.
- C. The Municipal Judge is empowered in his discretion to assess costs, as established by the Town of Kremmling by ordinance or Code provision, against any defendant who pleads guilty or *nolo contendere* or who enters into a plea agreement or who, after trial, is found guilty of an ordinance violation.
- D. Notwithstanding any provision of law to the contrary, the Kremmling Municipal Court has the authority to order a child under eighteen (18) years of age confined in a juvenile detention facility operated or contracted by the Department of Human Services or a temporary holding facility operated by or under contract with the Town of Kremmling for failure to comply with a lawful order of the court, including an order to pay a fine. Any confinement of a child for contempt of Municipal Court shall not exceed forty-eight (48) hours.
- E. Notwithstanding any other law, a child, as defined in section 19-1-103 (18), C.R.S., arrested for an alleged violation of a Town of Kremmling municipal ordinance, convicted of violating a Town of Kremmling municipal ordinance or probation conditions imposed by the Municipal Court, or found in contempt of Court in connection with a violation or alleged violation of a municipal ordinance shall not be confined in a jail, lockup, or other place used for the confinement of adult offenders but may be held in a juvenile detention facility operated by or under contract with the department of human services or a temporary holding facility operated by or under contract with the Town of Kremmling that shall receive and provide care for such child for a period of time not to exceed forty-eight (48) hours. When the Kremmling Municipal Court is imposing penalties for violation of probation conditions imposed by such court or for contempt of court in connection with a violation or alleged violation of a Town of Kremmling municipal ordinance the Kremmling Municipal Court may confine a child pursuant to C.R.S. 19-2-508, for up to forty-eight (48) hours in a juvenile detention facility operated by or under contract with the department of human services. In imposing any jail sentence upon a juvenile for violating any municipal ordinance when the Municipal Court has jurisdiction over the juvenile pursuant to section 19-2-104(1)(a) (II), C.R.S., a Municipal Court does not have the authority to order a child under eighteen years of age to a juvenile detention facility operated or contracted by the department of human services.
- F. Whenever a fine is imposed for a nonviolent municipal ordinance or Code offense, if the person who committed the offense is unable to pay the fine at the time of the court hearing or if he or she fails to pay any fine imposed for the commission of such offense, in order to guarantee the payment of such fine, the Municipal Judge may compel collection of the fine in the manner provided in section 18-1.3-506, C.R.S. For purposes of this subsection (E), "nonviolent municipal ordinance or Code offense" means a municipal ordinance or Code offense which does not involve

the use or threat of physical force on or to a person in the commission of the offense.

**2.48.130 Trial by jury.**

- A. In any action before the Kremmling Municipal Court in which the defendant is entitled to a jury trial by the constitution or the general laws of the state, such party shall have a jury upon request. The jury shall consist of three (3) jurors unless, in the case of a trial for a petty offense, a greater number, not to exceed six (6), is requested by the defendant.
- B. Jury panels shall be assembled by issuance of venire to a police officer.
- C. A defendant waives his right to a trial unless, within twenty (20) days after entry of a plea, the defendant makes a request to the Court for a jury trial, in writing, and tenders to the Court a fee Kremmling Municipal Code section 2.48.220, unless the fee is waived by the Judge because of the indigence of the defendant. If the action is dismissed or the defendant is acquitted of the charge, or if the defendant having paid the jury fee files with the Court at least ten (10) days before the scheduled trial date a written waiver of the jury trial, the jury fee shall be refunded.

**2.48.140 Disposition of fines and costs.**

All fines and costs collected or received by the Kremmling Municipal Court shall be reported and paid monthly, or at such other intervals as may be provided by an ordinance of the Town of Kremmling, to the Treasurer of the Town of Kremmling and deposited in the General Fund of the Town of Kremmling.

**2.48.150 Appeals.**

Appeals taken from judgments of the Municipal Court shall be made to the state district court in and for Grand County, Colorado. The practice and procedure therefor shall be governed by Kremmling Municipal Code section 2.48.100 and C.R.S. §§13-10-116(2) and 13-6-310.

**2.48.160 Time - Docket - Bond - Fees.**

Appeals may be taken within thirty (30) days after entry of any judgment of the Kremmling Municipal Court. No appeal shall be allowed until the appellant has paid to the Clerk of the Kremmling Municipal Court the fees set forth in Kremmling Municipal Code section 2.48.220 for preparation of the transcript of record on appeal. In addition, the defendant shall pay such additional fees as provided for appeals from the court to district court, for preparation of the record. Those fees will cover the costs involved in preparing the record, or portions thereof designated, but said fees shall be refunded to the defendant if the judgment is set aside on appeal. No stay of execution shall be granted until the appellant has executed an approved bond as provided in sections 2.48.190 and 2.48.200.

