

CHAPTER 2 Administration

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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 most current Colorado Municipal Election Code or the Uniform Election Code when participating in a coordinated election.

(Ord. 774-06 §1)

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**Sec. 2-1-20. Election wards.**

- (a) For the purpose of electing members to the City Council, the City is hereby divided into three (3) wards as follows:
- (1) Ward I: All that part of the territory within the City located west of the center line of Hospital Road is hereby constituted and numbered as Ward I.
  - (2) Ward II: All that part; of the territory within the City located east of the center line of Hospital Road and west of the center line of Carson Street as extended north and south through the City is hereby constituted and numbered as Ward II.
  - (3) Ward III: All that part of the territory within the City located east of the center line of Carson Street as extended north and south through the City is hereby constituted and numbered as Ward III.
- (b) When territory is annexed to the City, such territory shall be included in the ward within which boundaries the annexed territory is located.

(Prior code §2-1; Ord. 743-03 §1)

**Sec. 2-1-30. Write-in candidate affidavit.**

No write-in vote for any municipal office shall be counted unless the candidate files an affidavit of intent in accordance with the applicable code.

(Prior code §2-2; Ord. 774-06 §1)

**Sec. 2-1-40. Cancellation of election.**

If the only matter before the voters is the election of persons to office and if, at the time and date set forth in the appropriate election code there are not more candidates than offices to be filled, the City Clerk shall certify such fact to the City Council; and by resolution the City Council shall cancel the election and shall declare the candidates elected. Notice of such cancellation and election shall be published and posted as provided in the appropriate election code.

(Prior code §2-2; Ord. 774-06 §1)

**ARTICLE 2 Mayor and City Council**

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**Sec. 2-2-10. City Council; terms, authority, qualifications and vacancies.**

- (a) At the regular election in November of each odd numbered year, the registered electors of the three wards of the City shall elect one (1) Council member from each ward, who shall each hold his or her respective office for the term of four (4) years, or until his or her successor is elected and qualified, commencing on the second Monday in January following his or her election.
- (b) Authority. The City Council shall constitute the legislative body of the City, shall have the power and authority, except as otherwise provided by statute, to exercise all power conferred upon or possessed by the City, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof.
- (c) Qualifications. Each Council member shall be a resident of the designated Ward and a registered elector therein. If any Council member shall move from or become, during the term of his or her office, a nonresident of the Ward, he or she shall be deemed thereby to have vacated his or her office.
- (d) Vacancies. In case of the death, resignation, vacation or removal for cause of any of the Council members during their term of office, the City Council, by a majority vote of all remaining members thereof, may select and appoint, from among the duly qualified electors of the Ward, a suitable person to fill the vacancy. The person so appointed shall hold office until the next regular election and until his or her successor is elected and qualified. If the term of the person creating the vacancy was to extend beyond the next regular election, the person elected to fill the vacancy shall be elected for the unexpired term. Where vacancies exist in the offices of Council member and successors are to be elected at the next election to fill the unexpired terms, the candidates for Council member receiving the highest number of votes shall be elected to four-year terms, and the candidates receiving the next highest number of votes shall be elected to fill the unexpired terms.

(Prior code §2-2; Ord. 774-06 §1)

**Sec. 2-2-20. Mayor.**

- (a) Every fourth odd-numbered year beginning in November 1993, the registered electors of the City shall elect a Mayor at large, who shall hold his or her office for a term of four (4) years, or until his or her successor is elected, commencing on the second Monday of January following his or her election.
- (b) The Mayor shall meet the same qualifications as a Council member and, in the event of a vacancy in the office of Mayor, such vacancy shall be filled in the same manner as a vacancy in the office of Council member, as set forth in Section 2-2-10 above.
- (c) The Mayor shall preside over all meetings of the City Council and shall perform such duties as may be required of him or her by statute or ordinance. Insofar as is required by statute and for all ceremonial purposes, the Mayor shall be the executive head of the City.
- (d) The Mayor shall execute and authenticate by his or her signature all bonds, warrants, contracts and instruments of and concerning the business of the City, as the Council members or any statutes or ordinances may require.
- (e) Except as may be required by statute, the Mayor shall exercise only such powers as the Council members shall specifically confer upon him or her.

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(Prior code §2-2; Ord. 774-06 §1)

**Sec. 2-2-30. Mayor Pro Tem.**

At its first meeting following each biennial election, the City Council shall choose one (1) of the Council members as Mayor Pro Tem. In the absence of the Mayor from any meeting of the City Council, during the absence of the Mayor from the City or during the inability of the Mayor to act, the Mayor Pro Tem shall perform the duties of the Mayor.

(Ord. 774-06 §1)

**Sec. 2-2-40. Acting Mayor.**

In the event of the absence or disability of both the Mayor and the Mayor Pro Tem, the Council members may designate another Council member to serve as acting Mayor during such absence or disability.

(Ord. 774-06 §1)

**Sec. 2-2-50. Compensation.**

- (a) The Mayor and Council members shall be paid monthly as provided by ordinance.
- (b) The compensation paid to any member of the City Council, including the Mayor, shall not be increased or diminished for the term of office for which he or she has been elected or appointed. Any Mayor or Council member who has resigned or vacated an office prior to the end of his or her elective or appointed term shall not be eligible to election or reappointment to the same during such term if the rate of compensation has been increased.

(Prior code §2-4.1; Ord. 774-06 §1)

**Sec. 2-2-60. Regular meetings.**

The City Council shall designate by resolution the time and place for the regular City Council meetings.

(Prior code §2-3; Ord. 739-02 §I; Ord. 774-06 §1)

**Sec. 2-2-70. Special meetings.**

- (a) Special meetings of the City Council may be called by the Mayor at any time, and it is the duty of the Mayor to call special meetings, whenever requested to do so by three (3) members of the City Council.
- (b) The City Council at any duly convened meeting may, by majority vote, call a special meeting for a future date. Notice of such meeting shall be given to any member of the City Council not in attendance.
- (c) Should the City Council convene for a special meeting pursuant to a request of an interested party for the purpose of accommodating time constraints of said interested party, the City Council may, in

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its discretion, assess fees for the special meeting against the interested party. The City Council may from time to time by resolution adopt a schedule of fees which may be assessed for special meetings. Said fees shall reasonably compensate the staff of the City and the City Attorney for time spent in preparation for attendance at special meetings.

(Prior code §2-4; Ord. 774-06 §1)

**Sec. 2-2-80. Conduct of meetings; voting.**

- (a) Meetings of the City Council shall be conducted by the Mayor, according to *Robert's Rules of Order, Revised*.
- (b) A majority shall constitute a quorum to do business at all meetings of the City Council, and each member, including the Mayor, shall vote upon every question put by the Chair unless allowed by the City Council to abstain. The Mayor shall preside at all meetings of the City Council and shall have the same voting powers as any member of the City Council. Upon the taking of any vote, the City Clerk shall record in the minutes the names of those voting and their votes.
- (c) At the hour appointed for meeting, the members shall be called to order by the Mayor or, in his or her absence, by the Mayor Pro Tem, and the City Clerk shall proceed to call the roll, note the absentees and announce whether a quorum is present. If a quorum is present, the City Council shall proceed with the business before it, in the manner and order as established by the City Council.

