

CHAPTER 2

Administration and Personnel

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ARTICLE I

Elections

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

All elections shall be held and conducted in accordance with the Colorado Municipal Election Code of 1965. The Town may by ordinance determine to follow all or part of the provisions of the Uniform Election Code for any election. (Ord. 481 §1, 2003)

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

No write-in vote for any municipal office shall be counted unless the candidate files an affidavit of intent with the Town Clerk prior to twenty (20) days before the election, indicating that such candidate desires the office and is qualified to assume the duties of that office if elected. (Ord. 456, 2002; Ord. 481 §1, 2003)

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

(a) 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 shall declare the candidates elected.

(b) Notice of such cancellation shall be published, if possible, and notice of such cancellation shall be posted at each polling place and in not less than one (1) other public place. (Ord. 481 §1, 2003)

ARTICLE II

Mayor and Board of Trustees

Sec. 2-2-10. Board of Trustees; terms, authority, qualifications and vacancies.

(a) Terms. The Board of Trustees shall consist of six (6) Trustees elected for four-year terms. At each regular election, three (3) Trustees shall be elected to serve four-year terms.

(b) Authority. The Board of Trustees shall constitute the legislative body of the Town and shall have the power and authority conferred upon it by state statute.

(c) Qualifications. Each Trustee shall be a registered elector who has resided within the Town limits for at least twelve (12) consecutive months immediately preceding the date of the election; except that, in case of an annexation to the Town, any person who has resided within the annexed territory for the time prescribed herein shall be deemed to have met the residence requirements for the Town. If any Trustee moves from or becomes, during the term of his or her office, a nonresident of the Town, he or she shall be deemed thereby to have vacated his or her office.

(d) Vacancies. The Board of Trustees has the power, by appointment, to fill all vacancies in the Board, and the person so appointed shall hold office until the next regular election and until his or her successor is elected and qualified. The Board of Trustees also has the power to fill a vacancy in the Board of Trustees by ordering an election to fill the vacancy until the next regular election and until a successor has been elected and qualified. If a vacancy in the Board of Trustees is not filled by appointment or an election is not ordered within sixty (60) days after the vacancy occurs, the Board of Trustees shall order an election, subject to the Municipal Election Code, to be held as soon as practicable to fill the vacancy until the next regular election and until a successor has been elected and qualified. (Ord. 125 §§1, 2, 1975; Ord. 481 §1, 2003)

Sec. 2-2-20. Mayor.

(a) The Mayor shall be elected to serve a four-year term. The Mayor shall meet the same qualifications as a Trustee 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 Trustee, as set forth in Section 2-2-10 above.

(b) The Mayor shall preside over all meetings of the Board of Trustees and shall perform such duties as may be required of him or her by statute or ordinance. Insofar as is required by statute and for all ceremonial purposes, the Mayor shall be the executive head of the Town.

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

(d) Except as may be required by statute, the Mayor shall exercise only such powers as the Trustees shall specifically confer upon him or her. (Ord. 125 §2, 1975; Ord. 481 §1, 2003)

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

At its first meeting following each biennial election, the Board of Trustees shall choose one (1) of the Trustees as Mayor Pro Tem who, in the absence of the Mayor from any meeting of the Board of Trustees, during the absence of the Mayor from the Town or during the inability of the Mayor to act, shall perform the duties of the Mayor. (Ord. 481 §1, 2003)

Sec. 2-2-40. Acting Mayor.

In the event of the absence or disability of both the Mayor and the Mayor Pro Tem, the Trustees may designate another Trustee to serve as acting Mayor during such absence or disability. (Ord. 481 §1, 2003)

Sec. 2-2-50. Compensation of Mayor and Trustees.

(a) The Mayor shall be compensated for attendance at each Board of Trustees regular meeting, special meeting at which action is taken or special meeting convened pursuant to a request of an interested party for the purposes of accommodating time constraints of said interested party, at a rate of pay noted in the Fee Schedule of the Town.