**2.48.170 Notice - Scope.**

- A. Appeals shall be taken by filing with the Clerk of the Municipal Court a notice of appeal.
- B. Contents of Notice of Appeal and Designation of Record. The notice of appeal shall state with particularity the alleged errors of the Court or other grounds relied upon for the appeal, and shall include a stipulation or designation of the evidence and other proceedings which the appellant desires to have included in the record certified to the District Court. If the appellant intends to urge upon appeal that the judgment or a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the appellant shall include in the record a transcript of all evidence relevant to such finding or conclusion. The appellee shall have ten (10) days after service upon him of the notice of appeal to file with the Clerk of the Municipal Court and serve upon the

appellant a designation of any additional parts of the transcript or record which he deems necessary. The advance cost of preparing the additional record shall be posted by the appellant with the Clerk of the Municipal Court within five (5) days after service upon him of the appellee's designation, or the appeal will be dismissed. If the District Court finds that any part of the additional record designated by the appellee was unessential to a complete understanding of the questions raised by the appeal, it shall order the appellee to reimburse the appellant for the cost advanced for the preparation of such part without regard to the outcome of the appeal.

- C. The taking of an appeal shall not permit the retrial of any matter of which the appellant has been acquitted, or any conjoined charge from the conviction of which he does not seek to appeal.
- D. The appellant or appellant's attorney must also docket the appeal in the District Court in and for Grand County, Colorado, within thirty (30) days, and pay the docket fee.

**2.48.180 Certification to appellate court.**

Upon payment of the fee provided in section 2.48.160, and filing of notice as provided in section 2.48.170, the original papers in the Kremmling Municipal Court file, together with a transcript of the record of the Municipal Court, and a duplicate notice of appeal shall be certified by the Municipal Court to the District Court in and for Grand County, Colorado.

**2.48.190 Stay, bond - Approval of sureties - Amount.**

- A. No stay of execution shall be granted until the appellant has executed an appeal bond.
- B. When an appellant desires to stay the judgment of the Kremmling Municipal Court, he shall execute a bond to the Town of Kremmling in such penal sum as may be fixed by the Kremmling Municipal Court, and in such form and with sureties approved by a judge of the Kremmling Municipal Court.
- C. The amount of bond shall not exceed double the amount of the judgment for fines and costs, plus an amount commensurate with any jail sentence, which latter amount shall be not less than fifty dollars (\$50.00) nor more than a sum equal to two hundred dollars (\$200.00) for each day of jail sentence imposed.

**2.48.200 Conditions of bond - Forfeiture - Release.**

- A. The bond shall be conditioned that the appellant will duly prosecute such appeal and satisfy any judgment that may be rendered upon trial of the case in the Grand County District Court and that the appellant will surrender himself in satisfaction of such judgment if that is required.
- B. If the bond is forfeited, the Grand County District Court, upon motion of the Town, shall enter judgment against the appellant and sureties on the bond for the amount of such bond. The Grand County District Court, with the consent of the Town, may set aside or modify the judgment.
- C. When the condition of the bond has been satisfied or the forfeiture thereof set aside or remitted, the Kremmling Municipal Court shall exonerate the obligors and release the bond. At any time before final judgment in the appellate court, a surety may be exonerated by a deposit of cash in the amount of the bond or by timely surrender of the appellant into custody.
- D. Action may be instituted upon any bond under this article in the name of the Town of Kremmling.

**2.48.210 Procedendo on dismissal.**

Upon dismissal of an appeal, the Clerk of the Grand County District Court shall at once issue a *procedendo* to the Kremmling Municipal Court from the judgment on which the appeal was taken, to the amount of the judgment and all costs incurred before the Kremmling Municipal Court.

**2.48.220 Court costs and fees.**

	Category	Fee
A.	Docket Fee (Payable on conviction).	\$30.00
B.	Jury demand fee.	25.00
C.	Deferred Judgment/Sentence.	21.00
D.	Drug offender surcharge.	100.00
	Useful Public Service.	Up to 120.00
	Surcharge applies to deferred judgment.	Applicable amount
E.	Outstanding judgment warrant cost, per each.	30.00
F.	Restitution.	Varies
G.	Time payment fee.	25.00
H.	Late penalty fee.	10.00
I.	Public Defender fee.	25.00
J.	Notice of Appeal.	1.50
K.	Preparation of Transcript. (Ord. 610 §1, 2011)	Actual Cost
L.	Copy of any record, proceeding, or paper on file, per page. (Ord. 610 §3, 2011)	.25
M.	Certification of copy of single page or of a record of any number of pages.	10.00
N.	Juror fee, per day or part of day on the jury panel alone.	3.00
O.	Juror fee, per day or part of day of service.	6.00
P.	Witness Fee for attending court.	2.00

(Chapter 2.45 “Municipal Court” Repealed and “Qualified Municipal Court of Record” Enacted, Ord. 532 §1, 2008)

