

Chapter 2 ADMINISTRATION AND PERSONNEL

Chapter 2 ADMINISTRATION AND PERSONNEL

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ARTICLE 1. ELECTIONS

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Sec. 2-1-10. Conduct of elections.

All elections shall be held and conducted in accordance with the Colorado Municipal Election Law. The Town may by ordinance determine to follow all or part of the provisions of the Uniform Election Code for any election.

(Ord. 9, 1993; Ord. 7 §1, 2010)

Sec. 2-1-20. Write-in candidate affidavit.

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

(Ord. 9, 1993; Ord. 7 §1, 2010)

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Sec. 2-1-30. Cancellation of election.

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 as set forth in Section 2-1-20, the Town Clerk shall certify such fact to the Board of Trustees; and it shall hold a meeting and by resolution shall instruct the Town Clerk to cancel the election and declare the candidates elected. Notice of cancellation shall be published, if possible, in order to inform the electors of the Town, and notice of such cancellation shall be posted at each polling place and in not less than one (1) other public place.

(Ord. 9, 1993; Ord. 7 §1, 2010)

ARTICLE 2. MAYOR AND BOARD OF TRUSTEES

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Sec. 2-2-10. Board of Trustees election, authority.

- (a) The qualified electors of the Town shall elect on the first Tuesday in April in the even-numbered years a Board of Trustees consisting of the Mayor and six (6) Trustees.
- (b) The Board of Trustees shall have power and authority, except as otherwise provided by state statutes or this Code, to exercise all power conferred upon or possessed by the Town, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof.

(Prior code 4-1-1; Ord. 9, 1993; Ord. 7 §1, 2010)

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Sec. 2-2-20. Term of office.

- (a) The term of office for the Mayor shall be four (4) years.
- (b) The terms of office for Trustees shall be four (4) years.
 - (1) In the regular municipal election the three (3) candidates receiving the highest number of votes shall be elected to four-year terms. The remaining candidates receiving the fourth, fifth and sixth highest number of votes shall be elected to two-year terms.
 - (2) If additional vacancies exist, those candidates receiving the fourth, fifth and sixth highest number of votes, depending upon the number of vacancies to be filled, shall be elected to two-year terms.
- (c) Tie votes shall be resolved by a flip of a coin, which shall be done by the Town Clerk as soon after the recount of the votes as practical, but no longer than forty-eight (48) hours.
- (d) If at the municipal election there are insufficient candidates elected to fill the existing vacancies to have a quorum (four [4] Trustees), then the Trustees (Mayor or Trustees) elected shall appoint Trustees until the quorum is filled. Additional vacancies shall be appointed according to Section 2-2-70 of this Article.
- (e) No elected official (Mayor or Trustee) shall serve more than eight (8) consecutive years.

(Ord. 9, 1993; Ord. 7 §1, 2010)

Sec. 2-2-30. Qualifications of Trustees and Mayor.

Every qualified elector shall be eligible to be elected or appointed to any office to be filled by a municipal election, provided that he or she:

- (1) Is a registered elector eighteen (18) years of age or older on the date of the election if he or she has resided in the Town for a period of at least twelve (12) consecutive months immediately preceding the date of the election;
- (2) Has not served as Mayor for the past eight (8) consecutive years, or Trustee for the past eight (8) consecutive years; and
- (3) Has not been convicted of a felony.

(Ord. 9, 1993; Ord. 04, 2008; Ord. 7 §1, 2010)

Sec. 2-2-40. Removal of Trustees or Mayor.

- (a) By the concurrent vote of five (5) members of the Board of Trustees, the Mayor, any member of the Board of Trustees or any elected officer of the Town may be removed from office.
- (b) No such removal shall be made without a charge in writing and the opportunity of a public hearing before the Board of Trustees, unless the officer against whom the charge is made shall have moved out of Town.

(Ord. 9, 1993; Ord. 7 §1, 2010)

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Sec. 2-2-50. Attendance.

- (a) Members of the Board of Trustees have assumed the responsibility of running the Town, and as such, they are expected to attend the regular meetings of the Board. A member of the Board who misses three (3) consecutive regular scheduled meetings shall be considered resigned unless the absences are the result of an emergency.
- (b) The emergency, for the purpose of this Section, shall be determined by a majority vote of the Board of Trustees.

(Ord. 9, 1993; Ord. 7 §1, 2010)

Sec. 2-2-60. Vacancies.

- (a) A vacancy shall be declared by death, resignation, conviction of a felony, removal from office or recall, or if an elected official of the Town shall move from or become a nonresident of the Town during his or her term of office.
- (b) A vacancy shall be declared by the Board of Trustees adopting a resolution declaring that such a vacancy exists.

(Ord. 9, 1993; Ord. 7 §1, 2010)

Sec. 2-2-70. Appointments to fill vacancies.

- (a) A vacancy on the Board of Trustees, including the Mayor, shall be filled by appointment by a majority vote of the Board of Trustees.
- (b) Notice that a vacancy exists must be posted at least thirty (30) days prior to any appointment by the Board of Trustees.
- (c) Applications to fill the vacancy must be in writing and received at the Town office. The Board of Trustees must act on an application within thirty (30) days following the thirty-day posting period.
- (d) Applicants for the position must meet the same qualifications as a candidate for office and must not have served as an appointed trustee during the last two (2) years.
- (e) An appointee shall hold his or her office until the next general municipal election, when such vacancy shall be filled by election as in other cases.
- (f) If a vacancy occurs where the appointee shall serve three hundred sixty-five (365) days or more, the Board of Trustees may choose to hold a special election to fill the vacancy.

(Ord. 9, 1993; Ord. 7 §1, 2010)

Sec. 2-2-80. Mayor; duties.

- (a) The Mayor shall preside at meetings of the Board of Trustees and shall exercise such powers and perform such other duties as are conferred and imposed by ordinance or other applicable law.
- (b) The Mayor shall have all the powers, rights and privileges of a member of the Board of Trustees. The Mayor shall have the right to vote on all matters before the Board of Trustees.
- (c) The Mayor shall be counted as a member of the Board of Trustees for the purposes of achieving a quorum but not for calculating the required number of votes to approve any given matter.

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- (d) The Mayor shall have the power to veto any action taken by vote of the Board of Trustees within two (2) days of such action. A veto may be overridden by a vote of three-fourths (¾) of the entire membership of the Board of Trustees only at the next regular or special Town meeting of the Board of Trustees after the veto.
- (e) The Mayor shall be recognized as the head of the Town government for ceremonial and legal purposes, shall execute and authenticate by signature such instruments as the Trustees or any statute or ordinance shall require and shall administer oaths of office.
- (f) The Mayor (and, in the absence of the Mayor, the Mayor Pro Tem) shall countersign all checks expending Town funds except those items identified by ordinance as not requiring the Mayor's signature.

(Prior code 4-1-2; Ord. 7 §1, 2010; Ord. 3 §2, 2014)

Sec. 2-2-90. Mayor Pro Tem.

At its first meeting following each biennial election, the Board of Trustees shall choose one of the Trustees as Mayor Pro Tem who, in the absence of the Mayor from any meeting of the Board of Trustees or during the Mayor's absence from the Town or his or her inability to act, shall perform the duties of Mayor.

(Prior code 4-1-3; Ord. 7 §1, 2010)

Sec. 2-2-100. 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 4-1-4; Ord. 7 §1, 2010)

Sec. 2-2-110. Oath.

All officers elected or appointed in any capacity shall take an oath to support the Constitutions and laws of the United States and the State and the ordinances of the Town.

(Prior code 4-1-5; Ord. 7 §1, 2010)

Sec. 2-2-120. Bond.

The Board of Trustees may provide that the payment of premiums on surety bonds of any officer of the Town shall be made by the Town Treasurer from funds so designated by the Board of Trustees.

(Prior code 4-1-6; Ord. 7 §1, 2010)

Sec. 2-2-130. Reserved.

Editor's note— Section 1 of Ord. 3, Series 2013, repealed § 2-2-130, which pertained to removal of appointees from office and derived from prior code 4-1-7; Ord. 7 §1, 2010.

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Sec. 2-2-140. Salaries of elected officials.

- (a) Effective April 19, 2016, the Mayor shall receive compensation for his or her services at a rate of two hundred fifty dollars (\$250.00) per month.
- (b) Any member of the Board of Trustees whose term in office for which he or she was elected or appointed begins on April 19, 2016, shall receive compensation for his or her services at a rate of one hundred fifty dollars (\$150.00) per month.
- (c) Any member of the Board of Trustees whose term in office for which he or she was elected or appointed does not conclude until April 17, 2018, shall receive compensation for his or her services at a rate of two hundred dollars (\$200.00) per month.
- (d) The compensation for the Mayor and members of the Board of Trustees established by this section shall not be increased or diminished during the term in office for which he or she was elected or appointed.

(Prior code 4-5-1; Ord. 5, 2008; Ord. 7 §1, 2010; Ord. 1 §1, 2016)

ARTICLE 3. CONDUCT OF MEETINGS

[Sec. 2-3-10. Board meetings.](#)

[Sec. 2-3-20. Quorum.](#)

[Sec. 2-3-30. Conduct of Board meetings.](#)

[Sec. 2-3-40. Resolution or motion required.](#)

[Sec. 2-3-50. Adoption of ordinances.](#)

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[Sec. 2-3-70. Publication required.](#)

[Sec. 2-3-80. Committees.](#)

[Sec. 2-3-90. Submission of proposed ordinances.](#)

Sec. 2-3-10. Board meetings.

The Trustees shall hold regular meetings on the first and third Monday of each month at 7:00 p.m.; provided, however, that when the day fixed for any regular meeting of the Board of Trustees falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday. All regular meetings of the Board of Trustees will be held in the Council Chambers at the Community Center, unless otherwise designated by the Mayor or Mayor Pro Tem. The Mayor may convene the Board of Trustees at any time. If the Mayor is absent from the Town, a special meeting may be convened by a majority of the Board of Trustees.

(Prior code 5-1-1; Reso. 1, 1982; Ord. 7 §1, 2010)

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Sec. 2-3-20. Quorum.

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

(Prior code 5-1-2; Ord. 7 §1, 2010; Ord. 3 §1, 2014)

Sec. 2-3-30. Conduct of Board meetings.