(b) Each Trustee shall be compensated for attendance at each Board of Trustees regular meeting, special meeting at which action is taken or special meeting convened pursuant to a request of an

interested party for the purposes of accommodating time constraints of said interested party, at a rate of pay noted in the Fee Schedule of the Town.

(c) Attendance is based upon the showing at roll call for each meeting and at which the Mayor or Trustee remains in attendance and fulfills his or her duties as such Mayor or Trustee until final adjournment thereof. If any member of the Board of Trustees has been directed to attend another meeting or event on behalf of the Town in lieu of attending a regular or special meeting of the Board of Trustees, he or she shall be entitled to the same compensation as if he or she had attended the regular or special meeting of the Board of Trustees.

(d) The compensation paid to any member of the Board of Trustees, 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 Trustee 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. (Ord. 411, 2000; Ord. 462 §1, 2003; Ord. 481 §1, 2003; Ord. 505 §1, 2004; Ord. 594 §1, 2009)

Sec. 2-2-60. Regular meetings.

(a) The Board of Trustees shall hold a regularly scheduled meeting, unless canceled for good cause by the Board and due notice provided, on the second and fourth Wednesday of each month, commencing at the hour of 7:00 p.m., and such other dates and times as determined by the Board of Trustees. Unless otherwise specified by a notice posted at the Town Hall, and other locations as required, at least twenty-four (24) hours in advance, such meetings shall be held at the Milliken Town Hall. Work sessions may be scheduled in association with or separate from regular meetings, as directed by the Board.

(b) Regularly scheduled meetings of the Board of Trustees shall adjourn at 11:00 p.m. unless two-thirds ($\frac{2}{3}$) of the Board of Trustees determine, by vote, to extend said meeting. (Ord. 189 §1, 1984; Ord. 198 §§1, 2, 1985; Ord. 292, 1992; Ord. 335, 1996; Ord. 481 §1, 2003; Ord. 594 §1, 2009)

Sec. 2-2-70. Special meetings.

(a) The Mayor or any member of the Board of Trustees may call a special meeting to be held within the Town at any time, provided that the official calling the special meeting shall serve or cause to be served written notice of the date, hour and place thereof upon each other member of the Board of Trustees and the Mayor, as appropriate, at least one (1) hour prior to the holding of such special meeting. The requirement of written notice of any special meeting shall not apply if the date, hour and place of such special meeting are announced in open session of any regular or special meeting of the Board of Trustees whereat all of the members of the Board of Trustees and the Mayor are present. The purpose of or business to be conducted at any special meeting of the Board of Trustees need not be included in any notice or announcement thereof.

(b) Should the Board of Trustees convene for a special meeting pursuant to a request of an interested party for the purpose of accommodating time constraints of said interested party, the Board of Trustees may, in its discretion, assess fees for the special meeting against the interested party. The Board of Trustees may from time to time by resolution adopt a schedule of fees which may be assessed for special meetings. Said fees shall reasonably compensate the staff of the Town and the Town Attorney for time spent in preparation for attendance at special meetings. (Ord. 189 §2, 1984; Ord. 481 §1, 2003)

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

(a) Meetings of the Board of Trustees 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 Board of Trustees, and each member, including the Mayor, shall vote upon every question put by the Chair unless allowed by the Board of Trustees to abstain. The Mayor shall preside at all meetings of the Board of Trustees and shall have the same voting powers as any member of the Board of Trustees. Upon the taking of any vote, the Town Clerk shall record in the minutes the names of those voting and their votes.

(c) At the hour appointed for meeting, the members shall be called to order by the Mayor or, in his or her absence, by the Mayor Pro Tem, and the Town Clerk shall proceed to call the roll, note the absentees and announce whether a quorum is present. If a quorum is present, the Board of Trustees shall proceed with the business before it, in the manner and order as established by the Board of Trustees. (Ord. 481 §1, 2003)

Sec. 2-2-90. Order of business.

The business to be conducted at any regular or special meeting of the Board of Trustees and the order in which business is taken up shall be governed generally by an agenda to be prepared before each meeting by the Town Clerk, acting at the direction of the Mayor; provided, however, that this provision shall not prevent the consideration of any business which may be placed before the Board of Trustees at any meeting. (Ord. 189 §3, 1984)

Sec. 2-2-100. Reading of ordinances.