## 2.52 - Police Department

### Sections

2.52.010 Appointment. ....	25
2.52.020 Oath and bond. ....	25
2.52.030 Duties and powers. ....	25
2.52.031 Chief of Police as Marshal. ....	25
2.52.040 Rules and regulations. ....	25

#### **2.52.010 Appointment.**

The Board of Trustees shall appoint some qualified person as Chief of Police, to serve until not more than thirty days after the election and qualification of new members of the succeeding Board of Trustees. (Ord. 534 §7, 2008; Prior Code §2-9-1)

#### **2.52.020 Oath and bond.**

Before entering upon the duties of the office, the Chief of Police shall take an oath or affirmation of office to support the Constitution of the United States and the Constitution of the State of Colorado. The Chief of Police may also be required to furnish a surety bond in an amount directed by the Board of Trustees, conditioned upon the faithful discharge of the duties of office. (Ord. 534 §8, 2008; Prior Code §2-9-2)

#### **2.52.030 Duties and powers.**

The Chief of Police shall be an officer of the Town and shall have the same powers that sheriffs have by law, coextensive with the county in cases of violation of Town ordinances and of this Code and for offenses committed within the limits of the Town. The Chief of Police shall execute all writs and processes directed to the Chief of Police by the Municipal Judge in any case arising under a Town ordinance or this Code, and shall receive the same fees for services that sheriffs are allowed in similar cases. (Ord. 534 §9, 2008; Prior Code §2-9-3)

#### **2.52.031 Chief of Police as Marshal.**

Wherever in an ordinance of the Town or this Code reference is made to the “Marshal,” the Chief of Police is authorized to act as the Marshal, and is, for the purposes of such references to “Marshal,” the Chief of Police is the Marshal. (Ord. 534 §10, 2008)

#### **2.52.040 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 §2-9-4)

**2.56 - Personnel**

**Sections**

2.56.010 Compensation. ....26  
2.56.020 Rules and regulations.....26  
2.56.025 Human Resources Department. ....26

**2.56.010 Compensation.**

The Board of Trustees shall set the salary and compensation of all other officers and employees of the Town by resolution or ordinance. (Ord. 335 §1, 1991; Prior Code §2-10-1(b))

**2.56.020 Rules and regulations.**

The Board of Trustees may adopt other personnel rules and regulations as it deems necessary. (Prior Code §2-10-2)

**2.56.025 Human Resources Department.**

- A. A department of the Town, to be known as the Human Resource Department is hereby created for the discharge of the Board of Trustees’ administrative powers with respect to employees of the Town and for convenient administration of the Town’s personnel compensation, benefits, records, policies and procedures.
- B. The Town Manager shall serve as the Human Resources Director.
- C. The Human Resources Department, under the management of the Human Resources Director, shall be responsible for all matters involving the administration of personnel-related functions, including but not limited to administering employee compensation and benefits, keeping personnel records, disseminating, administering and amending the personnel manual and otherwise managing all personnel matters in compliance with applicable laws, including the ordinances and resolutions of the Town.
- D. The Board of Trustees shall discharge its duties and authority under Section 2.56.020 by adoption of any rules and regulations, including personnel manuals, and amendments thereto and for approving annual pay and the number and types of positions of Town employment through approval of the annual Town budget.

(Ord. 606 §1, 2011; Ord. 536 §1, 2008)

## 2.60 - Disposition of Unclaimed Property

### Sections

2.60.010 Purpose.....	27
2.60.020 Definitions.....	27
2.60.030 Procedure for disposition of property. ....	27
2.60.040 Withholding costs. ....	29
2.60.050 Destruction of Unclaimed Property - Immunity.....	29
2.60.060 Administrative procedures.....	29
2.60.070 Procedures for disposition of sums payable by check. ....	29

#### **2.60.010 Purpose.**

The purpose of this chapter is to provide for the administration and disposition of unclaimed property which is in the possession of or under the control of the Town. (Ord. 367 §1, 1992)

#### **2.60.020 Definitions.**

Unless otherwise required by context or use, words and terms shall be defined as follows:

- A. “Unclaimed property” means any tangible or intangible property, including any income or increment derived therefrom, less any lawful charges, that is held by or under the control of the Town and which has not been claimed by its owner for a period of more than ninety (90) days after it became payable or distributable. This definition shall not include abandoned motor vehicles, items related to law enforcement activities, property acquired in accordance with federal or state contraband forfeiture laws, or unclaimed bond payments. (Ord. 575 §1, 2010; Ord. 367 §2, 1992)
- B. “Owner” means a person or entity, including a corporation, partnership, association, governmental entity other than this Town, or a duly authorized legal representative or successor in interest of same, which owns unclaimed property held by the Town. (Ord. 575 §3, 2010; Ord. 367 §2, 1992)