(Ord. 774-06 §1)

**Sec. 2-2-90. Boards and commissions.**

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

- (1) Aviation Advisory Board;
- (2) Board of Adjustment;
- (3) Planning Commission;
- (4) Tree Board; and
- (5) Water Advisory Board.

(Ord. 774-06 §1)

**ARTICLE 3 Officers and Employees**

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**Sec. 2-3-10. Appointed officers.**

- (a) The following officers of the City shall be appointed by a majority vote of all the members of the City Council:
  - (1) City Administrator;
  - (2) City Attorney; and
  - (2) City Clerk/Treasurer.
- (b) All officers of the City except the Municipal Judge shall serve at the pleasure of the City Council. City officers shall hold office from the time of their appointment and qualification until their successors are appointed and qualified.

(Prior code §2-6; Ord. 774-06 §1)

**Sec. 2-3-20. Powers and duties of officers.**

The powers, duties and responsibilities of all appointive officers of the City shall be as provided by statute or by this Code or any other ordinance or resolution of the City. Appointed officers shall perform any additional duties required by the City Council. One (1) person may hold two (2) or more such appointive offices if and when appointed to such offices by the City Council. Each such officer shall be subject to the control and orders of the Mayor.

(Prior code §2-6; Ord. 774-06 §1)

**Sec. 2-3-30. Oath of office; bond.**

- (a) When required by the City Council, each officer or employee, before entering upon the duties of his or her office, shall take and subscribe to an oath to support the Constitutions and laws of the United States and the State and the ordinances of the City.
- (b) In all cases where, by law, ordinance or resolution of the City Council, a bond is required of any such officer, he or she shall make and execute to the City a bond in such sum as is required, to be approved by the City Council, conditioned upon the faithful performance of all duties pertaining to such office, the proper care of all money or property of the City coming into his or her hands and the proper accounting for or delivery of the same.

(Ord. 774-06 §1)

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**Sec. 2-3-40. Compensation.**

- (a) All payments of compensation to officers and employees of the City shall be drawn by the City Clerk/Treasurer and issued upon vouchers duly approved as required by law.
- (b) The appointed officers of the City shall receive such compensation as shall be provided by action of the City Council.

(Prior code §§2-5, 2-7; Ord. 774-06 §1)

**Sec. 2-3-50. City Administrator.**

- (a) Creation and purpose of office.
  - (1) There is hereby created and established the position of City Administrator.
  - (2) The purpose of the office of the City Administrator is to provide the centralization of the administrative responsibilities of the City, with the City Administrator to be the administrative head of the City government under the direction and control of the Mayor and City Council and to be responsible to the Mayor and City Council for the efficient conduct of his or her office.
  - (3) The City Council is authorized to enter into an employment agreement for the position of City Administrator, and the terms of such agreement may exceed the standards set out in this Article, but shall not be less than such standards. When there is a conflict between the terms of the agreement and the terms of this Article, the terms of the agreement shall control. No such agreement shall be deemed to supersede the provisions of this Section, but may provide for a severance package in excess of that provided for in Subsection (f) herein.
- (b) Appointment; acting City Administrator; bond.
  - (1) The City Administrator shall be selected solely on the basis of his or her executive and administrative qualifications with special reference to his or her training and experience. He or she shall be compensated for his or her services as the City Council may determine. At the time of his or her appointment, the City Administrator need not be a resident of the City or State, but during his or her tenure of office, he or she shall reside within the City.
  - (2) The City Administrator shall nominate a department head or other employee of the City to serve as acting City Administrator during the temporary disability or absence from the City of the City Administrator. Such nominee, once confirmed by the Mayor and City Council, shall perform all the duties and exercise all the powers of the City Administrator during the period of disability or absence of the City Administrator, but shall receive no additional compensation therefor. In case of a vacancy in the position of City Administrator, an interim City Administrator shall be appointed within thirty (30) days and a new City Administrator be appointed as soon as possible.
- (c) Functions and duties. The City Administrator shall be the chief administrative officer of the City government. His or her functions and duties shall be:
  - (1) To be responsible to the City Council for the efficient administration of all administrative departments of the City government and to faithfully carry out all directives and recommendations of the Mayor and City Council in coordinating the administrative functions and operations of the various departments;
  - (2) To supervise the enforcement of all laws and ordinances;
  - (3) To administer and be responsible for all departments and divisions of the City government under the direction of the Mayor and City Council;

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- (4) To recommend an annual budget to the City Council and administer the budget as finally adopted, and to keep the City Council fully advised, at all times, as to the financial condition of the City;
  - (5) To recommend to the City Council for adoption such measures as he or she may deem necessary, and to attend City Council meetings with the right to take part in discussions but not to vote;
  - (6) To establish, subject to City Council approval, appropriate personnel rules and regulations governing officers and employees of the City;
  - (7) To be responsible for the purchase of all supplies, material and equipment as authorized by the City Council, in the manner necessitated by, and subject to the limitations imposed by law, for the various departments, divisions or services of the City;
  - (8) To serve as public relations officer of the City government, and in such capacity to investigate and adjust all complaints filed against any employee, department, division or service of the City, and cooperate with all community organizations whose aim and purpose is to advance the best interest of the City and its citizens; and
  - (9) To perform such other duties that may be prescribed by ordinance or by direction of the City Council.
- (d) Appointment of officers etc., provided for by administrative plan. The City Administrator shall prepare for approval by the City Council an administrative plan of the City which shall provide for such departments, department heads and officers as may be deemed necessary for the efficient administration of the City. Unless otherwise provided in the administrative plan, such department heads and officers shall be appointed by the City Administrator, subject to review of the City Council.
- (e) Relationship with City Council and Mayor. Neither the Mayor nor any member of the City Council shall in any way interfere with the City Administrator in the exercise of the powers and duties granted by Subsections (a) through (d) above. Except for the purpose of inquiry, the Mayor and members of the City Council shall deal with the City administration solely through the City Administrator, and neither the Mayor nor any member of the City Council shall give orders to any of the subordinates of the City Administrator.
- (f) Termination, severance pay, sick leave and vacation pay.
- (1) In the event the City Council shall elect to terminate the City Administrator's employment, the City Council shall give written notification of its decision to the City Administrator, and termination of the employment shall become effective one (1) month subsequent to the date the City Council places such notice in the United States mail, postage prepaid and properly addressed to the City Administrator.
  - (2) In the event the City Council elects to terminate the employment of the City Administrator, there shall be paid to the City Administrator, upon the effective date of the termination of his or her employment, a lump sum cash payment equivalent to two (2) months' salary, computed according to his or her salary for the two (2) months immediately preceding the effective date of termination of employment; provided, however, that the City Administrator shall receive no pay as provided by this Section if the City Council terminates his or her employment for conviction of any felony.
  - (3) In the event the City Administrator elects to terminate his or her employment, he or she may do so by giving written notice to the City Council of his or her election to terminate, in which event he or she will receive no payment as provided in Paragraph (2) above.
  - (4) Any insurance in effect at the time of termination of employment of the City Administrator by his or her own action or action of the City Council may be continued and extended for such a period of time as is provided in the federal legislation commonly known as COBRA (or by any successor legislation).