Whenever the reading of an ordinance or a code which is to be adopted by reference is required by statute, any such requirement shall be deemed to be satisfied if the title of the proposed ordinance is read and the entire text of the proposed ordinance or of any code which is to be adopted by reference is submitted in writing to the Board of Trustees before adoption. (Ord. 189 §4, 1984)

Sec. 2-2-110. Boards and commissions.

The Board of Trustees may form, dissolve, inactivate and/or direct such boards, commissions and committees as may now or hereafter exist, including but not limited to the following:

- (1) Human Relations Committee;
- (2) Planning Commission; and
- (3) Trails, Open Space and Trees Committee. (Ord. 481 §1, 2003; Ord. 594 §1, 2009)

ARTICLE III

Officers and Employees

Sec. 2-3-10. Appointed officers.

Town officers shall be appointed in accordance with Title 31, Article 4, Part 3, C.R.S. The powers and duties of such officers shall be in accordance with such state statutes. (Ord. 481 §1, 2003)

Sec. 2-3-20. Reimbursement of business expenses.

(a) Officers and employees of the Town may obtain reimbursement or expenses incurred in performance of official business of the Town in accordance with approved travel policies contained in the Town of Milliken Personnel Policies and Procedures Manual.

(b) Officers and employees who use their own automobiles to perform official business of the Town shall have and maintain automobile insurance which, as a minimum, complies with state law. (Ord. 260 §§1—5, 1989; Ord. 350 §1, 1996; Ord. 481 §1, 2003; Ord. 594 §1, 2009)

ARTICLE IV

Municipal Court

Sec. 2-4-10. Definitions.

As used in this Article, the following terms shall have the following meanings:

Municipal Court means the Police Magistrate's Court or Police Court.

Municipal Judge means the Police Magistrate or Police Judge. (Ord. 117 §1-1, 1974; Ord. 481 §1, 2003)

Sec. 2-4-20. Creation of Municipal Court.

A Municipal Court for the Town is hereby created pursuant to and governed by the provisions of state law. The Court Clerk shall keep a record of all cases tried or determined by the Court. (Ord. 117 §1-2, 1974; Ord. 193 §§1, 7, 1985; Ord. 284 §2, 1991; Ord. 481 §1, 2003)

Sec. 2-4-30. Original jurisdiction.

The Municipal Court shall have original jurisdiction of all cases arising under the provisions of this Code and ordinances of the Town, with full power to punish violators thereof by the imposition of such fines and penalties as are prescribed in this Code or by ordinance, or to order restitution or other appropriate and lawful remedies. (Ord. 193 §2, 1985; Ord. 481 §1, 2003; Ord. 541 §1, 2006)

Sec. 2-4-40. Qualification and appointment of Municipal Judge.

(a) The Board of Trustees may, by ordinance or resolution duly considered and adopted, establish from time to time such qualifications for the office of Municipal Judge as it may deem fit, proper and consistent with the procurement of persons of judicial temperament and ability.

(b) The Municipal Judge shall be appointed by the Board of Trustees for a specified term of not less than two (2) years or for a term which expires on the date of the next election of the Board of Trustees. If more than one (1) Municipal Judge is appointed, the Board of Trustees shall designate the presiding Municipal Judge. Any Municipal Judge must be admitted to and currently licensed in the practice of law in the State. (Ord. 117 §§1-4, 1-5, 1974; Ord. 193 §4, 1985; Ord. 481 §1, 2003; Ord. 504 §1, 2004)

Sec. 2-4-50. Compensation of Judge.

The annual salary of the Municipal Judge shall be set by the Board of Trustees, and payable as other salaries are paid to municipal employees. The Board of Trustees shall from time to time budget and appropriate monies necessary for the compensation of the Municipal Judge. (Ord. 117 §1-7, 1974; Ord. 481 §1, 2003)

Sec. 2-4-60. Oath of office.