The Board of Trustees hereby adopts the following procedures for conduct of business at Board of Trustees meetings. This procedure shall govern the conduct of all Board meetings; however, in handling routine business, the Board of Trustees may, by general consent, use a more informal procedure than that set forth in this procedure. The Board of Trustees may suspend these rules of procedure at any time by vote of five (5) Board members or two-thirds ($\frac{2}{3}$) of the Board members present, whichever is greater.

- (1) *Presiding officer.* The Mayor is responsible for conducting meetings in an orderly and democratic manner and assuring that minority opinion may be expressed and that the majority is allowed to rule. At the same time, the Mayor retains all of the prerogatives of a duly elected Mayor. The Mayor may make and second motions and take part in discussions on all matters not involving the Mayor's personal financial interest or the Mayor's official conduct. In the absence of the Mayor, the meeting shall be conducted by the Mayor Pro Tem. In the absence of both the Mayor and the Mayor Pro Tem, the meeting shall be conducted by a member of the Board of Trustees designated as temporary chairperson for that meeting.
- (2) *Agenda.*
 - a. *Agenda items.* Items are placed on the agenda by the staff with consultation and approval of the Mayor. Board members who have items for the agenda should present agenda requests at work sessions or regular meetings. A consensus of the majority of the members present at the work session is necessary to place a matter on the agenda.
 - b. *Urgent items, time budget and order of agenda.* The staff and Mayor will designate urgent items, for which delay is not possible or advisable, so that the Board of Trustees can deal with such items prior to adjournment. The staff, in consultation with the Mayor, will set the order of the agenda, which shall be generally as follows:
 1. Call to order by the Mayor.
 2. Determination of quorum.
 3. Minutes of preceding meetings.
 4. Citizen participation (three-minute limit per person, on a first-come, first-served basis). Citizen participation is a time set aside for citizens to address the Board of Trustees concerning Town business not otherwise on the agenda for public hearing. The Board's goal is to begin citizen participation by 7:15 p.m. and end no later than 7:45 p.m. Citizen participation lasts thirty (30) minutes or such lesser time as is required to accommodate all persons signing up to speak. When citizen participation is closed prior to all persons signed up having an opportunity to speak, such persons are accommodated, if possible, after the last public hearing item on the agenda or given priority at the next citizen participation, usually two (2) weeks later. The Board of Trustees reviews citizen participation and assures that an appropriate response is given if the Board of Trustees

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determines that a response is required. Such review is usually immediately following the citizen participation. Staff and Board responses are discouraged at the meeting, except for referral to the staff for further analysis and reports and ultimate Board decisions on a future agenda.

5. Consideration of ordinances, resolutions and motions. Expected substantial public comment items are generally placed first on the agenda, but critical short items or items of extreme public interest may be placed first when deemed appropriate by the Mayor. Although second readings of ordinances are generally calendared last on the agenda, the Town Clerk may request that a particular second reading be scheduled earlier on the agenda when Board, public and/or staff interaction on the item is important on second reading.
 6. Consideration of other matters on the agenda.
 7. Reports from the Town Clerk, Town staff and Town Attorney.
 8. Statements, observations and inquiries by the Mayor and Board members. At this point, any Board member may place before the Board of Trustees matters which are not included in the formal agenda. This item is generally limited to responses to citizen participation, appointments to boards and commissions, sharing of information and requests for advice concerning matters pending before other bodies, requests for staff work and requests for scheduling future agenda items. Matters requiring a formal vote of the Board of Trustees, such as motions to sponsor an event or to allocate funds, are normally placed on the agenda through the regular agenda review process, rather than dealt with under this item.
 9. Concluding statement by the Mayor.
 10. Adjournment. The goal of the Board of Trustees is that all meetings be adjourned by 10:30 p.m. An agenda check will be conducted at or about 10:00 p.m. and no later than the end of the first item finished after 10:00 p.m. Generally, absent a deadline which the Board of Trustees cannot effect, no new substantial item will be addressed after 10:30 p.m. unless two-thirds ($\frac{2}{3}$) of the Board members in attendance at that time agree. All Board meetings shall be adjourned at or before 11:00 p.m. Items not completed prior to adjournment will generally be taken up at a special meeting at 7:30 p.m. on the following Monday evening. A motion to adjourn shall always be in order and decided without debate.
- (3) *Rules of speaking.*
- a. To obtain the floor, a Board member or staff member addresses the Mayor.
 - b. To assign the floor, the Mayor recognizes by calling out the person's name. Only one (1) person may have the floor at a time. A person shall not speak while another has the floor. The Mayor generally next recognizes the person who first asks for the floor after it has been relinquished.
 - c. During citizen participation or public hearings, members of the public are recognized by the Mayor. No person shall make a presentation (not including Board questions) longer than three (3) minutes, unless given permission by the Mayor before beginning to speak.
 - d. Speakers will not generally be permitted to "pool" their time. Permission may be granted if the Mayor determines that substantial time can be saved thereby and issues better addressed in order to facilitate public participation in Board decision-making. Speakers who desire to pool their time will not be granted the full pooled total, but a portion determined by the Mayor, in light of the complexity of the issues to be addressed and the projected time saved from the pooling. All persons wishing to pool their time must be present at the meeting

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in order for the Mayor to recognize pooled time. No pooled time presentation will be permitted to exceed ten (10) minutes total.

- e. Proponents of an agenda item, especially in a quasi-judicial proceeding, may request additional time, as reasonably required to present their case. In response, the Mayor may designate a longer time period for proponents, generally not to exceed fifteen (15) minutes, and to occur immediately upon the opening of the public hearing, in order to give the public an opportunity to respond. Additional support from proponents' positions should come from additional witnesses.
 - f. All Board members, staff members and members of the public are requested to direct their remarks to the Board action that they are requesting. Speakers engaging in personal attacks may be interrupted by the Mayor.
 - g. The staff and the Mayor will attempt to focus discussion of agenda items in accordance with the materials which should contain a proposed outline of decisions. Staff presentations are generally limited to a three-minute summary of the packet of material and issues for Board decision. New information, large graphics and any presentation authorized by the Board of Trustees are exceptions to this rule.
 - h. Board members should minimize debate prior to public hearings and use the period prior to public hearings to ask questions for clarification rather than to lecture, give speeches, score debating points or ask rhetorical questions. The Mayor may intervene to avoid extended debate prior to making a nondebatable motion.
 - i. Tabling motions are generally discussed before they are made, in order to allow for a reasonable amount of Board discussion prior to making a nondebatable motion.
 - j. Board members will, when possible, give early warning to the Mayor and the Town Clerk whenever substantial opposition is anticipated to an agenda item, so that an appropriate staff and Board response can be prepared.
 - k. Questions are rotated so that, to the extent practicable, different Board members are given the lead on each agenda item and questions are grouped by subject matter whenever it is practicable to do so.
 - l. The Mayor may intervene in Board debate in order to determine whether the Board of Trustees wishes to postpone Board action if more information or staff work appears warranted to facilitate a Board decision.
- (4) *Procedure in handling motions.*
- a. A Board member, after obtaining the floor, makes a motion. (If long or involved, the motion should be in writing.) The Board member may state reasons briefly before making the motion, but may argue the motion only after it has been seconded, and having spoken once may not speak again until everyone who wishes to be heard has had the opportunity to speak, except to answer questions asked by other Board members. Having made a motion, a Board member may, nevertheless, speak against it or vote against it.
 - b. Another Board member seconds the motion. All motions require a second to indicate that more than one (1) member is interested in discussing the question. The person seconding the motion does not, however, have to favor the motion in order to second it and may both speak and vote against it. If there is no second, the Mayor shall not recognize the motion.
 - c. The Mayor states the motion and asks for discussion.
 - d. General debate and discussion follow, if desired. Board members, the Town Clerk, Town staff or the Town Attorney, when wishing to speak, follow the rules of speaking outlined above. The speaker's position on the motion should be stated directly: "I favor this motion

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because..." "I am opposed to this motion because..." etc. Remarks should be addressed to the Mayor.

- e. The Mayor restates the motion and puts the question. Negative as well as affirmative votes are taken. In the case of a tie vote, the motion is lost.
 - f. The Mayor announces the result. The motion is not completed until the result is announced.
- (5) *Procedure in handling ordinances, resolutions and important motions.*
- a. All ordinances, with the exception of an emergency ordinance, require at least two (2) readings, and this Code and state law require publication of the ordinance prior to second reading.
 - b. On first and second reading, the Mayor reads the title of the item set forth on the agenda, followed by the staff presentation, and then the Board of Trustees has an opportunity to ask questions of the staff. Thereafter, the Mayor opens a public hearing and supervises the public hearing. If any Board member wishes, questions may be asked of persons testifying. The Mayor then requests an appropriate motion. Once seconded, the Mayor restates the question, followed by discussion by the Board of Trustees, the Town Clerk, Town staff and the Town Attorney and dialogue with staff in response to questions raised by the Board of Trustees, followed by debate and any proposal of amendments, if any, in consideration thereof in the form of motions. After debate, the Mayor restates the questions and requests a vote. After conclusion of the vote, the Mayor declares the ordinance adopted or defeated.
 - c. Resolutions are handled in the same manner as the reading of an ordinance.
- (6) *Voting.* Voting ultimately decides all questions. The Board of Trustees may use any one (1) of the following ways of voting.
- a. *Voice voting:* All in favor say "aye," and all opposed say "no." If the Mayor is in doubt of the result of a voice vote, the Mayor may call for a roll call vote. If any Board member is in doubt of the result of a voice vote, the Board member may obtain a roll call vote by calling for it (without the need to be recognized by the Mayor).
 - b. *Roll call vote:* The Mayor (or Town Clerk at the Mayor's request) calls the roll of the Board members, and each member presents votes "aye" or "no" as each name is called.
- (7) *Research and study sessions.*
- a. *Information and research requests.* Requests for information or for a briefing should be directed to the Town Clerk, who shall direct the request to the appropriate staff member or the Town Attorney. A single Board member may require the Town Clerk to provide available information or to answer any question concerning an agenda item. The concurrence of three (3) Board members is required to assign a matter for research by staff. For staff to spend more time than the Town Clerk or Town Attorney considers reasonable in light of other staff time commitments, the concurrence of five (5) Board members is required. In such case, the Town Clerk or Town Attorney shall report the results of the preliminary research and an estimate of the time required to complete the task as the Town Clerk or Town Attorney proposes. In any case, a vote shall be taken at a Board meeting, but work may proceed in an emergency pending such vote. The Board of Trustees shall be informed of any such emergency work.
 - b. *Work sessions.* Material for work sessions generally will be made available to the Board of Trustees and the public at least forty-eight (48) hours before the date of the work session. Notice will be given as for other Board meetings. Written comments received by staff prior to 12:00 p.m. on the Friday preceding the work session will be included in the Board packets. Testimony of persons other than staff is not permitted at work sessions, unless a majority of the Board members present vote to suspend this rule. The Board will give direction to staff at work sessions for the presentation of action items at future regular Board meetings.