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- (5) The City Administrator shall be entitled to leave, vacation and benefits in accordance with City Personnel Policies.

(Prior code §§2-8, 2-9, 2-10, 2-10.1, 2-10.2, 2-10.3; Ord. 755-03 §§1, 2; Ord. 774-06 §1)

**Sec. 2-3-60. City Clerk/Treasurer.**

- (a) Appointment. Effective as of the first Monday after the first Tuesday of January, 1990, one (1) person shall be appointed to the office of the City Clerk/Treasurer by the City Council in the manner provided for other appointed officers of the City.
- (b) Powers, duties and compensation. The City Clerk/Treasurer shall perform all the duties required of him or her by the laws of the State and such other duties as may be required of him or her by this Code and any other ordinances of the City. He or she shall receive such compensation as from time to time shall be determined by the City Council.
- (c) Bond required. The City Clerk/Treasurer, for the faithful performance of his or her duties and the proper accounting of all funds that may come into his or her possession or be under his or her control, shall give a bond, conditioned as required by law, with a surety company or sureties to be approved by the City Council.

(Prior code §§2-11, 2-12, 2-13; Ord. 774-06 §1)

**Sec. 2-3-70. City Attorney.**

Appointed by the City Council, the City Attorney shall, whenever required, give legal advice to the City Council and all other officers of the City; and shall, when necessary, give an opinion in writing upon any legal question coming before the City Council, the Mayor or any of the appointed officers of the City. When deemed necessary by the City Council, the City Attorney shall attend the meetings thereof.

(Prior code 2-14; Ord. 774-06 §1)

**Sec. 2-3-80. Real Estate Commissioner.**

- (a) There is hereby created the Office of Commissioner, the sole purpose of which is to sell and convey any real estate belonging to the City.
- (b) The person serving as Commissioner may from time to time be changed by resolution of the City Council.
- (c) The person serving as Commissioner is hereby empowered to sell and convey any real estate belonging to the City whenever he or she is directed to do so by resolution of the City Council.
- (d) Any conveyance by the Commissioner shall bear the seal of the City, which shall be affixed thereto by the Commissioner.

(Prior code §2-17; Ord. 774-06 §1)

**Sec. 2-3-90. Removal of appointed and elected officials.**

- (a) Cause for removal. By a majority vote of all members of the City Council, the Mayor, any member of the City Council, City Clerk/Treasurer or City Administrator may be removed from office for cause.

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No such removal shall be made without a charge in writing and an opportunity of hearing being given unless the officer against whom the charge is made has moved out of the limits of the City.

- (b) Specification of charges. All charges preferred against any such officer of the City, for any cause or causes specified in the foregoing Subsection (a) for the removal of such officer, shall be made in writing to the City Council and shall clearly specify any such cause or causes of removal.
- (c) Service of charges and notice of hearing. A copy of such charges and specifications, together with a notice of the time and place of hearing, shall be served upon the accused at least fifteen (15) days before the day of hearing.
- (d) Hearing. At the time and place so set, the City Council shall meet and proceed according to its rules to hear the evidence against the accused officer, as well as the evidence offered in his or her behalf, adjourning from time to time as may be necessary, until all the evidence shall have been given.
- (e) Decision. Within three (3) days after the evidence shall have been given, the City Council shall vote by yeas and nays upon each charge and specification separately. The question upon each charge shall be "Is the accused guilty?" If the City Council, by a lawful number, finds the accused officer guilty of any specified charge aforesaid, it shall resolve that the accused be removed from office and his or her office declared vacant.
- (f) Appearance by counsel. Upon the trial as aforesaid, the accused shall be heard by himself or herself or by counsel in his or her defense, and the City may also be represented by counsel in the prosecution of such charges. The Chief of Police, the Mayor or the City Clerk may serve any paper required to be served by any provisions of this Article.

(Ord. 774-06 §1)

**Sec. 2-3-100. Removal of officers, employees or subcontractors.**

The City Administrator, following an administrative proceeding presided over by the City Administrator, may suspend or remove any officer, employee or subcontractor except the Mayor, City Council, City Clerk/Treasurer, City Attorney or Municipal Judge. Any such administrative proceeding shall be conducted in such manner as to provide any person or subcontractor to be removed or suspended with notice of charges against him or her and an opportunity to present evidence on his or her own behalf.

(Prior code §2-6; Ord. 774-06 §1)

**Sec. 2-3-110. Pay plan.**

- (a) Plan established. There shall be and is hereby established a pay plan for the employees and officers of the City in accordance with the provisions of this Section. Excluded therefrom shall be Council-appointed officers and such professional service persons or firms with whom the City may from time to time contract for professional services, which services shall be at such rate and fee as may be agreed upon by the City Council.
- (b) Salary survey. At the direction of the City Council, a salary survey will be conducted. The survey will include Colorado cities of similar size, and surrounding communities and counties. The survey will provide a basis for the City to establish salary levels for its employees.
- (c) Pay schedule. The pay schedule shall work in conjunction with the position classification plan. Advancement will be based on promotion for additional duties performed. Pay increases will be based on years of service or merit for increased competency within the job. The City Administrator shall have the flexibility to adjust wages according to market demand and/or reclassification of position.

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- (d) Salary increases. Salary increases may be based on the following:
  - (1) Merit.
  - (2) Cost of living
  - (3) Longevity.
- (e) Pay for part-time employees shall be based on range of duties performed.

(Prior code §2-17.1; Ord. 774-06 §1)

**Sec. 2-3-120. Social Security.**

In the opinion of the City Council, the extension of the social security system to employees and officers of the City 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 City by the efficiency of its government.

(Ord. 774-06 §1)

**Sec. 2-3-130. Grievances by citizens with disabilities.**

- (a) An applicant for employment or a citizen who believes that he or she has been subject to discrimination based on his or her past or current disability, whether real or perceived, or his or her association with an individual with a disability, may submit a grievance in writing to the coordinator for the City's compliance under the provisions of the Americans With Disabilities Act of 1990 (the *ADA Coordinator*). The ADA Coordinator shall, within twenty-one (21) calendar days, investigate the grievance and consult with the grievant and any other City officials as may be necessary to achieve a resolution of the grievance. A record of the grievance and the action taken shall be maintained.
- (b) If the grievance is not resolved, the ADA Coordinator shall make a recommendation to the City Administrator, who shall decide the grievance within seven (7) calendar days or in such time as may be mutually determined by the City Administrator and the grievant. The City Administrator's decision shall be final in all instances.
- (c) This grievance procedure is not a prerequisite to the pursuit of other legal remedies.