Before assuming the duties of his or her office, the Municipal Judge shall make an oath or affirmation to support and uphold the Constitutions of the United States and the State of Colorado and the laws of the Town, and that he or she will faithfully perform the duties of the office. (Ord. 117 §1-6, 1974; Ord. 193 §4, 1985)

Sec. 2-4-70. Acting Municipal Judge.

At the time of appointment of the Municipal Judge, the Board of Trustees may appoint a substitute Municipal Judge meeting the qualifications as set out in state statutes. The substitute Municipal Judge may preside in case of the temporary absence, sickness or other inability of the Municipal Judge to act. Such appointment must be in writing. (Ord. 117 §1-10, 1974; Ord. 481 §1, 2003)

Sec. 2-4-80. Court Clerk.

The position of Clerk of the Municipal Court is hereby established. The Court Clerk shall be appointed by the presiding Municipal Judge and shall have such duties as are delegated by the Municipal Judge, by law or by Court rule. The Court Clerk's salary shall be provided for in the same manner as the salary for the Municipal Judge. The Court Clerk shall give a performance bond in such amount as may be set by the Board of Trustees. (Ord. 193 §5, 1985; Ord. 481 §1, 2003)

Sec. 2-4-90. Complaints examined, reports filed.

The Municipal Judge shall receive and examine affidavits and complaints, at all times, for the violation of any Town ordinance, and shall issue a summons or warrant in every case where there is probable cause to believe that an offense has been committed. The Municipal Judge shall file monthly reports with the Town Clerk of all monies collected by him or her, either in the way of fines or otherwise, and shall on the last day of each month pay to the Town Treasurer all monies in his or her hands. The

reports shall state the number of cases filed in Municipal Court, how the same were disposed of, and other matters of information concerning his or her office. (Ord. 117 §1-12, 1974)

Sec. 2-4-100. 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 shall hear and determine complaints for the violation of any Town ordinances where there is probable cause to believe that an offense has been committed. It shall be lawful for the Municipal Judge to hold a special session of Court at any time, including Sundays, holidays and evenings, if in the discretion of the Municipal Judge a special session is deemed advisable. All sessions shall be open to the public.

(b) The Municipal Court shall be open during such hours as are set by the Municipal Judge with the consent and approval of the Board of Trustees, including such evening sessions as the Board of Trustees shall approve. In case of any conflict between the Municipal Judge and the Board of Trustees as to said hours, the decision of the Board of Trustees shall govern. The Municipal Court shall be closed on Sundays and holidays except for special sessions.

(c) 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. 117 §§1-13, 1-14, 2-11, 1974; Ord. 481 §1, 2003)

Sec. 2-4-120. Penalties.

(a) All fines and costs collected or received by the Municipal Court shall be reported and paid monthly to the Town Treasurer and deposited in the general fund.

(b) The Municipal Judge may suspend a sentence or fine and place the violator on probation for a period not exceeding ninety (90) days. Costs may be assessed against a defendant found guilty as provided by law.

(c) The following penalties, herewith set forth in full, shall apply to this Code:

(1) It is unlawful for any person to violate any of the provisions adopted in this Code by failing to comply with its prohibitions or its mandates.

(2) Every person convicted of violation of any provisions adopted in this Code shall be punished by a fine not exceeding three hundred dollar (\$300.00), or by imprisonment not exceeding ninety (90) days or by both such fine and imprisonment.

(3) Each day or portion thereof during which the violation continues shall constitute a separate violation. (Ord. 117 §2-19, 1974; Ord. 193 §6, 1985; Ord. 541 §1, 2006)

Sec. 2-4-130. Court costs.

(a) Imposition of court costs. After determining the appropriate fine for each person who is convicted of violating an ordinance of the Town or this Code, the Municipal Judge shall add thereto an amount (to be known as *court costs*) according to the fee schedule.

(b) Disposition of proceeds. All proceeds of the court costs shall be paid into the General Fund of the Town, to be used for the purpose of court and law enforcement administration. (Ord. 259 §§1, 2, 1989; Ord. 541 §1, 2006)

Sec. 2-4-140. Detention and incarceration surcharge.