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Summaries of work sessions are placed on the Board agenda for approval, including the direction given, any remaining issues and any staff reaction or proposed plan in response to the work session.

- (8) *Parliamentary procedure.* Except as otherwise provided herein, all matters of procedure are governed by *Robert's Rules of Order Newly Revised (1990)* .

(Ord. 4 §1, 2002; Ord. 7 §1, 2010)

Sec. 2-3-40. Resolution or motion required.

Every subject coming before the Board of Trustees for its action shall be submitted by resolution or motion. The Town Clerk shall call the roll, and the vote thereon shall be taken by ayes and nays.

(Prior code 5-1-4; Ord. 7 §1, 2010)

Sec. 2-3-50. 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 ($\frac{3}{4}$) of the members of the Board of Trustees. In all other cases, an ordinance shall be introduced and read at one (1) regular meeting of the Board of Trustees, 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 of Trustees. If the ordinance receives the required vote on its second reading, the same shall be duly adopted.

(Prior code 5-1-5; Ord. 7 §1, 2010)

Sec. 2-3-60. 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 of Trustees. 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 ($\frac{3}{4}$) of the members of the Board of Trustees.

(Prior code 5-1-6; Ord. 7 §1, 2010)

Sec. 2-3-70. Publication required.

All ordinances as soon as may be possible after their passage shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the Mayor and Town Clerk. All ordinances of a general or permanent nature, and those imposing any fine, penalty or forfeiture, shall be published in a newspaper of general circulation within the Town or be published in three (3) conspicuous places within the Town. Such ordinances shall not take effect until thirty (30) 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 (5) days. Codes may also be adopted by reference as provided by state law.

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(Prior code 5-1-7; Ord. 7 §1, 2010)

Sec. 2-3-80. Committees.

Any question pending before the Board of Trustees may be referred to the appropriate committee, or to a special committee, for its consideration and report. When a question has been referred to a committee, such committee shall report thereon with its recommendation at the next meeting.

(Prior code 5-1-8; Ord. 7 §1, 2010)

Sec. 2-3-90. Submission of proposed ordinances.

Any proposed ordinance may be submitted to the Board of Trustees upon petition of qualified electors in the manner provided by state law.

(Prior code 5-1-10; Ord. 7 §1, 2010)

ARTICLE 4. OFFICERS AND EMPLOYEES

DIVISION 1. - GENERAL PROVISIONS

DIVISION 2. - RESERVED

DIVISION 1. GENERAL PROVISIONS

[Sec. 2-4-10. Appointment of Town Clerk.](#)

[Sec. 2-4-20. Town Clerk oath and bond.](#)

[Sec. 2-4-30. Town Clerk duties.](#)

[Sec. 2-4-40. Appointment of Town Treasurer.](#)

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[Sec. 2-4-60. Town Treasurer duties.](#)

[Sec. 2-4-70. Appointment of Town Attorney.](#)

[Sec. 2-4-80. Town Attorney duties.](#)

[Sec. 2-4-90. Appointment of Town Administrator.](#)

[Sec. 2-4-100. Administrative relations.](#)

[Sec. 2-4-110. Town Administrator powers and duties.](#)

[Sec. 2-4-120. Absence of Town Administrator.](#)

[Sec. 2-4-130. Appointment of same person to different offices.](#)

[Sec. 2-4-140. Compensation.](#)

[Sec. 2-4-150. Personnel policies.](#)

[Sec. 2-4-160. Removal of appointees from office.](#)

[Sec. 2-4-170. Statutory duties of Board of Trustees.](#)

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Sec. 2-4-10. Appointment of Town Clerk.

The Board of Trustees at its first regular meeting in each new calendar year shall appoint some qualified person as Town Clerk for a term to last until the first regular meeting in the next calendar year. In case a vacancy should occur in the office of Town Clerk, the Board of Trustees shall appoint a Town Clerk for the unexpired term.

(Prior code 4-2-1; Ord. 7 §1, 2010; Ord. 3 §2, 2013)

Sec. 2-4-20. Town Clerk oath and bond.

Before entering upon the duties of the office, the Town Clerk shall take an oath of office and furnish a surety bond in the amount of ten thousand dollars (\$10,000.00) conditioned upon the faithful discharge of his or her duties as Town Clerk.

(Prior code 4-2-2; Ord. 7 §1, 2010)

Sec. 2-4-30. Town Clerk duties.

The Town Clerk shall perform the following duties:

- (1) He or she shall be the Clerk of the Board of Trustees, shall attend all meetings of the Board of Trustees and shall keep a permanent journal of its proceedings.
- (2) He or she 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.
- (3) He or she shall certify by his or her signature all ordinances and resolutions enacted or passed by the Board of Trustees.
- (4) He or she shall provide and maintain in his or her office a supply of forms for all petitions required to be filed for any purpose provided by the Board of Trustees.
- (5) He or she shall be custodian of all bonds of all officers or employees of the Town.
- (6) He or she shall perform such other duties as may be prescribed for him or her by law or by the Board of Trustees.

(Prior code 4-2-3; Ord. 7 §1, 2010)

Sec. 2-4-40. Appointment of Town Treasurer.

The Board of Trustees at its first regular meeting in each new calendar year shall appoint some qualified person as Town Treasurer for a term to last until the first regular meeting in the next calendar year. In case a vacancy should occur in the office of Town Treasurer, the Board of Trustees shall appoint a Town Treasurer for the unexpired term.

(Prior code 4-3-1; Ord. 7 §1, 2010; Ord. 3 §3, 2013)

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Sec. 2-4-50. Town Treasurer oath and bond.

Before entering upon the duties of the office, the Town Treasurer shall take an oath of office and furnish a surety bond in the amount of twenty-five thousand dollars (\$25,000.00), conditioned upon the faithful discharge of his or her duties as Town Treasurer and that when he or she shall vacate such office he or she will turn over and deliver to his or her successor all monies, books papers, property or other things belonging to the Town and remaining in his or her charge as Town Treasurer.

(Prior code 4-3-2; Ord. 7 §1, 2010; Ord. 3 §4, 2013)

Sec. 2-4-60. Town Treasurer duties.

The Town Treasurer shall perform the following duties:

- (1) The Town Treasurer shall receive all monies belonging to the Town and give receipts therefor; shall keep his or her books and accounts in such manner as may be prescribed by the Board of Trustees; shall keep a separate account of each fund or appropriation and the debts and credits belonging thereto; and shall report to the Board of Trustees at each regular monthly meeting thereof the state of the treasury at the date of each account and the balance of money in the treasury. He or she shall also accompany such statement of accounts with a statement of all monies received in the treasury and on what account, during the preceding month, together with all warrants redeemed and paid by him or her, and such warrants and their supporting vouchers shall be delivered and filed in the Town Clerk's office upon every day of such statement. All books and accounts of the Town Treasurer shall always be subject to inspection of any member of the Board of Trustees.
- (2) Annually, within ten (10) days after the close of the fiscal year, the Town Treasurer shall make out and file with the Town Clerk a full and detailed account of all receipts and expenditures of the Town and all of his or her transactions as such Town Treasurer during the preceding fiscal year, and shall show in such account the state of the treasury at the close of the fiscal year. The Town Clerk shall immediately cause such account to be published in a newspaper of general circulation within the Town or be posted in three (3) conspicuous places within the Town.
- (3) If there are no funds in his or her hands for the payment of any Town warrant presented to him or her for such payment, it shall be his or her duty to register such warrants in a book to be kept by him or her for that purpose, and he or she shall endorse upon all such warrants so presented to him or her the time and date of such registry. Whenever he or she pays such warrant, he or she shall enter the payment and the amount of interest allowed or paid on such warrant in the registry.
- (4) He or she shall perform such other duties, keep all records and make all other reports as may be prescribed for or be required of him or her by law or by the Board of Trustees.

(Prior code 4-3-3; Ord. 7 §1, 2010; Ord. 3 §5, 2013)

Sec. 2-4-70. Appointment of Town Attorney.

The Board of Trustees at its first regular meeting in each new calendar year shall appoint some qualified attorney at law as the Town Attorney for a term to last until the first regular meeting in the next calendar year. In case a vacancy should occur in the office of Town Attorney, the Board of Trustees shall appoint a Town Attorney for the unexpired term.

(Prior code 4-4-1; Ord. 7 §1, 2010; Ord. 3 §6, 2013)

Chapter 2 ADMINISTRATION AND PERSONNEL

Sec. 2-4-80. Town Attorney duties.

The Town Attorney shall perform the following duties:

- (1) He or she shall act as legal advisor to, and be attorney and counsel for, the Board of Trustees and shall be responsible solely to the Board of Trustees. He or she shall advise any officer or department head of the Town in matters relating to his or her official duties when so requested by the Board of Trustees and shall file with the Town Clerk a copy of all written opinions given by him or her.
- (2) He or she shall prosecute ordinance violations and shall conduct for the Town cases in Municipal Court. He or she shall file with the Town Clerk copies of such records and files relating thereto.
- (3) He or she shall prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to him or her by the Board of Trustees and shall promptly give his or her opinion as to the legal consequences thereof.
- (4) He or she shall perform such other duties as may be prescribed for him or her by law or by the Board of Trustees.
- (5) He or she shall perform such other duties as may be prescribed for him or her by the Board of Trustees.

(Prior code 4-4-2; Ord. 7 §1, 2010; Ord. 3 §7, 2013)

Sec. 2-4-90. Appointment of Town Administrator.