(Prior code §2-5.1)

**ARTICLE 4 Municipal Court**

[Sec. 2-4-10. Creation of Municipal Court.](#)

[Sec. 2-4-20. Original jurisdiction.](#)

[Sec. 2-4-30. Appointment of Municipal Judge.](#)

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[Sec. 2-4-90. Court Clerk.](#)

**Sec. 2-4-10. Creation of Municipal Court.**

A Municipal Court in and for the City is hereby created and established pursuant to and governed by the provisions of state law.

(Ord. 774-06 §1)

**Sec. 2-4-20. Original jurisdiction.**

The Municipal Court shall have original jurisdiction of all cases arising under the provisions of this Code and ordinances of the City, with full power to punish violators thereof by the imposition of such fines and penalties as are prescribed in this Code or by ordinance.

(Ord. 774-06 §1)

**Sec. 2-4-30. Appointment of Municipal Judge.**

The Municipal Court shall be presided over by a Municipal Judge who shall be appointed to office in accordance with Section 13-10-105, C.R.S, unless removed during such term by the City Council in accordance with Section 13-10-105(2), C.R.S. Additional judges as may be needed to transact the business of the Court may be appointed by the City Council for such terms as necessary.

(Prior code §2-6; Ord. 774-06 §1)

**Sec. 2-4-40. Oath of office.**

Before entering upon the duties of his or her office, the Municipal Judge shall take an oath of affirmation that he or she will support the Constitution of the United States, the Constitution of the State and the laws of the City, and will faithfully perform the duties of his or her office.

(Ord. 774-06 §1)

**Sec. 2-4-50. Sessions generally.**

- (a) There shall be regular sessions of the Municipal Court for the trial of cases as may be fixed by the Municipal Judge. The Municipal Judge may hold special sessions of court at any time, including Sundays, holidays and evenings. All sessions shall be open to the public.
- (b) Where the nature of the case is such that it would be in the best interest of justice to exclude persons not directly connected with the proceedings, the Municipal Judge may order that the courtroom be cleared.

(Ord. 774-06 §1)

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**Sec. 2-4-60. Rules of procedure.**

In addition to other 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, consistent with the Municipal Court Rules of Procedure promulgated by the Colorado Supreme Court.

(Ord. 774-06 §1)

**Sec. 2-4-70. Contempt power.**

- (a) When the Court finds any person to be in contempt, the Court may vindicate its dignity by imposing on the contemnor a fine not to exceed three hundred dollars (\$300.00) and imprisonment not to exceed a term of ninety (90) days.
- (b) In cases of indirect contempt, the alleged contemnor shall have all the rights, privileges, safeguards and protections of a defendant in a petty offense case, including but not limited to a formal written complaint, arraignment and trial by jury.

(Ord. 774-06 §1)

**Sec. 2-4-80. Fines, methods of payment.**

- (a) When the Municipal Court finds any person to be in contempt, the Court may vindicate its dignity by imposing on the contemnor a fine not to exceed three hundred dollars (\$300.00) and imprisonment not to exceed a term of ninety (90) days.
- (b) Where the Court imposes a fine at the time it pronounces sentence, the sentence shall provide that if the defendant fails to pay the fine in accordance with the direction of the Court, the defendant shall be imprisoned until the fine is satisfied or the defendant is released after serving the period of imprisonment specified by the Court in accordance with Subsection (c) below. If the defendant fails to pay a fine as directed, the Court may issue a warrant for his or her arrest.
- (c) When the Court pronounces sentence ordering that the defendant be imprisoned until the fine is satisfied, the Court shall specify a maximum period of imprisonment subject to the following limits:
  - (1) Where the fine was imposed for a municipal offense or misdemeanor, the period shall not exceed thirty (30) days;
  - (2) Where the fine was imposed for a traffic violation which is punishable by a jail sentence, the period shall not exceed fifteen (15) days;
  - (3) There shall be no imprisonment in those cases where no imprisonment is provided for in the possible sentence; and
  - (4) Where a sentence of imprisonment and a fine are imposed, the aggregate of the period and the term of the sentence shall not exceed the maximum term of imprisonment authorized for the offense.
- (d) Where the defendant is unable to pay a fine imposed:
  - (1) Adjust the terms of payment;
  - (2) Lower the amount of the fine;
  - (3) Where the sentence consists of probation or imprisonment and a fine, revoke the portion of the sentence imposing the fine; or

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- (4) Revoke the entire sentence imposed and resentence the defendant. Upon a resentence, the Court may impose any sentence it originally could have imposed, except that the amount of any fine imposed shall not be in excess of the amount the defendant is able to pay.
- (e) Notwithstanding that the defendant was imprisoned for failure to pay a fine or that he or she has served the period of imprisonment imposed, a fine may be collected in the same manner as a judgment in a civil action. The City Attorney may, in his or her discretion, and shall, upon order of the Court, institute proceedings to collect such fine.
- (f) Nothing contained within this Section shall be construed to limit or curtail, or in any manner affect the inherent powers of the Court to hold persons in contempt of the Court for nonpayment of a fine or by failure to make restitution as ordered, or by failure to comply with any other order of the Court.

(Prior code §1-7; Ord. 774-06 §1)

**Sec. 2-4-90. Court Clerk.**

The City Administrator, with the approval of the City Council, may appoint a person to serve as Court Clerk, whose duties shall be those assigned by the Municipal Judge. The Municipal Judge may also act as Court Clerk in accordance with state statutes.

(Ord. 774-06 §1)

**ARTICLE 5 Police Department**

[Sec. 2-5-10. Creation; composition.](#)

[Sec. 2-5-20. Departmental regulations.](#)

[Sec. 2-5-30. Chief of Police; appointment and duties.](#)

[Sec. 2-5-40. Duties of police officers.](#)

[Sec. 2-5-50. Oath of officers.](#)

**Sec. 2-5-10. Creation; composition.**

There is hereby created a Police Department for the City, which shall consist of one (1) Chief of Police and as many police officers as may from time to time be deemed necessary for the safety and good order of the City.

(Ord. 774-06 §1)

**Sec. 2-5-20. Departmental regulations.**

The Police Department shall be operated and managed in accordance with such departmental rules and regulations.

(Ord. 774-06 §1)

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**Sec. 2-5-30. Chief of Police; appointment and duties.**

- (a) The City Administrator, upon the approval of the City Council, shall appoint a Chief of Police who shall be the head of the Police Department. It shall be the duty of the Chief of Police to:
- (1) See that the ordinances of the City and the laws of the State are duly enforced and the rules and regulations of the Police Department obeyed, and perform such duties as may be required by the City Council.
  - (2) Direct the operations of the Police Department, subject to the rules and regulations thereof.
  - (3) Cause any person violating any of the City ordinances to come before the Municipal Court.
  - (4) Render such accounts of the Police Department, his or her duties and receipts as may be required by the City Council, and keep the records of his or her office open to inspection by the City Council at any time.
- (b) Before entering upon the duties of such office, the Chief of Police shall take and subscribe to an oath that he or she will support the Constitution of the United States, the Constitution and laws of the State and ordinances of the City, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter.