(a) Each person who pleads guilty or no contest to a violation of the Town's ordinances or this Code, or who is found guilty after a trial, shall pay a surcharge according to the following schedule: \$5.00 for any fine between \$.01 and \$50.00; \$10.00 for any fine between \$50.01 and \$100.00; \$15.00 for any fine between \$100.01 and \$150.00; \$20.00 for any fine between \$150.01 and \$200.00; \$25.00 for any fine between \$200.01 and \$250.00, and \$30.00 for any fine between \$250.01 and \$300.00. The proceeds of the surcharge shall be paid into the General Fund of the Town to be used to defray the cost of incarcerating municipal offenders.

(b) The Municipal Court shall assess, and the Town Attorney shall use financially appropriate efforts to collect, the amount of the costs of detention and incarceration from those individuals whose violation of the Town's ordinances or this Code necessitates detention or incarceration. (Ord. 364 §§1, 2, 1997; Ord. 481 §1, 2003; Ord. 541 §1, 2006)

Sec. 2-4-150. Demand for jury.

In all trials for a violation of this Code or any ordinance of the Town, a defendant shall have the right to demand a trial by jury. Such defendant may demand a jury which shall consist of six (6) jurors, or a lesser number not fewer than three (3), if the same is agreed upon by the Town and the defendant. The Municipal Judge shall adjourn the cause, if necessary, to any time not exceeding three (3) days, for that purpose. The jury, when empaneled, shall be sworn by the Municipal Judge to try the cause according to the evidence and the law as provided for in criminal trials. (Ord. 117 §3-1, 1974; Ord. 481 §1, 2003)

Sec. 2-4-160. Qualifications and exemptions of jurors.

Qualifications and exemptions of jurors shall be the same as provided in Sections 13-71-102 through 13-71-110, C.R.S. (Ord. 117 §3-2, 1974; Ord. 481 §1, 2003)

Sec. 2-4-170. Method of summoning jurors.

Upon demand of the defendant for trial by jury, the Municipal Judge shall issue a venire for the jury and shall issue a writ to any police officer. (Ord. 117 §3-3, 1974; Ord. 481 §1, 2003)

Sec. 2-4-180. Penalty for juror failing to appear.

If any person summoned as a juror shall fail, neglect or refuse to appear without reasonable excuse, he or she shall be deemed guilty of contempt and fined or imprisoned as the Municipal Court may direct. The Municipal Court shall have the power to issue a citation directed to the Chief of Police commanding him or her forthwith to bring to the Municipal Court the juror so failing to attend and directing such juror to show cause why he or she should not be punished for contempt, or on the appearance of such juror on such citation, it shall be lawful for the Municipal Court to punish him or her for contempt or wholly discharge him or her if a satisfactory excuse is made. (Ord. 117 §3-4, 1974; Ord. 481 §1, 2003)

Sec. 2-4-190. Jury fees; waiver.

(a) Persons summoned to jury duty pursuant to this Article shall be entitled to a juror's fee as set forth in the Fee Schedule. The defendant shall, in all cases wherein demand for trial by jury is made, tender to the Municipal Court sufficient juror's fees to pay for the number of jurors requested plus six (6) additional jurors.

(b) Whenever it is made satisfactorily to appear to the Municipal Judge, after all legal means have been exhausted, that any person who is charged with a violation of an ordinance and who requests a jury as herein provided has no estate whatever wherewith to pay jury fees in advance as requested, it shall be the duty of the Municipal Judge to waive the requirement for advance payment, provided that if the defendant is found guilty, he or she shall be assessed the jury fees as part of the court costs. (Ord. 117 §3-5, 3-6, 1974; Ord. 571 §2, 2007)

Sec. 2-4-200. Discharge of jurors.

The term of jury service shall be as indicated on the venire facias, and a person who has actually been in attendance as a juror in the Municipal Court for the period of time ordered under the venire facias shall be discharged by the Municipal Court. No juror shall be discharged until the close of the trial in which he or she may be serving, and if the selection of a jury in any cause has commenced, the Municipal Court shall have the power to retain the panel until such jury is selected and sworn. A person discharged as prescribed in this Section shall be disqualified for jury service in the Municipal Court for the period of one (1) year thereafter. (Ord. 117 §3-7, 1974; Ord. 481 §1, 2003)

Sec. 2-4-210. Challenge for cause.