The Board of Trustees at its first regular meeting in each new calendar year shall appoint some qualified person as Town Administrator for a term to last until the first regular meeting in the next calendar year. In case a vacancy should occur in the office of Town Administrator, the Board of Trustees shall appoint a Town Administrator for the unexpired term.

(Prior code 4-5-2; Ord. 7 §1, 2010; Ord. 3 §8, 2013)

Sec. 2-4-100. Administrative relations.

The Town Administrator shall be the chief administrative officer of the Town. The Board of Trustees shall deal with the administrative functions of the Town through the Town Administrator. Neither the Board of Trustees nor any individual member thereof shall give direction or orders to any subordinate of the Town Administrator except through the Town Administrator himself or herself.

(Ord. 1 §1, 2003; Ord. 7 §1, 2010; Ord. 3 §9, 2013)

Sec. 2-4-110. Town Administrator powers and duties.

The Town Administrator shall be responsible to the Board of Trustees for the efficient administration of all affairs of the Town placed in his or her charge. The Town Administrator shall have the power, duty and responsibility to do the following:

- (1) Provide direction for the enforcement of the laws and ordinances of the Town and the statutes of the State as they may be applicable to the Town.
- (2) Subject to the provisions of this Code, the ordinances of the Town and the applicable statutes of the State, appoint or hire all employees of the Town.

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- (3) Subject to the provisions of this Code, the ordinances of the Town and the applicable statutes of the State, remove, discharge, suspend, demote or discipline any employee of the Town.
- (4) Administer any personnel policies and regulations adopted by the Board of Trustees.
- (5) Prepare annually a proposed budget and submit the same to the Board of Trustees for its approval and be responsible for the administration of the budget subsequent to its adoption.
- (6) Prepare and submit to the Board of Trustees at the end of each fiscal year a complete written report on the finances and administrative activities of the Town during the next preceding year and, from time to time when necessary, or upon the request of the Board of Trustees, make a written or verbal report concerning the finances, affairs and administration of the Town.
- (7) Exercise supervision and control of and over all executive and administrative departments of the Town and to recommend to the Board of Trustees any proposal he or she may deem advisable or necessary to establish, consolidate or abolish any such administrative department.
- (8) Enforce all terms and conditions of any contract to which the Town is a party and, upon knowledge of any breach or violation thereof, promptly report the same to the Board of Trustees for such action as may be deemed necessary.
- (9) Attend all meetings of the Board of Trustees and participate therein in any advisory capacity and make such recommendations to the Board of Trustees as he or she may deem necessary or expedient.
- (10) Be responsible for the establishment of control and maintenance of a system of accounts for the Town as may be required by the Board of Trustees, the same to comply with generally accepted principles and procedures of governmental accounting.
- (11) Act as the purchasing agent for the Town.
- (12) Review, assess the completeness of and provide reports to the Board of Trustees concerning all applications for development, subdivisions, special use permits, annexations and other community development matters.
- (13) Serve as the principal public relations, public information and intergovernmental affairs officer of the Town.
- (14) Administer and oversee the Town's marketing, advertising, media and public relations efforts.
- (15) Act as the Town's liaison with the business community and oversee the coordination and management of Town-sponsored events and other special events in the Town.
- (16) Oversee professional and consulting service agreements entered into by the Town.
- (17) Develop and supervise grant applications and awards.
- (18) Perform such other duties as may be prescribed for him or her by law or by the Board of Trustees.

(Ord. 3 §10, 2013)

Sec. 2-4-120. Absence of Town Administrator.

The Board of Trustees may appoint or designate an acting Town Administrator during any period of vacancy in the office or during the absence of the Town Administrator. Such acting Town Administrator shall have the responsibilities, duties, functions and authority of the Town Administrator.

(Ord. 3 §11, 2013)

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Sec. 2-4-130. Appointment of same person to different offices.

The Board of Trustees may in its discretion appoint the same person to serve as Town Clerk, Town Treasurer and/or Town Administrator.

(Ord. 3 §12, 2013)

Sec. 2-4-140. Compensation.

The Board of Trustees shall prescribe by ordinance or resolution the compensation or fees the Town Clerk, Town Treasurer, Town Attorney and Town Administrator are entitled to receive for their services.

(Ord. 3 §13, 2013)

Sec. 2-4-150. Personnel policies.

The Board of Trustees may adopt by ordinance or resolution a thorough employee manual establishing personnel policies and regulations for employees and officers of the Town. Such manual may contain provisions for employee classification, pay administration, employment practices, employee conduct, disciplinary actions, employee leave, fringe benefits and such other standard personnel provisions as may be adopted by the Board of Trustees. The Town Administrator shall administer all such personnel policies and regulations adopted by the Board of Trustees.

(Ord. 3 §14, 2013)

Sec. 2-4-160. Removal of appointees from office.

The Town Clerk, Town Treasurer, Town Attorney or Town Administrator may be removed from office or suspended for a specific time with or without compensation by a vote of four (4) members of the Board of Trustees whenever such officer shall be found guilty of a dereliction or violation of his or her duties, conduct unbecoming an officer or incompetency after a hearing before the Board of Trustees.

(Ord. 3 §15, 2013)

Sec. 2-4-170. Statutory duties of Board of Trustees.

Nothing herein contained shall be construed as an abrogation or nullification of the duties, powers, functions and responsibilities imposed upon the Board of Trustees by the applicable statutes of the State or any applicable provision of the State Constitution.

(Ord. 3 §16, 2013)

DIVISION 2. RESERVED [u](#)

FOOTNOTE(S):

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Editor's note— Section 17 of Ord. 3, Series 2013, repealed former Div. 2, §§ 2-4-210—2-4-270, which pertained to Town Administrator and derived from Ord. 2 §1, 2004; Ord. 7 §1, 2010. ([Back](#))

ARTICLE 5. CODE OF ETHICS

[Sec. 2-5-10. Declaration of policy.](#)

[Sec. 2-5-20. Effect of common law.](#)

[Sec. 2-5-30. Definitions.](#)

[Sec. 2-5-40. Conflict of interest.](#)

[Sec. 2-5-50. Exemptions.](#)

[Sec. 2-5-60. Disclosure of conflict of interest in legislative action.](#)

[Sec. 2-5-70. When Trustee with conflict of interest may vote.](#)

[Sec. 2-5-80. Mandatory disclosure to Secretary of State.](#)

[Sec. 2-5-90. Public contracts.](#)

[Sec. 2-5-100. Limitation on subsequent employment.](#)

[Sec. 2-5-110. Enforcement.](#)

[Sec. 2-5-120. Penalties and remedies.](#)

[Sec. 2-5-130. Distribution of Code of Ethics.](#)

Sec. 2-5-10. Declaration of policy.

The proper operation of democratic government requires that public officers and employees be independent, impartial and responsible to the people; that government decisions and policy be made within the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for all Town officers and employees is adopted. The purpose of this Article is to establish guidelines for ethical standards of conduct for all such officers and employees by setting forth those acts or actions that are incompatible with the best interest of the Town, and by directing disclosure by such officers and employees of private financial or other interests in matters affecting the Town.

(Ord. 7 §1, 2010)

Sec. 2-5-20. Effect of common law.

This Article shall supersede and override the common law as to the subject matter of this Article.

(Ord. 7 §1, 2010)

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Sec. 2-5-30. Definitions.

As used in this Article, unless the context requires otherwise:

Business means any corporation, limited liability corporation, partnership, sole proprietorship, trust or foundation, or other individual or organization carrying on a business, whether or not operated for profit.

Confidential information means all information, whether transmitted orally or in writing, which is of such a nature that is not, at that time, a matter of public record or public knowledge.

Employee means any person holding a position by appointment or employment in the service of the Town, whether paid or unpaid, including the members of any Town board, committee or commission. The term employee shall not include independent contractors.

Officer means any person holding a position by election in the service of the Town, whether paid or unpaid, including the members of the Board of Trustees.

Official act or *official action* means any vote, decision, recommendation, approval, disapproval or other action, including inaction, which involves the use of discretionary authority.

Substantial financial interest means an interest owned or held by an officer or employee which is:

- (1) An ownership interest in a business;
- (2) A creditor interest in an insolvent business;
- (3) An ownership interest in real or personal property;
- (4) A loan or any other debtor interest;
- (5) A directorship or officership in a business; or
- (6) An employment or prospective employment for which negotiations have begun.

An officer or employee shall be presumed to have a substantial financial interest in any of the above mentioned interests owned, held or controlled by such officer's or employee's spouse or dependent children.

(Ord. 7 §1, 2010)

Sec. 2-5-40. Conflict of interest.

A Town officer or Town employee shall not:

- (1) Disclose or use confidential information acquired in the course of such officer's or employee's duties in order to further a business or other undertaking in which such officer or employee has a substantial financial interest.
- (2) Engage in a substantial financial transaction involving Town business for his or her private business purposes with a person whom such officer or employee inspects or supervises in the course of his or her official duties.
- (3) Perform an official act which directly and substantially affects economically a business or other undertaking in which such officer or employee has a substantial financial interest.
- (4) Perform an official act which directly and substantially affects a business or other undertaking by whom the officer or employee is employed, or by whom such officer or employee is engaged as counsel, consultant, representative or agent.

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- (5) Acquire or hold an interest in any business or undertaking which such officer or employee has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by the agency over which he or she has substantive authority.
- (6) Perform an official act directly and substantially affecting to its economic detriment any business or other undertaking when such officer or employee has a substantial financial interest in a competing business or undertaking.
- (7) Solicit or accept a present or future gift, favor, loan, service or thing of value from a person under circumstances which would lead a reasonably prudent person to believe that such gift, favor, service or thing of value was made or given or primarily for the purpose of influencing or attempting to influence an officer or employee in connection with an official act, or as a reward for official action he or she has previously taken. The provisions of Paragraph (8) below shall not apply to those circumstances described in Paragraph 2-5-50(3) below.
- (8) Make or accept any ex parte communication or contact concerning a matter which is to be determined after a public hearing without making the contents of such communication or contact a part of the record of such public hearing.
- (9) Appear on behalf of any private person, business or entity, other than himself or herself, his or her spouse or minor children, before the Board of Trustees, any Town board or the Municipal Court.