(Ord. 774-06 §1)

**Sec. 2-5-40. Duties of police officers.**

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

- (1) They shall perform all duties required by the Chief of Police.
- (2) They shall be the enforcement officers of the City and shall see that the provisions of the ordinances of the City and the laws of the State are complied with.
- (3) They shall execute and return all writs and processes to them directed by the Municipal Judge in any case arising under a City ordinance, and they may serve the same in any part of the County.

(Ord. 774-06 §1)

**Sec. 2-5-50. Oath of officers.**

Before entering upon the duties of his or her office, each police officer shall take and subscribe an oath that he or she will support the Constitution of the United States, the Constitution and laws of the State and the ordinances of the City, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter.

(Ord. 774-06 §1)

**ARTICLE 6 Aviation Advisory Board**

[Sec. 2-6-10. Creation.](#)

[Sec. 2-6-20. Term of office.](#)

[Sec. 2-6-30. Duties and responsibilities.](#)

[Sec. 2-6-40. City Council review.](#)

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**Sec. 2-6-10. Creation.**

There is hereby created and established an Aviation Advisory Board for the City. The Board shall consist of five (5) members, at least two (2) of whom reside in the City and at least three (3) of whom have a direct interest in the operation of the Brush Municipal Airport. All members shall be appointed by the Mayor with the approval of the City Council. The Board shall choose its own officers, make its own rules and regulations and keep minutes of its proceedings. A majority of the members shall be a quorum for the transaction of business. The Assistant City Administrator shall be an ex-officio member of the Board.

(Prior code §10-1)

**Sec. 2-6-20. Term of office.**

The term of office for the members of the Aviation Advisory Board shall be three (3) years, except that the terms of two (2) members appointed to the first Board shall be one (1) year and the term of two (2) members shall be two (2) years. In the event of a vacancy on the Board, a successor shall be appointed by the Mayor for the unexpired portion of the term. All members of the Board shall serve without compensation, except that their reasonable and necessary expenses for travel out of the City on official business shall, subject to approval of the City Administrator, be reimbursed.

(Prior code §10-2)

**Sec. 2-6-30. Duties and responsibilities.**

- (a) It shall be the responsibility of the Aviation Advisory Board to study, investigate, counsel, develop and update annually, if necessary, a written management plan for the operation and management of the Brush Municipal Airport. Such plan shall be presented annually to the City Council by September 1 of each year, commencing September 1, 1996. Upon the City Council's acceptance and approval, the management plan shall constitute the official comprehensive airport plan for the City.
- (b) The Aviation Advisory Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question within the scope of its authority.

(Prior code §10-3)

**Sec. 2-6-40. City Council review.**

The City Council shall have the right to review the conduct, acts and decisions of the Aviation Advisory Board. Any person may appeal from any ruling or order of the Aviation Advisory Board to the City Council, which shall hear the matter and make the final decision.

(Prior code §10-4)

**ARTICLE 7 Office of Emergency Management**

[Sec. 2-7-10. Establishment.](#)

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[Sec. 2-7-20. Intent and purpose.](#)

[Sec. 2-7-30. Definitions.](#)

[Sec. 2-7-40. Organization and appointments.](#)

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[Sec. 2-7-60. Disaster emergency response procedures.](#)

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[Sec. 2-7-110. Nonliability of City and employees, etc.](#)

**Sec. 2-7-10. Establishment.**

There is hereby established the Office of Emergency Management as a department of the City government.

(Prior code §9-1; Ord. 774-06 §1)

**Sec. 2-7-20. Intent and purpose.**

- (a) It is the intent of the City Council to maintain the public peace, health and safety and to deal effectively with any disaster that may occur within the City by ensuring the readiness and the complete and efficient utilization of all available resources. It is the intent of this Article to establish the Office of Emergency Management as the coordinating agency for all disaster or emergency response planning and the instrument through which the City Administrator may exercise his or her authority and discharge the responsibilities vested in him or her by statute and local ordinance.
- (b) This Article shall not relieve any City department of its official responsibilities or authority given to it by statute or local ordinance, nor shall it adversely affect the work of any volunteer agency for relief in a disaster or other emergency.

(Prior code §9-2; Ord. 774-06 §1)

**Sec. 2-7-30. Definitions.**

For the purposes of this Article, the following definitions shall apply:

*Director* means the Director of the Office of Emergency Management of the City, a department head under the supervision of the City Administrator.

*Disaster* means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, wind, storm, wave action, hazardous substance incident, oil spill or other contamination requiring emergency action to avert danger or damage, volcanic activity, epidemic, air

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pollution, blight, drought, infestation, explosion, civil disturbance or hostile military or paramilitary action; or other declared disaster that requires the aid and assistance of outside, local, state or federal agencies.

*Regulations* means proclamations, rules, standard operating procedures and other disaster and emergency procedures deemed essential to disaster planning and coordination.

(Prior code §9-3; Ord. 774-06 §1)

**Sec. 2-7-40. Organization and appointments.**

- (a) The Chief of Police shall be the Director of the Office of Emergency Management. The Director shall be responsible to the City Administrator for the administration, organization and operation of the Office of Emergency Management. The Director shall designate and appoint deputy directors to assume the responsibility of the Director in the event of his absence or inability to act.
- (b) The employees, equipment and facilities of all City departments, boards and commissions shall participate in disaster or emergency response planning and shall be similar to the normal duties of the department.

(Prior code §9-4; Ord. 774-06 §1)

**Sec. 2-7-50. Duties and responsibilities of Director.**

The Director is hereby empowered to:

- (1) Prepare and keep current a plan to be known as the Brush Disaster Emergency Plan. The plan shall conform to the standards and requirements for such plans as promulgated by the Division of Disaster Emergency Services of the State, utilizing to the fullest extent the services and resources of existing departments within the City.
- (2) Present to the City Council for approval the Brush Disaster Emergency Plan and any updates to the plan.
- (3) Coordinate the activities of City departments with other public and private disaster forces cooperating in the disaster emergency preparedness program.
- (4) Negotiate on behalf of the City with other municipalities and governmental entities mutual aid agreements for reciprocal assistance in disaster emergency situations.
- (5) Negotiate on behalf of the City with owners and persons in control of buildings or other property for the use of such buildings or other property for the disaster emergency preparedness program.
- (6) Conduct exercises to ensure the efficient implementation of the Brush Disaster Emergency Plan.
- (7) Ensure that current copies of the Brush Disaster Emergency Plan are routinely provided to affected City employees and officials.
- (8) Assume such authority and conduct as the City Administrator may direct to promote and execute the Brush Disaster Emergency Plan.