Challenges for cause shall be as provided for by state law. In all cases arising under this Code or any ordinance for the Town wherein a jury is demanded, each party shall be entitled to three (3) peremptory challenges. (Ord. 117 §3-8, 1974; Ord. 481 §1, 2003)

Sec. 2-4-220. Jury not quashed.

No array or panel of any jury shall be quashed, nor shall any verdict be stayed or averted by reason of any informality or irregularity in the summoning or selecting of the jury which, in the opinion of the Municipal Court, is unimportant and insufficient to vitiate the return of the jury. (Ord. 117 §3-9, 1974)

Sec. 2-4-230. Disqualification of jurors.

No person summoned as a juror shall be disqualified to serve as such by reason of a previously formed or expressed opinion with reference to the guilt or innocence of the accused; provided, however, that the Municipal Court shall be satisfied, from the examination of the juror or from other evidence, that he or she will render an impartial verdict according to the law and the evidence submitted to the jury in the trial of such cause. (Ord. 117 §3-10, 1974)

Sec. 2-4-240. Trial to Court.

If any defendant pleads guilty, waives his or her right to a jury trial or fails to demand a jury trial, the Municipal Judge shall hear the evidence and render a judgment thereon. (Ord. 117 §3-11, 1974)

Sec. 2-4-250. Instructions to jury.

At the conclusion of all of the evidence and before arguments of counsel, the Municipal Judge shall read to the jury the ordinance or code section alleged to have been violated by the defendant and shall orally instruct the jury as to any points of law that the Municipal Judge believes to be pertinent to the issues to be determined by the jury. Counsel for either of the parties may submit written instructions to the Municipal Judge, and if he or she believes such instructions to be proper, he or she may read the same to the jury. (Ord. 117 §3-12, 1974)

Sec. 2-4-260. Jury verdict; sentencing.

Upon a jury returning a verdict of guilty, the Municipal Judge shall record the same and shall proceed to fix or determine the punishment, penalty or sentence and to render judgment upon such verdict for the punishment, penalty or sentence so determined by him or her. If the jury returns a verdict of not guilty, the defendant shall be discharged. (Ord. 117 §3-13, 1974)

ARTICLE V

Police Department

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

There is hereby created a Police Department for the Town, which shall consist of one (1) Chief of Police and as many police officers as may from time to time be deemed necessary for the safety and good order of the Town. (Ord. 481 §1, 2003)

Sec. 2-5-20. Departmental regulations.

The Police Department shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be adopted by the Board of Trustees. (Ord. 481 §1, 2003)

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

(a) The Town Administrator shall appoint a Chief of Police who shall be the head of the Police Department. It shall be the duty of the Chief of Police to:

- (1) See that the ordinances of the Town and the laws of the State are duly enforced and the rules and regulations of the Police Department obeyed.
- (2) Direct the operations of the Police Department, subject to the rules and regulations thereof.
- (3) Arrest any person violating any of the Town ordinances and take such violator before the Municipal Court for trial.
- (4) Render such accounts of the Police Department, his or her duties and receipts as may be required, and keep the records of his or her office open to inspection by the Town Administrator 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 Town, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter. (Ord. 481 §1, 2003)

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 Town and shall see that the provisions of the ordinances of the Town 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 Town ordinance, and they may serve the same in any part of the County. (Ord. 481 §1, 2003)

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 Town, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter. (Ord. 481 §1, 2003)

ARTICLE VI

Human Relations Committee

Sec. 2-6-10. Creation.

The Human Relations Committee is hereby established by appointment of the Mayor and consent of the Board of Trustees to the appointment. (Ord. 162 §1, 1983)

Sec. 2-6-20. Composition.