(Ord. 7 §1, 2010)

Sec. 2-5-50. Exemptions.

The provisions of Section 2-5-40 above shall not prohibit an officer or employee from:

- (1) Accepting or receiving a benefit as an indirect consequence of the performance of an official act.
- (2) Taking official action when such officer or employee is similarly situated to other Town residents, such as adopting general land use regulations, owning property within a special or local improvement district, voting for taxes or bonds, adopting ordinances of general applicability or otherwise acting upon matters involving the common public interest.
- (3) Soliciting or accepting gifts or loans which are:
 - a. Campaign contributions reported as required by law.
 - b. An occasional nonpecuniary gift, insignificant in value.
 - c. A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service.
 - d. Reimbursement for or acceptance of an opportunity to participate in a social function or other meeting which is offered to such officer or employee which is not extraordinary when viewed in light of the position held by such officer or employee.
 - e. Items of perishable or nonpermanent value, including but not limited to meals, lodging, travel expenses or tickets to sporting, recreational, educational or cultural events.
 - f. Payment for speeches, debates or other public events, reported as honorariums to the Town Clerk.
 - g. A loan at a rate of interest which is not substantially lower than the commercial rate then currently prevalent for similar loans within the Town.
- (4) Receiving such compensation for his or her services to the Town as may be fixed by ordinance, pay plan, budget or other similar official action.

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(Ord. 7 §1, 2010)

Sec. 2-5-60. Disclosure of conflict of interest in legislative action.

Any member of the Board of Trustees who believes he or she has a conflict of interest as defined in Section 2-5-40 above on any matter proposed or pending before the Board of Trustees shall disclose such potential interest to the Board of Trustees. If the Board of Trustees determines that an actual conflict of interest exists, the Trustee shall not attempt to influence other members of the Board of Trustees in connection with such matter, and, except as provided in this Section, the Trustee shall not vote upon such matter. The Trustee shall leave the room during the Board of Trustee's discussion and action on the subject and shall return only when the Board of Trustees has taken up the next agenda item.

(Ord. 7 §1, 2010)

Sec. 2-5-70. When Trustee with conflict of interest may vote.

Notwithstanding the provisions of Section 2-5-60 above, a Trustee may vote upon a matter with which he or she has a conflict of interest if:

- (1) His or her participation is necessary to obtain a quorum or to otherwise enable the Board of Trustees to act; and
- (2) He or she complies with the disclosure provisions of Section 2-5-80 below.

(Ord. 7 §1, 2010)

Sec. 2-5-80. Mandatory disclosure to Secretary of State.

No later than seventy-two (72) hours before voting pursuant to Section 2-5-70 above, the Trustee will give written notice to the Secretary of State and to the Board of Trustees. Such notice shall clearly state the nature of his or her conflict of interest.

(Ord. 7 §1, 2010)

Sec. 2-5-90. Public contracts.

- (a) Except as provided in Subsection (b) below, no officer or employee shall have an interest in any contract made by the Town.
- (b) The provisions of Subsection (a) above shall not apply to:
 - (1) Contracts awarded to the lowest responsible bidder based on competitive bidding procedures;
 - (2) Merchandise sold to the highest bidder at public auctions;
 - (3) Investments or deposits in financial institutions which are in the business of loaning or receiving moneys;
 - (4) A contract between the Town and an officer or employee if, because of geographic restrictions, the Town could not otherwise reasonably afford itself of the subject of contract. It shall be presumed that the Town could not otherwise reasonably afford itself of the subject of a contract if the additional cost to the Town is greater than ten percent (10%) of a contract with an officer or

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employee or if the contract is for services that must be performed within a limited time period and no other contractor can provide those services within that time period; or

- (5) A contract with respect to which the officer or employee has disclosed his or her personal or financial interest to the Board of Trustees and has not voted thereon, or with respect to which the Trustee has voted therein in accordance with Section 2-5-70 above.
- (c) No Town official shall be a purchaser or vendor in connection with any sale or purchase made by him or her in his or her official capacity. The provisions of this Subsection shall not apply to those contracts described in Subsection (b) above.

(Ord. 7 §1, 2010)

Sec. 2-5-100. Limitation on subsequent employment.

A former Town officer or employee may not, within six (6) months following the termination of his or her office or employment with the Town, contract with or become employed by an employer who contracts with the Town involving matters with which such officer or employee was directly involved during the term of office or employment with the Town.

(Ord. 7 §1, 2010)

Sec. 2-5-110. Enforcement.

- (a) The Board of Trustees shall have the primary responsibility for the enforcement of this Article. It shall have the power to investigate any complaint, to initiate any suit and to prosecute any criminal or civil action on behalf of the Town wherein it believes such action is appropriate.
- (b) The Board of Trustees may direct the Town Attorney to investigate or prosecute any apparent violation of this Article, or the Board of Trustees may employ or appoint any qualified attorney to investigate or prosecute any violation or series of violations by one (1) or more persons of this Article.
- (c) Any person who believes that a violation of any portion of this Article has occurred may file a complaint with the Board of Trustees, which shall promptly investigate such complaint and take such action thereon as the Board of Trustees shall deem to be appropriate. However, nothing in this Article shall be construed to prevent complainants from instituting direct legal action through the appropriate judicial authority.

(Ord. 7 §1, 2010)

Sec. 2-5-120. Penalties and remedies.

- (a) Any person convicted of willfully and knowingly violating any provision of this Article shall be punished as provided in Section 1-4-20 of this Code. Additionally, upon conviction, such person shall be liable to the Town for such damages as may have been suffered or incurred as a result of such violation.
- (b) Upon conviction for any violation of this Article, such officer or employee shall immediately forfeit his or her office or position. Nothing in this Article shall be construed to prohibit such public officer or employee from being reelected, reappointed or otherwise rehired to any position forfeited under the provisions of this Article.
- (c) Any court of competent jurisdiction called upon to enforce the provisions of this Article may, with the consent of the Board of Trustees, exempt from the provisions of this Article any conduct of a Town

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officer or employee upon the finding that the enforcement of this Article with respect to such officer's or employee's conduct would not be in the public interest.

(Ord. 7 §1, 2010)

Sec. 2-5-130. Distribution of Code of Ethics.

The Town Clerk shall have a copy of the Code of Ethics for every public officer and employee of the Town. Each public officer and employee elected, appointed or engaged shall be furnished a copy of the Code of Ethics before entering upon the duties of his or her office or employment.

(Ord. 7 §1, 2010)

ARTICLE 6. SOCIAL SECURITY

[Sec. 2-6-10. Legislative declaration.](#)

Sec. 2-6-10. Legislative declaration.

In the opinion of the Board of Trustees, the extension of the social security system to employees and officers of the Town will be of great benefit, not only to the employees and officers by providing that said employees and officers may participate in the provision of the old-age and survivors insurance system, but also to the Town by the efficiency of its government.

(Ord. 7 §1, 2010)

ARTICLE 7. MUNICIPAL COURT ^[2]

[Sec. 2-7-10. Creation of Municipal Court.](#)

[Sec. 2-7-20. Jurisdiction.](#)

[Sec. 2-7-30. Municipal Judge.](#)

[Sec. 2-7-40. Procedures and powers.](#)

[Sec. 2-7-50. Sessions.](#)

[Sec. 2-7-60. Clerk.](#)

[Sec. 2-7-70. Reporting.](#)

[Sec. 2-7-80. Court costs.](#)

Sec. 2-7-10. Creation of Municipal Court.

The Municipal Court in and for the Town is established as a qualified municipal court of record. The Municipal Court shall keep a verbatim record of the proceedings and evidence at trials by either electronic devices or stenographic means.

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(Ord. 1 §2, 2014)

Sec. 2-7-20. Jurisdiction.

The Municipal Court shall have original jurisdiction of all cases arising under this Code and other ordinances of the Town with full power to punish violators thereof by the imposition of such fines and penalties as are prescribed by ordinance or court rule. The Municipal Court shall not have jurisdiction over any civil action against the Town, including any claim brought pursuant to Rule 106 of the Colorado Rules of Civil Procedure.

(Ord. 1 §2, 2014)

Sec. 2-7-30. Municipal Judge.

The Municipal Court shall be presided over by a Municipal Judge appointed by the Board of Trustees. The Board of Trustees may appoint additional deputy municipal judges as needed to transact the business of the Municipal Court or to preside in the absence of the Municipal Judge. The Municipal Judge and any deputy municipal judge shall be admitted to and currently licensed to practice law in the State of Colorado. Before entering upon the duties of his or her office, the Municipal Judge and any deputy municipal judge shall take an oath or affirmation that he or she will support the Constitution of the United States, the Constitution and laws of the State of Colorado and the ordinances and laws of the Town and faithfully perform the duties of such office. The Municipal Judge and any deputy municipal judge may be removed from office by the Board of Trustees for cause.

(Ord. 1 §2, 2014)

Sec. 2-7-40. Procedures and powers.

The Municipal Judge shall have full power and authority to make and adopt rules and regulations for conducting the business of the Municipal Court, including powers incident to compelling attendance of witnesses, punishing for contempt and enforcing court orders, consistent with any municipal court rules of procedure as promulgated by the Colorado Supreme Court.

(Ord. 1 §2, 2014)

Sec. 2-7-50. Sessions.

There shall be a regular session of the court for the disposition and trial of cases to be established by the Clerk of the Municipal Court. The Municipal Judge may hold special sessions of the Court at any time. All sessions shall be open to the public. Where the nature of the case is such that it would be in the best interests of justice to exclude persons not directly connected with the proceedings, the Municipal Judge may order that the courtroom be cleared.

(Ord. 1 §2, 2014)

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Sec. 2-7-60. Clerk.

There shall be a Clerk of the Municipal Court who shall have and carry out such duties and powers as are delegated to him or her by law, court rules of the Municipal Judge. The Town Administrator shall appoint the Clerk of the Municipal Court after consulting with the Municipal Judge.

(Ord. 1 §2, 2014)

Sec. 2-7-70. Reporting.

All fines, costs and other funds collected or received by the Municipal Court shall be reported and paid by the Clerk of the Municipal Court to the Town Treasurer on the last day of each month. The Clerk of the Municipal Court shall keep such additional records and make such additional reports as directed by the Town Administrator.