(Prior code §9-5)

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**Sec. 2-7-60. Disaster emergency response procedures.**

- (a) The Mayor shall have the power to declare by proclamation that a disaster emergency exists within the City. Such proclamation shall continue for a period not to exceed seven (7) days. Such declaration may be continued or renewed for a period in excess of seven (7) days with the consent of a majority of the members of the City Council.
- (b) The proclamation of disaster shall be in writing and shall describe the nature of the disaster, the area threatened, the conditions which have brought it about and the conditions that would remedy it. Such proclamation shall be delivered to the Director, who shall ensure proper publication and dissemination of disaster emergency information to the public. The Director shall forthwith file the proclamation with the City Clerk and forward a copy to the Colorado Division of Disaster Emergency Services.
- (c) The issuance of a proclamation declaring a state of disaster shall automatically empower the Director to exercise any and all of the disaster emergency powers contained in this Article and all relevant portions of the Brush Disaster Emergency Plan. The City Council shall convene to perform its legislative powers as the situation demands and shall receive reports relative to disaster response operations. Nothing in this Article shall abridge or curtail the powers of the City Council.

(Prior code §9-6)

**Sec. 2-7-70. Compensation.**

Any compensation for property commandeered or otherwise used in response to a disaster emergency shall be calculated in the same manner as compensation due for taking of property pursuant to the eminent domain statutes of the State, pursuant to the provisions on compensation in the Colorado Disaster Emergency Act of 1973, Section 24-33.5-701 et seq., C.R.S.

(Prior code §9-7)

**Sec. 2-7-80. Conflicting ordinances, orders, rules and regulations suspended.**

Any orders, rules and regulations promulgated during a proclaimed state of disaster shall take precedence over existing ordinances, rules and regulations if a conflict arises.

(Prior code §9-8)

**Sec. 2-7-90. Applicability of state law in disaster situations.**

The implementation of the provisions of this Article during a proclaimed state of disaster shall be subject to applicable provisions of the Colorado Disaster Emergency Act of 1973, Section 24-33.5-701 et seq., C.R.S.

(Prior code §9-9)

**Sec. 2-7-100. Violation and penalty.**

It shall be unlawful for any person to violate any of the provisions of this Article or the regulations or plans issued pursuant to the authority contained in this Article, or to willfully obstruct, hinder or delay any

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person in the exercise of any duty or authority pursuant to the provisions of this Article. Any person convicted of a violation of this Section shall be punished in accordance with the provisions of Section 1-4-20 of this Code.

(Prior code §9-10; Ord. 774-06 §1)

**Sec. 2-7-110. Nonliability of City and employees, etc.**

Neither the City, any of its agencies nor, except in cases of willful misconduct, the agents, employees or representatives of any of them, engaged in any disaster emergency activities, while complying with or attempting to comply with this Article, with any rules or regulations or with the disaster emergency plan promulgated pursuant to the provisions of this Article, shall be liable for the death of or any injury to persons or damage to property as a result of such activity.

(Prior code §9-11)

**ARTICLE 8 Planning Commission**

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

[Sec. 2-8-20. Purpose.](#)

**Sec. 2-8-10. Creation.**

Pursuant to state law, there is hereby created a Planning Commission for the City.

(Ord. 774-06 §1)

**Sec. 2-8-20. Purpose.**

The Planning Commission is created for the following purposes:

- (1) To prepare and maintain, subject to periodic revision as necessary, a Comprehensive and/or Master Plan as described by state statutes.
- (2) To implement the provisions of Chapter 16 of this Code, and to perform all functions and powers referred to in said chapters where reference is made.
- (3) To study and recommend to the City Council amendments to the Zoning Map of the City.
- (4) To study and recommend appropriate zoning classifications for all annexations to the City.
- (5) To exchange information with the various governmental agencies charged with planning and zoning responsibilities and with the Board of Adjustment.
- (6) To have all other duties and powers incidental to the above and any and all powers and duties set out by state statute, except that nothing herein shall permit the Planning Commission to make amendments or changes in the zoning of the City, such powers expressly being reserved by the City Council.

(Ord. 774-06 §1)

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**ARTICLE 9 Tree Board**

[Sec. 2-9-10. Creation and establishment.](#)

[Sec. 2-9-20. Terms of office.](#)

[Sec. 2-9-30. Duties and responsibilities.](#)

**Sec. 2-9-10. Creation and establishment.**

There is hereby created and established a Tree Board for the City. The Tree Board shall consist of five (5) members who are residents of the City and appointed by the Mayor with approval of the City Council, and one (1) member who shall be a student in the Brush High School. The Tree Board shall choose its own officers, make its own rules and regulations and keep minutes of its proceedings. A majority of the members shall be a quorum for the transaction of business. The Assistant City Administrator shall be an ex-officio member of the Tree Board. The Tree Board may adopt rules and regulations for the implementation of this Article subject to approval of City Council.

(Prior code §12-26)

**Sec. 2-9-20. Terms of office.**

The term of office for the members of the Tree Board shall be three (3) years, except that the term of two (2) members appointed to the first Board shall be one (1) year and the term of two (2) members shall be two (2) years. The term of the student member shall be for one (1) year. In the event of a vacancy, a successor shall be appointed by the Mayor for the unexpired portion of the term. All members of the Tree Board shall serve without compensation, except that their reasonable and necessary expenses for travel out of the City shall, subject to approval of the City Administrator, be reimbursed.

(Prior code §12-27)

**Sec. 2-9-30. Duties and responsibilities.**

- (a) It shall be the responsibility of the Tree Board to study, investigate, counsel, develop, update annually and administer a written plan for care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and other public areas. Such plan will be presented annually to the City Council by February 1 of each year and, upon the City Council's acceptance and approval, shall constitute the official comprehensive Tree Plan for the City.
- (b) The Tree Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its authority.

(Prior code §12-28)

**ARTICLE 10 Historic Preservation**

[Sec. 2-10-10. Historic preservation.](#)

[Sec. 2-10-20. Historic Preservation Board established.](#)

[Sec. 2-10-30. Historic designations of structures and districts.](#)

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[Sec. 2-10-40. Criteria for designation.](#)

[Sec. 2-10-50. Special duties, privileges and obligations.](#)

[Sec. 2-10-60. Revocation of designation.](#)

[Sec. 2-10-70. Penalties.](#)

**Sec. 2-10-10. Historic preservation.**

The purpose of this Article is to promote the public health, safety and welfare through:

- (1) The protection and preservation of the City's historic and cultural heritage, as embodied in historic structures and districts;
- (2) The enhancement of property values, and the stabilization of historic commercial and residential neighborhoods; and
- (3) The increase of economic and financial benefits through the City's attraction of tourists and visitors.

(Ord. 754-03 §1)

**Sec. 2-10-20. Historic Preservation Board established.**

There is hereby created an Historic Preservation Board, referred to as the "HPB," which shall have principal responsibility for matters of historical preservation of historic sites and districts within the municipal boundaries of the City.