The Committee shall be composed of five (5) members. The members shall represent a broad spectrum of the constituency; that is both sexes shall be represented, as shall persons of different ethnic backgrounds and persons of different ages. In addition, the membership shall reside in varied geographical locations throughout the Town. (Ord. 162 §2, 1983; Ord. 481 §1, 2003)

Sec. 2-6-30. Term of office.

(a) One (1) member shall be appointed to a three-year term. Two (2) members shall be appointed to two-years terms. Two (2) members shall be appointed to one-year terms.

(b) When an appointment is made to fill a vacancy caused by resignation or other reasons, the appointee shall serve the remainder of the term of the member whose seat is being filled. (Ord. 162 §3, 1983)

Sec. 2-6-40. Replacement of absent member.

In the event a member of the Committee is absent three (3) consecutive times, that member may be replaced by the Board of Trustees with the recommendation of the Human Relations Committee. (Ord. 162 §4, 1983)

Sec. 2-6-50. Committee functions.

(a) The function of the Human Relations Committee is to foster mutual respect and understanding and to create an atmosphere conducive to the promotion of amicable relations among all members of the Town; to serve as a vehicle through which the citizens can convey their suggestions on the policies of local government with respect to social problems; to be sensitive to the social needs of the citizens; and to advise and assist the Town government in relation to the needs of the people. Specifically, the Committee shall:

(1) Study, prepare and recommend to the Board of Trustees a plan of long-range and short-range priorities in the area of human relations.

(2) Recommend to the Town activities that in its judgment will increase good will among citizens of the Town, eliminate discrimination and open new opportunities for all citizens in all phases of community life.

(3) Improve human relations and recognize and foster basic human rights among all segments of the community.

(4) Act as a conciliator or arbitrator in situations and incidents involving division and conflict in the community.

(5) Promote cooperation and interaction with other boards, commissions and authorities of the Town in matters concerning and affecting human relations.

(6) Make advisory recommendations monthly or upon request to the Board of Trustees on practices and priorities in human relations, and report on human relation activities and concerns as interpreted by the Committee.

(7) Request investigation of any set of facts or circumstances which gives the Human Relations Committee reasonable cause to believe that a social or human relations problem exists.

(b) In the course of the Committee's work and in the event that a disagreement occurs as to what constitutes an appropriate limitation on disclosures, the Board of Trustees shall provide appropriate directives. (Ord. 162 §5, 1983)

Sec. 2-6-60. Conduct of Committee.

(a) The Human Relations Committee shall meet monthly. The meeting shall coincide with the date of regularly scheduled Town meetings and be held immediately preceding such meetings. Special meetings may be held at the discretion of the Committee as long as twelve (12) hours' notice is given to each Committee member, along with the reason for the meeting.

(b) The Human Relations Committee shall have the right to promulgate reasonable rules of procedure and order relating to its function. (Ord. 162 §6, 1983)

ARTICLE VII

Planning Commission

Sec. 2-7-10. Creation.

Pursuant to state law, there is hereby created a Planning Commission for the Town. (Ord. 481 §1, 2003)

Sec. 2-7-20. Purpose.

The Planning Commission is created for the following purposes:

(1) To prepare and maintain, subject to periodic revision as necessary, a Master Plan as described by state statutes.

(2) To implement the provisions of Chapters 16 and 17 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 Board of Trustees amendments to the Zoning Map of the Town.

(4) To study and recommend appropriate zoning classifications for all annexations to the Town.

(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 Town, such powers expressly being reserved by the Board of Trustees. (Ord. 481 §1, 2003)

Sec. 2-7-30. Membership.

(a) The Planning Commission shall consist of seven (7) members appointed by the Board of Trustees. Six (6) members of the Planning Commission shall be bona fide residents of the Town for the entire tenure of their membership on the Planning Commission and may not be acting as a Trustee of the

Town's Board of Trustees. One (1) member shall be a voting member who resides in Weld County and also within the boundaries of the Town's comprehensive planning area.