(Ord. 1 §2, 2014)

Sec. 2-7-80. Court costs.

- (a) The Municipal Judge shall have the discretion to assess the following costs and impose the following obligations against any person who is found guilty of violating any provision of the Code or the Town's ordinances after trial, who pleads guilty or no contest to violating any provision of the Code or the Town's ordinance or who is granted a deferred prosecution, deferred judgment or deferred sentence:
- (1) *Court costs.* The Municipal Judge may assess court costs in the amount of twenty-five dollars (\$25.00).
 - (2) *Witness costs.* The Municipal Judge may assess the costs incurred by it in procuring the appearances of witnesses at trial or hearings and the fees required to be paid to all witnesses appearing at trial or hearings.
 - (3) *Jury trial.* The Municipal Judge may assess a jury trial fee in the amount of fifty dollars (\$50.00) where a person is found guilty after trial to a jury.
 - (4) *Additional costs.* The Municipal Judge may assess against a person any other costs similar to those authorized by state law.
 - (5) *Restitution.* The Municipal Judge may order restitution or reparation to the victim of the defendant's conduct for the damage or injury which was sustained.
- (b) The Municipal Judge may decline to assess some or all of these costs and obligations where the interests of justice so demand.

(Ord. 1 §2, 2014)

FOOTNOTE(S):

Chapter 2 ADMINISTRATION AND PERSONNEL

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Editor's note— Section 1 of Ord. 1, Series 2014, repealed former Art. 7, §§ 2-7-10—2-7-160, which pertained to similar subject matter and derived from prior code 10-1-2—10-1-15; Ord. 7 §1, 2010; and § 2 thereof enacted a new Art. 7 as herein set out. ([Back](#))

ARTICLE 8. POLICE DEPARTMENT

[Sec. 2-8-10. Creation; composition.](#)

[Sec. 2-8-20. Departmental rules and regulations.](#)

[Sec. 2-8-30. Town Marshal; appointment, powers and duties.](#)

[Sec. 2-8-40. Duties of police officers.](#)

[Sec. 2-8-50. Oath and bond.](#)

Sec. 2-8-10. Creation; composition.

There is hereby created a Police Department for the Town which shall consist of one (1) Town Marshal and as many police officers as may from time to time be deemed necessary for the safety and good order of the Town. The Town may enter into an intergovernmental agreement for police and law enforcement services with another legal governmental or quasi-governmental entity.

(Prior code 8-1-1; Ord. 7 §1, 2010)

Sec. 2-8-20. Departmental rules and regulations.

The Police Department shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be adopted by the Board of Trustees.

(Prior code 8-1-2; Ord. 7 §1, 2010)

Sec. 2-8-30. Town Marshal; appointment, powers and duties.

- (a) 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 Police Department. It shall be the duty of the Town Marshal to:
- (1) See that the ordinances of the Town are duly enforced and the rules and regulations of the Police Department obeyed, and to perform such duties as may be required by the Board of Trustees.
 - (2) Direct the operations of the Police Department, subject to the rules and regulations thereof.
 - (3) Arrest any person violating any of the Town ordinances and take such violator before the Municipal Court for trial.
 - (4) Take charge of the Town jail and all prisoners confined therein and all those who are sentenced to labor on the streets or public works of the Town, and see that orders and sentences with reference to such are fully executed and complied with.

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- (5) Render such accounts of the Police Department, his or her duties and receipts as may be required by the Board of Trustees, and keep the records of his or her office open to inspection by the Board of Trustees at any time.
- (b) Before entering upon the duties of such office, the Town Marshal shall take and subscribe to an oath that he or she will support the Constitution and laws of the State, Constitution of the United States and ordinances of the Town, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter. He or she shall furnish a surety bond to be approved by the Board of Trustees, in the amount of five thousand dollars (\$5,000.00), conditioned upon the faithful discharge of the duties of his or her office.

(Prior code 8-1-3; Ord. 7 §1, 2010)

Sec. 2-8-40. Duties of police officers.

All members of the Police Department shall have power and duties as follows:

- (1) They shall perform all duties required of the Town Marshal.
- (2) They shall suppress all riots, disturbances and breaches of the peace, apprehend all disorderly persons in the Town and pursue and arrest any person fleeing from justice in any part of the State.
- (3) They shall be the enforcement officers of the Town and shall see that the provisions of 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 special cases relating to traffic offenses, they may release an arrested person upon his or her written promise to appear in court.
- (4) They shall report such offenses as may come to their knowledge to the proper Town official or they shall report the same to the Municipal Judge, securing a warrant for the arrest of offenders when desirable.
- (5) They shall execute and return all writs and processes directed to them by the Municipal Judge in any case arising under a Town ordinance, and they may serve the same in any part of the County.
- (6) 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.

(Prior code 8-1-4; Ord. 7 §1, 2010)

Sec. 2-8-50. Oath and bond.

Before entering upon the duties of his or her office, each police officer shall take and subscribe an oath that he or she will support the Constitution and laws of the State, the Constitution of the United States and the ordinances of the Town, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter. He or she shall also furnish to the Town a surety bond in the amount of one thousand dollars (\$1,000.00), to be approved by the Board of Trustees, conditioned upon the faithful performance of the duties of his or her office.

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(Prior code 8-1-5; Ord. 7 §1, 2010)

ARTICLE 9. FIRE DEPARTMENT

[Sec. 2-9-10. Creation; composition.](#)

[Sec. 2-9-20. Departmental rules and regulations.](#)

[Sec. 2-9-30. Appointment, powers and duties of Fire Chief.](#)

[Sec. 2-9-40. Appointment and duties of firefighters.](#)

[Sec. 2-9-50. Entry upon adjacent property.](#)

[Sec. 2-9-60. Equipment.](#)

[Sec. 2-9-70. Agreements with organized fire district.](#)

[Sec. 2-9-80. Providing fire protection outside Town.](#)

[Sec. 2-9-90. Vehicles of firefighters.](#)

[Sec. 2-9-100. Fire alarms.](#)

[Sec. 2-9-110. Non-fire-fighting activities.](#)

Sec. 2-9-10. Creation; composition.

There is hereby created a volunteer Fire Department for the Town, which shall consist of a Chief, Assistant Chief and as many firefighters as may be deemed necessary from time to time by the Board of Trustees. The Town may enter into an intergovernmental agreement for fire and fire protection services with another legal governmental or quasi-governmental entity.

(Prior code 9-1-1; Ord. 7 §1, 2010)

Sec. 2-9-20. Departmental rules and regulations.

The Fire Department shall be operated and managed in accordance with such departmental rules and regulations as may, from time to time, be adopted by the Board of Trustees.

(Prior code 9-1-2; Ord. 7 §1, 2010)

Sec. 2-9-30. Appointment, powers and duties of Fire Chief.

The Fire Chief shall be appointed by the Board of Trustees and shall serve at the pleasure of the Board of Trustees. It shall be the duty of the Fire Chief to:

- (1) Be accountable to the Board of Trustees for the personnel, morale and general efficiency of the Department.
- (2) Direct the operations of the Fire Department, subject to the rules and regulations thereof.
- (3) Be present at all fires, if possible, and plan the attack and direct his or her subordinates. During the progress of a fire, the authority of the Fire Chief in all matters connected with the management

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or direction thereof, or the disposition of property endangered by it, shall be absolute. All orders issued by him or her on such occasions must be respected, and any firefighter or citizen refusing to obey the same shall be guilty of a misdemeanor.

- (4) Conduct suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings in the Town, water supplies and all other matters generally considered essential to good firefighting and safety of life and property from fire.
- (5) Assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires.
- (6) Inspect buildings and premises and serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found. For the purpose of conducting such inspection, the Fire Chief is hereby empowered to enter any and all buildings and premises within the Town at any reasonable hour. Any person served with a notice to abate any fire hazard shall comply therewith and promptly notify the Fire Chief.
- (7) Keep complete records of all fires, inspections, apparatus and equipment, personnel and other information about the work of the Department. He or she shall furnish the Board of Trustees with such information as may be requested, and his or her records shall be open to inspection by the Board of Trustees at any time.
- (8) Make a complete annual report, in writing, to the Board of Trustees within one (1) month after the close of the fiscal year, such report to include the information specified in Paragraph (7) above, together with comparative data for previous years and recommendations for improving the effectiveness of the Fire Department.
- (9) Demote, dismiss or expel any officer or member of the Fire Department for neglect or refusal to perform departmental duties, subject to the right of any members so demoted, dismissed or expelled to appeal to the Board of Trustees.
- (10) Enforce or cause to be enforced all ordinances, laws and regulations of the Town and State, insofar as they pertain to fire and safety.
- (11) Appoint an Assistant Fire Chief from the membership of the Fire Department.

(Prior code 9-1-3; Ord. 7 §1, 2010)

Sec. 2-9-40. Appointment and duties of firefighters.

Firefighters shall be appointed at such time, and in such manner, as the Board of Trustees may deem necessary. Such appointees shall be able-bodied citizens residing within the Town limits, preferably property owners whose business activities are normally within the confines of the Town and who have telephones in their homes. The firefighters shall be subject to supervision by the Fire Chief or the Assistant Fire Chief and shall be accountable to the Fire Chief or his or her Assistant only.

(Prior code 9-1-4; Ord. 7 §1, 2010)

Sec. 2-9-50. Entry upon adjacent property.

It shall be lawful for any firefighter acting under the direction of the Fire Chief or another officer in command to enter upon the premises adjacent to or in the vicinity of any building or other property that is on fire for the purpose of extinguishing such fire, and no person shall hinder, resist or obstruct any firefighter in the discharge of his or her duty as hereinbefore provided.

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(Prior code 9-1-5; Ord. 7 §1, 2010)

Sec. 2-9-60. Equipment.

The Fire Department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire. Recommendations of apparatus and equipment needed shall be made by the Fire Chief and, after approval by the Board of Trustees, shall be purchased in such manner as may be designated by the Board of Trustees. All equipment of the Fire Department shall be safely and conveniently housed in such a place or places as may be designated by the Board of Trustees. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully take away or conceal any article used in any way by the Fire Department. No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the Fire Department unless accompanied by, or having special permission of, an officer or authorized member of the Fire Department. No fire apparatus or equipment shall be hired out or permitted to leave the fire station except in response to a call for aid at a fire within the corporate limits of the Town, or in response to a call for aid at a fire in an authorized fire protection service area or mutual aid under provisions of Section 2-9-70 below.