- (1) Membership. The HPB shall consist of five (5) members providing a balanced community-wide representation. Members shall reside (or own real property) within the corporate limits of the City. Efforts will be made to appoint at least two (2) members who are experienced in the fields of history, architecture, planning or archeology. No more than one (1) member may reside outside of the City. The Director of Community Development shall serve as technical consultant to the HPB.
- (2) Appointments and terms of office. Members of the HPB shall be appointed by the City Council and shall serve three-year staggered terms from the date of appointment. In order to stagger the initial terms of membership, the original members shall serve as follows:
  - a. One (1) appointee shall serve a one-year term;
  - b. Two (2) appointees shall serve two-year terms; and
  - c. Two (2) appointees shall serve three-year terms.

A member shall serve until a successor is appointed. Members may be appointed to serve successive terms without limitation. Appointments to fill vacancies on the HPB shall also be made by the City Council. All members of the HPB shall serve without compensation except for such amounts determined appropriate by the City Council to offset expenses incurred in the performance of their duties. The City Council may remove a member of the HPB for neglect of duty or malfeasance in office or for other good cause or without cause in its discretion.

- (3) Quorum and voting. A quorum for the HPB shall consist of three (3) members. A quorum is necessary for the HPB to hold a public hearing or to take official action. A roll call vote shall be

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taken upon the request of any member. A tie vote shall be deemed denial of the motion or recommended action.

- (4) Officers. The HPB shall by majority vote elect one (1) of its members to serve as chairperson to preside over the HPB's meetings, one (1) member to serve as vice-chair and one (1) member to serve as secretary. The members so designated shall serve in those capacities for terms of one (1) year and may serve successive terms.
- (5) Meetings. The HPB shall meet at least annually to elect officers and at such other times determined necessary. Minutes shall be kept of all proceedings. Meetings shall be conducted in general conformance with *Robert's Rules of Order*.
- (6) Powers and duties. The HPB shall:
  - a. Recommend criteria for review of historic resources.
  - b. Review resources nominated for designation as either an historic structure or an historic district and recommend designation of those resources qualifying for such designation to the City Council.
  - c. Review and make decisions on any application for alterations to the exterior of designated historic structures or historic districts.
  - d. Review and make decisions on any application for moving or demolishing an historic structure.
  - e. 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.
  - f. Develop and assist in public education programs, including but not limited to walking tours, brochures, marker programs for historic properties, lectures and conferences.
  - g. Conduct surveys of historic properties for the purpose of defining those of historic significance, and establish priorities of the importance of identified historic properties and areas.
  - h. Advise the City Council on matters related to preserving the historic character of the City.
  - i. Actively pursue and maintain information on financial assistance for preservation-related programs.
  - j. Establish a city register of designated properties.
  - k. Recommend removal of properties from the register for reasons the HPB deems appropriate, including but not limited to acts of God, undue hardship and public health/safety concerns.
  - l. Establish and collect an application fee for applicants applying for historical designation or to alter or demolish an historically designated property or district.
  - m. Adopt bylaws and guidelines for the functioning of the HPB.

(Ord. 754-03 §1)

**Sec. 2-10-30. Historic designations of structures and districts.**

- (a) Designation authorized. Pursuant to the procedures in this Section and the criteria in Section 2-10-40 below, the HPB may:

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- (1) Recommend designation to the City Council as historic a single structure or other feature or an integrated group of structures and features on a single lot or site having special historic or architectural values; and
- (2) Recommend designation to the City Council as an historic district an area containing a number of structures having special historical or architectural value.

Each such recommendation shall include a description of the characteristics of the structure or 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 of the structure and boundaries of the historic district. The recommendation may also indicate alterations which would have a significant detrimental impact upon the structure or historic district. Any such recommendation shall be in furtherance of and in conformance with the purposes and standards of this Article. The property included in any such recommendation shall be subject to the controls and standards set forth in this Article, and shall be eligible for such incentive programs as may be developed by the HPB or other entities for historic properties.

- (b) Procedures for designating structures and districts for preservation. A nomination for designation may be made by the property owner, the HPB, the City Council or any citizen, by filing an application with the HPB; provided however, that no nomination shall be considered by the HPB unless the property owner expressly consents to the nomination in writing. If the application is filed by a person other than the owner of the property, at least one (1) member of the HPB shall contact the owner of the subject property and explain orally and provide written documentation as to the reasons for and effects of historic designation and request consent to the designation.
  - (1) The HPB shall hold a public meeting on the proposal within sixty (60) days after the filing of the application. The HPB shall review the application for conformance with the established criteria for designation and with the purpose of this Article. Within sixty (60) days after the conclusion of the public meeting, the HPB shall either approve, modify and approve or disapprove the application for its recommendation to the City Council. The HPB shall promptly notify the City Council and the owners in writing of the decision it makes on the application.
  - (2) Recording of the City Council's designation with the County Clerk and Recorder should occur within ten (10) business days after the approval of the designation by the City Council. The recording fees shall be paid by HPB out of funds collected for application fees. Promptly after the receipt of the recording of the historic designation, the HPB should send notice to the owners confirming the designation, the reasons for designation and a copy of the documents recorded.
  - (3) The HPB shall approve uniform signs for designated properties and may assist in the purchase of signs, subject to availability of funds. Such signs shall conform to the City's sign code.
- (c) Appeal of decisions. The appeal of an HPB decision on an application may be made to the City Council by any party. The findings and recommendations of the HPB may be reviewed, modified, affirmed or reversed by a majority vote of the members of the City Council. An appeal is filed by presenting the City Clerk a written notice of appeal within one (1) month after the decision has been made by the HPB. The notice of appeal shall designate in detail the specific factual and legal issues being appealed. Determinations issued by the City Council shall constitute final agency action.

(Ord. 754-03 §1)

**Sec. 2-10-40. Criteria for designation.**

The City Council shall establish by resolution from time to time the criteria for designation of a structure, site or district, as appropriate to the recognized standards for historic preservation.

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(Ord. 754-03 §1)

**Sec. 2-10-50. Special duties, privileges and obligations.**

- (a) Owners of designated properties may be eligible for all available economic incentives and tax benefits relating to historic designations, whether the source of funds or incentives is local, state or national.
- (b) Maintenance of historic properties shall be required of the owners and owners of properties in an historic district. *Maintenance* is defined as:
  - (1) The structure shall not be permitted to deteriorate to a degree that negatively impacts its visual or structural properties; and
  - (2) The surrounding environment, such as fences, sidewalks, gates, steps, signs and accessory structures, shall be kept in good repair so as not to negatively impact the historic structure.
- (c) A property owner intending to reconstruct, improve, demolish or in any way significantly alter or change the exterior of a historic property or a property in an historic district must first submit a plan for review to the appropriate City departments as to compliance with all codes and ordinances.
- (d) After consultation with the applicable City departments, the owner shall submit a plan for review by the HPB, and the HPB shall grant a certificate of approval for alterations to a property, or demolition of a property within an historic district, that the HPB finds would not alter or diminish the historic character of the property or district.
- (e) If a certificate of approval is granted by the HPB, the property owner must obtain all necessary permits required by the City's ordinances and building codes.
- (f) If the proposed plan to alter, relocate or demolish a designated property or a property within an historic district is denied, the HPB shall immediately explore with the property owner available means for substantially preserving the historic property or district affected by the denial. These investigations may include, by way of example and not of limitation:
  - (1) Feasibility of modification of the plans; and
  - (2) Feasibility of alternative use of the structures which would substantially preserve the original character.
- (g) If the HPB is unsuccessful in developing either an alternate public or private use for such structures which are acceptable to the property owner, it shall notify the owner and the Director Of Community Development in writing. If the owner and the HPB cannot reach a compromise, then an appeal may be filed pursuant to Subsection 2-10-30(c) above.