(b) The respective terms of the members appointed pursuant to this Article shall be fixed and designated by the Board of Trustees at the time of appointment. The terms of appointment shall not be longer than four (4) years unless re-appointed. The terms shall end at the first regular meeting of the Board of Trustees after each biennial election or at such other date and time as determined necessary by the Board of Trustees because of the resignation or removal of a Commissioner. The appointment of the Commissioners whose terms have expired shall be made to be effective at the expiration of their terms of office or upon their resignation or termination as appropriate. (Ord. 454 §1, 2002; Ord. 481 §1, 2003; Ord. 550 §1, 2006)

ARTICLE VIII

Tree Committee

Sec. 2-8-10. Creation.

There is hereby established a Tree Committee for the Town. (Ord. 477 §1, 2003)

Sec. 2-8-20. Membership.

(a) The Tree Committee shall consist of five (5) members. Four (4) of these shall be members of the community of the Town, appointed by the Board of Trustees. The fifth member shall be a staff member from the Town, appointed by the Board of Trustees, preferably the Parks and Recreation Manager or the Director of Public Works. All serve on a volunteer basis without pay.

(b) The terms of office for the first Tree Committee shall be one (1) year for two (2) members, and two (2) years for the remaining three (3) members. From then on, the terms of the members shall all be two (2) years, in staggered terms. (Ord. 477 §1, 2003; Ord. 481 §1, 2003)

Sec. 2-8-30. Duties.

(a) The Tree Committee shall make recommendations to the Board of Trustees concerning the purchase, disposition, trimming, spraying, removal, planting, pruning and protection of street trees, park trees and any other trees on public property.

(b) The Tree Committee shall work with the Department of Parks and Recreation to see that an Arbor Day Celebration is held in the Town every year. It will also be the duty of the Tree Committee to submit, in a timely manner, the annual Tree City USA application and information, which shall be the responsibility of the Tree Committee and signed by the Mayor.

(c) The Tree Committee shall be responsible for reviewing and responding to all Town policy relating to trees and tree care.

(d) The Tree Committee shall act in an advisory capacity to the Board of Trustees, leaving the Board of Trustees to make all final decisions. (Ord. 477 §1, 2003)

ARTICLE IX

Open Space and Trails Advisory Committee

Sec. 2-9-10. Creation.

The Town hereby adopts, authorizes and creates the Open Space and Trails Advisory Committee. (Ord. 521, 2005)

Sec. 2-9-20. Purpose.

The purpose of the Open Space and Trails Advisory Committee is to make recommendations to the Board of Trustees regarding relevant matters included therein. (Ord. 521, 2005)

Sec. 2-9-30. Membership.

(a) The Open Space and Trails Advisory Committee shall consist of seven (7) members. Six (6) of these shall be community members of the Town planning area, appointed by the Board of Trustees, who serve on a volunteer basis without pay. The seventh member shall be the Parks and Recreation Manager or his or her designee.

(b) The terms of office for the first Open Space and Trails Advisory Committee shall be one (1) year for two (2) members, and two (2) years for the remaining members. From then on, the terms of the members shall all be two (2) years, in staggered terms.

(c) Vacancies occurring other than through the expiration of the term of the member shall be filled for the remainder of that member's term by appointment by the Board of Trustees. (Ord. 521, 2005)

Sec. 2-9-40. Duties.

(a) The Open Space and Trails Advisory Committee shall:

(1) Advise the Board of Trustees in connection with all matters relating to the planning, acquisition, development, maintenance and management of open space and trails throughout the Planning Area.

(2) Promote and encourage the development, public awareness and proper use of open space and trails throughout the Planning Area.

(3) Coordinate with Weld County and neighboring jurisdictions in the identification and acquisition of open space and trails.

(4) Inventory and assess environmentally sensitive areas and resources within the Planning Area.

(5) Assess open-space-and-trail-related provisions of the Town's plans, specifications and ordinances, and if determined to be necessary, recommend amendments to the Board of Trustees.

(6) Assist in the preparation of applications for grants or other sources of funding for open space acquisition and trail development.

- (7) Advise and consult with local groups as requested.
- (8) Perform such other functions associated with open space and trails as the Board of Trustees may from time to time direct.
- (9) Report committee findings and recommendations to the Board of Trustees on a quarterly basis.
(Ord. 521, 2005)