(Prior code 9-1-6; Ord. 7 §1, 2010)

Sec. 2-9-70. Agreements with organized fire district.

The Board of Trustees may from time to time enter into agreements for the joint use of facilities, buildings and equipment with fire districts organized under the laws of the State.

(Prior code 9-1-7; Ord. 7 §1, 2010)

Sec. 2-9-80. Providing fire protection outside Town.

The Town is hereby authorized to enter into agreements or contracts to furnish fire protection outside the Town or to enter into mutual aid agreements. The members of the Fire Department are authorized and directed to render firefighting service to communities, organizations, owners or occupants of premises outside the corporate limits of the Town. Such service shall only be rendered subject to the terms of the agreement or contract entered into by the Town.

(Prior code 9-1-8; Ord. 7 §1, 2010)

Sec. 2-9-90. Vehicles of firefighters.

Each member of the Fire Department driving a car shall be issued suitable insignia to be attached to the car. No person shall drive any vehicle over any fire hose except upon specific orders from the Fire Chief or other officer in charge where the hose is used.

(Prior code 9-1-9; Ord. 7 §1, 2010)

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Sec. 2-9-100. Fire alarms.

Suitable arrangements or equipment shall be provided for citizens to turn in an alarm, and for notifying all members of the Fire Department so that they may promptly respond. It shall be unlawful for any person to maliciously turn in or cause to be turned in a false alarm.

(Prior code 9-1-10; Ord. 7 §1, 2010)

Sec. 2-9-110. Non-fire-fighting activities.

- (a) Members of the volunteer Fire Department may, with the written consent of the Board of Trustees, engage in non-fire-fighting activities, such as bingo, under the name of the volunteer Fire Department.
- (b) The written consent must state in detail information, such as but not limited to the purpose of the activity, when and where it will be conducted and by whom, hold the Town harmless and state that all legal requirements will be fulfilled.
- (c) The consent may be withdrawn if the requirements of Subsection (b) above are not met, or if the Board of Trustees determines that the activity is not in the best interest of the Town.

(Ord. 2, 1991; Ord. 7 §1, 2010)

ARTICLE 10. HISTORIC PRESERVATION BOARD

[Sec. 2-10-10. Historic Preservation Board; purpose.](#)

[Sec. 2-10-20. Board of Trustees to serve as Historic Preservation Board.](#)

[Sec. 2-10-30. Designation of landmarks and historic districts.](#)

[Sec. 2-10-40. Proceedings by the Board of Trustees.](#)

[Sec. 2-10-50. Revocation of designation.](#)

[Sec. 2-10-60. Appeal of disapproved proposals.](#)

[Sec. 2-10-70. Limitation on resubmission and reconsideration of proposed designation.](#)

[Sec. 2-10-80. Amendment of designation.](#)

[Sec. 2-10-90. Landmark alteration certificate required.](#)

[Sec. 2-10-100. Construction on proposed landmark sites or in proposed districts.](#)

[Sec. 2-10-110. Landmark alteration certificate application and staff review.](#)

[Sec. 2-10-120. Landmark alteration certificate meeting.](#)

[Sec. 2-10-130. Appeal or call-up of disapproved proposals.](#)

[Sec. 2-10-140. Issuance of a landmark alteration certificate.](#)

[Sec. 2-10-150. Unsafe or dangerous conditions exempted.](#)

[Sec. 2-10-160. Property maintenance required.](#)

[Sec. 2-10-170. Recognition of structures of merit.](#)

[Sec. 2-10-180. Enforcement and penalties.](#)

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Sec. 2-10-10. Historic Preservation Board; purpose.

The purpose of the Historic Preservation Board shall be as follows:

- (1) The protection and preservation of the Town's historic and cultural heritage, as embodied in designated historic landmarks and districts by appropriate regulations;
- (2) The enhancement of property values, and the stabilization of historic neighborhoods;
- (3) The increase of economic and financial benefits through the Town's attractions to tourists and visitors;
- (4) Promote the public appreciation of the Town's unique heritage; and
- (5) Create a method to draw a reasonable balance between private property rights and the public interest in preserving the Town's unique historic character by ensuring that demolition of, moving or alterations to properties of historic value shall be carefully considered for impact to the property's contribution to the Town's heritage.

(Ord. 1 §1, 2010; Ord. 7 §1, 2010)

Sec. 2-10-20. Board of Trustees to serve as Historic Preservation Board.

The Board of Trustees, acting as the Historic Preservation Board, shall:

- (1) Adopt criteria for review of historic resources and for review of proposals to alter, demolish or move designated resources.
- (2) Review resources nominated for designation as either a historic landmark or historic district and recommend that the Board of Trustees designate by ordinance those resources qualifying for such designation.
- (3) Review and make decisions on any application for alterations to a designated historic landmark or historic district.
- (4) Review and make decisions on any application for moving or demolishing a historic landmark.
- (5) Advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation and reuse, including nomination to the National Register of Historic Places.
- (6) Develop and assist in public education programs including but not limited to walking tours, brochures, a marker program for historic properties, lectures and conferences.
- (7) Conduct surveys of historic areas for the purpose of defining those of historic significance and prioritizing the importance of identified historic areas.
- (8) Advise the Board of Trustees on matters related to preserving the historic character of the Town.
- (9) Actively pursue financial assistance for preservation related programs.

(Ord. 1 §2, 2010; Ord. 7 §1, 2010)

Sec. 2-10-30. Designation of landmarks and historic districts.

- (a) *Designation authorized.* Pursuant to the procedures hereinafter set forth in this Section, the Town may:

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- (1) Designate as a landmark an individual structure or other feature or an integrated group of structures and features on a single lot or site having a special historical or architectural value and designate a landmark site for each landmark;
- (2) Designate as a historic district an area containing a number of structures having a special historical or architectural value; and
- (3) Designate its own property as a Historic Landmark or historic district by resolution without complying with the procedures set forth below provided the Historic Preservation Board determines the Town property complies with the goals and purposes of historic preservation.

Each such designating ordinance shall include a description of the characteristics of the landmark or historic district which justify its designation and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the landmark site or historic district. The designating may also indicate alterations which would have a significant impact upon, or be potentially detrimental to, the landmark site or historic district. Any such designation shall be in furtherance of and in conformance with the purposes and standards of this Section. The property included in any such designation shall be subject to the controls and standards set forth in this Section and be eligible for such incentive programs as may be developed by the Historic Preservation Board.

(b) *Procedures for designating structures and districts for preservation.* A nomination for designation may be made by the Historic Preservation Board or by any citizen by filing an application with the Town. The Town shall contact the owner or owners of such landmark or landmark district outlining the reasons and effects of designation as a landmark and, if possible, shall secure the owner's consent to such designation. The Town shall also review the proposal to ensure the proposed designation conforms with Town policies and plans.

- (1) *Board review with owner's consent.* The Historic Preservation Board shall hold a public meeting on the proposal no more than sixty (60) days after the filing of the application. The Historic Preservation Board shall review the application for conformance with the established criteria for designation and with the purposes of this Section. Within thirty (30) days after the conclusion of the public meeting, but in no event more than sixty (60) days after the meeting date first set, unless otherwise mutually agreed by the Historic Preservation Board, the applicant, and the owner or owners other than the applicant the Historic Preservation Board shall either approve, modify and approve, or disapprove the proposal, and if approved, shall refer the proposal and recommendation to the Board of Trustees.
- (2) *Historic Preservation Board review without owner's consent for Historic District Designation.* If the owner of the property nominated for a Historic District Designation does not consent to the review, the Historic Preservation Board shall hold a public hearing on the proposal not more than sixty (60) days after the filing of the application. Notice of time, date, place of such hearing and a brief summary or explanation of the subject matter of the hearing, shall be posted not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Town shall:
 - a. Post the property in the application so as to indicate that a landmark or historic district designation has been applied for; and
 - b. Mail written notice of the hearing to the record owners, as reflected by the records of the County Assessor, of all property included in the proposed designation.

Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Historic Preservation Board shall review the application for conformance of the proposed designation with the established criteria for designation and the standards of this Section. Within thirty (30) days after the conclusion of the public hearing, but in no event more than sixty (60) days after the hearing date first set, unless otherwise mutually

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agreed by the Historic Preservation Board and the applicant, the Historic Preservation Board shall either approve, modify and approve, or disapprove the proposal.

- (3) *Owner's consent required for Historic Landmark Designation.* If the owner of the property does not consent to a Historic Landmark Designation for his or her property, then the Town is refrained from any further hearings or proceedings for landmark designation.

(Ord. 1 §3, 2010; Ord. 7 §1, 2010)

Sec. 2-10-40. Proceedings by the Board of Trustees.

- (a) Within thirty (30) days after the date of any referral from the Historic Preservation Board, appeal or call-up, the Board of Trustees shall hold a public hearing on the proposed designation. Notice of the time, date, place and subject matter of the hearing shall be given by notice posted not less than fifteen (15) days prior to the date of the hearing, and the property shall be posted to indicate that a landmark or district designation is to be considered by the Board of Trustees. In addition, in cases of appeal or call-up, notice shall be mailed at least fifteen (15) days prior to the hearing date to the record owners, as reflected in the records of the County Assessor, of all property included in the proposed designation.
- (b) Within thirty (30) days after the conclusion of the public hearing, but in no event more than sixty (60) days after the hearing date first noticed, unless otherwise mutually agreed by the Board of Trustees, the applicant and the owner or owners other than the applicant, the Board of Trustees shall approve, modify and approve, or disapprove the proposed designation.
- (c) When a landmark or historic district has been designated by the Board of Trustees as provided above, the Town shall promptly notify the owners of the property included therein and shall cause a copy of the designating ordinance to be recorded. Upon adoption by the Board of Trustees, the ordinance shall be recorded.

(Ord. 1 §4, 2010; Ord. 7 §1, 2010)

Sec. 2-10-50. Revocation of designation.