#### **2.60.030 Procedure for disposition of property.**

- A. Notice: Last known address of owner. Prior to disposition of any Unclaimed Property, the Town shall send a written notice by certified mail, return receipt requested, to the last known address, if any, of any owner of Unclaimed Property. The last known address of the owner shall be the last address of the owner as shown by the records of the Town. The notice shall include a description of the property, the amount or estimated value of the property, and when known, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Town with a written claim for the return of the property within thirty (30) days of the date of the notice, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.
- B. Notice: No known identity of owner. Prior to disposition of any Unclaimed Property for which there is no known identity of the owner or for which there is no last known address of the owner, the Town shall cause a notice to be published in a newspaper of general circulation in the Town. The notice shall include a description of the property, the owner of the property if known, the amount or estimated value of the property and the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall state that if the owner fails to provide the Town with a written claim

for the return of the property within thirty (30) days of the date of the publication of the notice, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.

- C. No Written Claim - Forfeit: If the Town receives no written claim within the above thirty (30) day claim period, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.
- D. Written Claim. If the Town receives a written claim within the thirty (30) day claim period, the Town shall evaluate the claim and given written notice to the claimant within thirty (30) days thereof that the claim has been accepted or denied in whole or in part. The Town may request further supporting documentation from the claimant prior to disbursing or refusing to disburse the property.
- E. Multiple Claims. In the event there is more than one claimant for the same property, the Town may resolve such claims by depositing the disputed property with the registry of the District Court having jurisdiction over such claims in an interpleader action.
- F. Denial of Claims. In the event that all claims filed are denied, the Unclaimed Property shall become the sole property of the Town and any claims of the owner of such property shall be deemed forfeited.
- G. Appeal. Any legal action filed challenging a decision of the Town shall be filed pursuant to Rule 106 of the Colorado Rules of Civil Procedure within thirty (30) days of such decision or shall be forever barred. If any legal action is timely filed, the property shall be disbursed by the Town pursuant to the order of the court having jurisdiction over such claim.
- H. Disposal. At any time after any deemed forfeiture and not less than thirty (30) days after the final decision determining the Town's sole ownership to any Unclaimed Property, the Town is authorized to dispose of the Unclaimed Property in any manner it determines, including, without limitation, retaining the property for use by the Town, selling the property, giving the property to the finder thereof, or donating the property to any person or organization.
- I. Sale of Unclaimed Property. If the Town determines that any Unclaimed Property should be sold, then at any time after any deemed forfeiture and not less than thirty (30) days after the final decision determining the Town's sole ownership, the Town shall publicly sell or arrange for the public sale of all such Unclaimed Property for the highest and best price the same will bring in cash or other verified form of payment, which sale may be accomplished through any reasonable means.
- J. Sale of perishable, bulky, etc., property. If any Unclaimed Property is of a perishable nature or so bulky or of such a nature as to make it dangerous or inadvisable to retain possession thereof for the length of time specified in this chapter, the Town, upon setting forth reasons why such property should not be retained for the fixed period before selling or disposing of the same, may cause the Unclaimed Property to be advertised in a newspaper legally qualified for municipal publications and/or sell or dispose of such property at a public sale at any time after three (3) days have elapsed from the time the Town acquires the Unclaimed Property.
- K. Personal ownership prohibited by Town employees. No Unclaimed Property shall be given to any current Town employee or a member of that employee's family unless that employee or

family member rightfully purchases it in accordance with subsection I of this section. This section shall not apply to those items converted to Town ownership and issued to a specific department or employee for use in that employee's duties with the Town.

(Ord. 575 §5, 2010; Ord. 367 §3, 1992)

**2.60.040 Withholding costs.**

Prior to the return of any Unclaimed Property, the Town may assess carrying costs against the owner or pass on any costs incurred as a result of holding the Unclaimed Property. Any amount assessed shall be paid prior to release of the Unclaimed Property. (Ord. 575 §6, 2010)

**2.60.050 Destruction of Unclaimed Property - Immunity.**

If the Town determines after investigation that any Unclaimed Property has insubstantial commercial value, the Town may direct the destruction or disposal of such property at any time and without notice. No action or proceeding may be taken against the Town or any officer or employee for or on account of any action taken under this section. (Ord. 575 §7, 2010)

**2.60.060 Administrative procedures.**

The Town Manger is authorized to establish and administer procedures for the administration and disposition of Unclaimed Property consistent with this chapter, including compliance requirements. (Ord. 575 §8, 2010)

**2.60.070 Procedures for disposition of sums payable by check.**

Notwithstanding any other provision of this chapter to the contrary, any sum payable on a check of which the Town is liable, that has been outstanding for a period of at least six (6) months after it was payable or after its issuance if payable on demand, is deemed abandoned and without providing notice, the Town may write off the amount of such check. (Ord. 575 §9, 2010)