(Ord. 754-03 §1)

**Sec. 2-10-60. Revocation of designation.**

In the event a property or a district has been designated by the City Council as historic, the City Council may, upon application of the property owner, revoke the historic designation of such property or portions thereof if it finds that the historic designation creates an undue hardship. The procedure for consideration of an application for designation in Section 2-10-30 above shall be followed for consideration of an application for revocation.

- (1) Economic hardship. An economic hardship may be granted if:

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- a. The owner purchased the property prior to the historic designation and is unable to obtain a reasonable return on investment in the property's present condition or in a rehabilitated condition; or
  - b. For non-income-producing properties, the owner's inability to resell the property in its current condition or as rehabilitated for at least eighty-five percent (85%) of its fair market value as valued without designation as a historical structure; and
  - c. The economic hardship claimed is not self-imposed.
- (2) Health/safety hardship. To qualify for health/safety hardship, the owner must demonstrate that the requirements of the historic designation create an unreasonable situation because of health and/or safety considerations.

(Ord. 754-03 §1)

**Sec. 2-10-70. Penalties.**

Any violation of this Article by a property owner after designation shall, upon conviction, be punished in accordance with the provisions of Section 1-4-20 of this Code.

(Ord. 754-03 §1)

**ARTICLE 11 Water Advisory Board** <sup>[1]</sup>

[Sec. 2-11-10. Creation and establishment.](#)

[Sec. 2-11-20. Duties and responsibilities.](#)

**Sec. 2-11-10. Creation and establishment.**

- (a) There is hereby created and established a Water Advisory Board for the City. The Board shall consist of five (5) members, appointed by the Mayor with the advice and consent of the Council.
- (b) The initial appointments shall consist of two (2) members serving a two-year term and three (3) members serving a four-year term. Thereafter, all members shall serve a four-year term. No member shall serve more than two (2) consecutive four-year terms; provided however that the members appointed to initial two-year terms shall be limited to that initial term and one (1) four-year term. Terms shall commence for these limitations concurrently with the bi-annual reorganization of the Council.
- (c) The Mayor and City Administrator shall be ex officio members of the Board.

(Ord. 830-15 §3)

**Sec. 2-11-20. Duties and responsibilities.**

- (a) The Board shall choose its own officers, make its own rules, and maintain minutes of its proceedings. The Board shall meet with such frequency as it determines to complete its assignments in a timely manner.

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- (b) It shall be responsibility of the Water Advisory Board to study, investigate, counsel, develop and recommend to the Council whether a water management plan for the City should be adopted. The Board shall report its conclusions to the Council by January 1, 2016. If the Council determines to go forward with the development of a water management plan for the City, the matter shall be returned to the Board for its development and recommendation of a draft water management plan. That draft plan shall be submitted to the Council.
- (c) The Water Advisory Board, when requested by the Council, shall consider, investigate, make findings, report and recommend upon any special matter or question referred to it by the Council and within the scope of its authority.
- (d) As local government officials, members of the Board shall be held to the standards of conduct set out in Article 18, Title 24, Colorado Revised Statutes, as amended from time to time. In particular, members are expected to adhere to the rules of conduct for local government officials set out in section 24-18-109, C.R.S.
- (e) The Water Advisory Board is purely advisory and has no authority related to the charge and control of the City's Water Department.

(Ord. 830-15 §3)

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FOOTNOTE(S):

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**Editor's note**— Ord. 830-15, §3, adopted March 23, 2015, repealed the former Art. 11, §§ 2-11-10, 2-11-20, and enacted a new article as set out herein. The former Art. 11 pertained to similar subject matter and derived from Ord. 765-05, §1. ([Back](#))

**ARTICLE 12 Board of Adjustment**

[Sec. 2-12-10. Creation.](#)

[Sec. 2-12-20. Membership.](#)

**Sec. 2-12-10. Creation.**

Pursuant to Subsection 16-2-40(h) of this Code, there is hereby created a Board of Adjustment, which shall have all powers and carry out all duties provided to it as the same are set forth in Chapter 16 of this Code.

(Ord. 788-08 §1)

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**Sec. 2-12-20. Membership.**

The Board of Adjustment shall consist of five (5) members who shall be appointed by the City Council for three-year terms.

(Ord. 788-08 §1)

**ARTICLE 13 Golf Course Advisory Board**

[Sec. 2-13-10. Creation and establishment; members; terms.](#)

[Sec. 2-13-20. Duties and responsibilities.](#)

**Sec. 2-13-10. Creation and establishment; members; terms.**

- (a) There is hereby created and established a Golf Course Advisory Board for the City. The Board shall consist of five (5) members, four (4) of whom shall be appointed by the Mayor with the advice and consent of the Council. The Community Service Director shall serve as the fifth member.
- (b) The initial mayoral appointments shall consist of two (2) members serving a two-year term and two (2) members serving a four-year term. Thereafter, all appointed members shall serve a four-year term. The four (4) appointed members shall also be pass-holder/members of the golf course. No appointed member shall serve more than two (2) consecutive four-year terms; provided however that the members appointed to initial two-year terms shall be limited to that initial term and one (1) four-year term. Terms shall commence for these limitations concurrently with the bi-annual reorganization of the Council.
- (c) The Golf Course Manager shall be an ex officio member of the Board with voice but no vote.

(Ord. 835-15 §1)

**Sec. 2-13-20. Duties and responsibilities.**

- (a) The Board shall choose its own officers, make its own rules, and maintain minutes of its proceedings. The Board shall meet with such frequency as it determines to complete its assignments in a timely manner.
- (b) It shall be responsibility of the Golf Course Advisory Board to advise City staff with golf course policies and procedures and to recommend these to the City Council.
- (c) The Golf Course Advisory Board, when requested by the Council, shall consider, investigate, make findings, report and recommend upon any special matter or question referred to it by the Council and within the scope of its authority.
- (d) As local government officials, members of the Board shall be held to the standards of conduct set out in Article 18, Title 24, Colorado Revised Statutes, as amended from time to time. In particular, members are expected to adhere to the rules of conduct for local government officials set out in Section 24-18-109, C.R.S.
- (e) The Golf Course Advisory Board is purely advisory and has no authority related to the charge and control of the City's golf course and clubhouse.

- SUPPLEMENT HISTORY TABLE

CHAPTER 2 Administration

(Ord. 835-15 §1)