- (a) If a building or special feature on a designated landmark site was lawfully removed or demolished, the owner may apply to the Historic Preservation Board for a revocation of the designation. The Historic Preservation Board shall revoke a landmark designation if, after following the procedures prescribed by Section 2-10-30, it determines that without the demolished building or feature the site as a whole no longer meets the purposes and standards of Section 2-10-30 and the Historic Preservation Board review standards for designation.
- (b) Revocation of a designation is final. Upon the Historic Preservation Board's decision to revoke a designation, the Town shall cause to be prepared a resolution including the legal description of the affected property stating notice of the revocation and schedule the item for Board of Trustees review.

(Ord. 1 §5, 2010; Ord. 7 §1, 2010)

Sec. 2-10-60. Appeal of disapproved proposals.

The owners of property proposed to be designated as a landmark or all the owners of at least fifty percent (50%) of the separate parcels of property proposed to be designated as a historic district may appeal to the Board of Trustees a decision of the Historic Preservation Board disapproving a proposal by

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filing a notice of appeal with the Board of Trustees within seven (7) days of the Historic Preservation Board's decision.

- (1) *Board of Trustees call-up.* The Board of Trustees may call up for review any proposal disapproved by the Historic Preservation Board by serving written notice on the Historic Preservation Board within twenty-one (21) days of the Historic Preservation Board's decision.
- (2) *Trustees hearing.* Within sixty (60) days of the date of any decision of the Historic Preservation Board disapproving a proposed designation of a landmark or historic district that has been appealed to or called up by the Board of Trustees, the same shall hold a public hearing.
- (3) *Trustees conclusion.* Within thirty (30) days after the hearing prescribed, unless otherwise mutually agreed upon by the Board of Trustees and the owner, the Board of Trustees shall adopt specific written findings and conclusions to determine whether the designation meets the standards prescribed by Section 2-10-30 and the Historic Preservation Board, and shall approve, modify and approve, or disapprove the proposed designation.

(Ord. 1 §6, 2010; Ord. 7 §1, 2010)

Sec. 2-10-70. Limitation on resubmission and reconsideration of proposed designation.

Whenever the Historic Preservation Board or Board of Trustees disapproves a proposed designation, no person shall submit an application that is the same or substantially the same for at least six (6) months from the effective date of the final action on the original proposal.

(Ord. 1 §7, 2010; Ord. 7 §1, 2010)

Sec. 2-10-80. Amendment of designation.

Designation of a landmark or historic district may be amended to add features or property to the site or district under the procedures prescribed by Sections 2-10-30(b) and 2-10-40 for initial designations. Whenever a designation has been amended, the Town shall promptly notify the owners of the property included therein and shall record a copy of the amending ordinance with the County Clerk and Recorder.

(Ord. 1 §8, 2010; Ord. 7 §1, 2010)

Sec. 2-10-90. Landmark alteration certificate required.

- (a) No person shall carry out or permit to be carried out on a designated landmark site or in a designated historic district any new construction, alteration, removal or demolition of a building or other designated feature without first obtaining a landmark alteration certificate for the proposed work under this Section as well as any other permits required by this Code or other ordinances of the Town.
- (b) The Town shall maintain a current record of all designated landmark sites and historic districts and pending designations. If the Town receives an application for a permit to carry out any new construction, alteration, removal, or demolition of a building or other designated feature on a landmark site or in a historic district or in an area for which designation proceedings are pending, the Town shall promptly forward such permit application and information to the Board of Trustees.

(Ord. 1 §9, 2010; Ord. 7 §1, 2010)

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Sec. 2-10-100. Construction on proposed landmark sites or in proposed districts.

No person shall receive a permit to construct, alter, remove or demolish any structure or other feature on a proposed landmark site or in a proposed historic district after the date an application has been filed to initiate the designation of such landmark site or district. No such permit application filed after such date will be approved while proceedings are pending on such designation.

(Ord. 1 §10, 2010; Ord. 7 §1, 2010)

Sec. 2-10-110. Landmark alteration certificate application and staff review.

An owner of property designated as a landmark or located in a historic district may apply for a landmark alteration certificate, including all information that the Historic Preservation Board determines is necessary to consider the application, including, without limitation, plans and specifications showing the proposed exterior appearance, with texture, materials, and architectural design and detail, and the names and addresses of the abutting property owners.

- (1) *Review.* The Town Administrator and two (2) designated members of the Historic Preservation Board shall review all applications for landmark alteration certificates for alterations to buildings or special features and shall determine within seven (7) days after a complete application is filed whether or not the proposed work would have a significant impact upon or be potentially detrimental to a landmark site or historic district.
- (2) *No significant impact.* If it is determined that there would be no significant impact or potential detriment, the Town Administrator shall issue a certificate to the applicant and shall notify the Board of such issuance.
- (3) *Board referral.* If either the Town Administrator or one (1) of the Historic Preservation Board designees determines that the proposed work would create a significant impact or potential detriment, they shall refer the application to the Historic Preservation Board for a public meeting and shall promptly notify the applicant of the referral.

(Ord. 1 §11, 2010; Ord. 7 §1, 2010)

Sec. 2-10-120. Landmark alteration certificate meeting.

The Historic Preservation Board shall hold a public meeting on all applications for landmark alteration certificates for new construction, removal or demolition of a designated landmark structure or a structure within a historic district within sixty (60) days after the completed application was filed.

- (1) *Board review.* The Historic Preservation Board shall determine whether the application meets the standards in Section 2-10-30 and the Historic Preservation Board's established review standards for alterations. Within thirty (30) days after the hearing date first set, unless otherwise mutually agreed upon by the Historic Preservation Board and applicant, the Historic Preservation Board shall adopt written findings and conclusions.
- (2) *Extension of review period.* When reviewing alteration certificate applications involving moving or demolition of a resource, the Historic Preservation Board may extend the review period up to ninety (90) additional days if the Historic Preservation Board finds the original application does not meet the standards in Section 2-10-30 and the Historic Preservation Board's review standards for alterations. The ninety-day extension period shall be used to encourage both the applicant and the Historic Preservation Board to explore acceptable alternative solutions to the original submittal.

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(Ord. 1 §12, 2010; Ord. 7 §1, 2010)

Sec. 2-10-130. Appeal or call-up of disapproved proposals.

A decision of the Historic Preservation Board approving, disapproving or suspending action on an application for a landmark alteration certificate is final unless appealed to or called up by the Board of Trustees as provided in Section 2-10-60, except the Board of Trustees will consider the landmark alteration certificate rather than landmark designation.

(Ord. 1 §13, 2010; Ord. 7 §1, 2010)

Sec. 2-10-140. Issuance of a landmark alteration certificate.

The Town shall issue a landmark alteration certificate if an application has been approved by the Board of Trustees.

- (1) *Time limit.* When approving an application for a landmark alteration certificate, the Historic Preservation Board or Board of Trustees may impose a time limit for the applicant to apply for a building permit conforming to the certificate.
- (2) *Subsequent submittals.* If the Historic Preservation Board or Board of Trustees disapproves an application for a landmark alteration certificate, no person may submit a subsequent application for the same construction, alteration, removal or demolition within six (6) months from the date of the final action upon the earlier application.

(Ord. 1 §14, 2010; Ord. 7 §1, 2010)

Sec. 2-10-150. Unsafe or dangerous conditions exempted.

Nothing in this Section shall be construed to prevent any measures of construction, alteration, removal or demolition necessary to correct the unsafe or dangerous condition of any structure, other feature or parts thereof where such condition is declared unsafe or dangerous by the Town Building Inspector and where the proposed measures have been declared necessary by the Town to correct the condition, as long as only such work that is absolutely necessary to correct the condition is performed. Any temporary measures may be taken without first obtaining a landmark alteration certificate under this Article, but a certificate is required for permanent alteration, removal, or demolition.

(Ord. 1 §15, 2010; Ord. 7 §1, 2010)

Sec. 2-10-160. Property maintenance required.

The Board of Trustees intends to preserve from deliberate or inadvertent neglect the exterior portions of designated landmarks and all interior portions thereof whose maintenance is necessary to prevent deterioration of any exterior portion. No owner, lessee, or occupant of any landmark shall fail to prevent significant deterioration of the exterior of the structure or special feature beyond the condition of the structure on the effective date of the designating ordinance.

- (1) *Compliance with Town Codes.* No owner, lessee or occupant of any landmark or structure in a historic district shall fail to comply with all applicable provisions of this Section and other ordinances of the Town regulating property maintenance.

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- (2) *Owner notification.* Before the Town Attorney files a complaint in county court for failure to maintain the property on the landmark site or historic district, the Historic Preservation Board shall notify the property owner, lessee or occupant of the need to repair, maintain or restore the property, shall assist the owner, lessee or occupant in determining how to preserve the property and shall give the owner a reasonable time to perform such work.

(Ord. 1 §16, 2010; Ord. 7 §1, 2010)

Sec. 2-10-170. Recognition of structures of merit.

- (a) The Historic Preservation Board may approve a list of structures of historical or architectural merit that have not been designated as landmarks and are not situated in designated historic districts, to which the Historic Preservation Board may add from time to time, in order to recognize and encourage the protection, enhancement and use of such structures. Nothing in this Section shall be construed to impose any regulations or controls upon, or to provide incentives or awards to, structures of merit solely because they are included on the list.
- (b) Recognition program. The Historic Preservation Board may authorize such steps as it deems desirable to recognize the merit of and to encourage the protection, enhancement, perpetuation and use of any listed structure or of any designated landmark or any structure in a designated historic district by, without limitation, issuing certificates of recognition and authorizing plaques to be affixed to the exteriors of such structures.

(Ord. 1 §17, 2010; Ord. 7 §1, 2010)

Sec. 2-10-180. Enforcement and penalties.

- (a) No person shall violate or permit to be violated any of the requirements of this Article or the terms of a landmark certificate.
- (b) Violations. Violations of this Article are punishable as provided in Chapter 1 of this Code and are subject to the following additional penalties:
- (1) Alterations to a designated landmark or district without an approved landmark alteration certificate will result in a one-year moratorium on all building permits for the subject property;
 - (2) Moving or demolishing a designated structure without an approved landmark alteration certificate will result in a five-year moratorium on all moving, demolition or building permits for the structure and for the property at the structure's original location.

(Ord. 1 §18, 2010; Ord. 7 §1, 2010)