

TOWN OF TIMNATH

ORDINANCE NO. 7-2006

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF TIMNATH AMENDING CHAPTER 2 OF THE TIMNATH MUNICIPAL CODE REGARDING ADMINISTRATION AND PERSONNEL

WHEREAS, the Town adopted the first codification of the Town's ordinances recognizing that amendments would have to be made; and

WHEREAS, Chapter 2 of the Code is for provisions relating to the Administration and Personnel of the Town; and

WHEREAS, for many developers, citizens and others of interest, the Columbus Day and Veterans Day holidays are less celebrated by the general public; it is reasonable for Town employees to work on Columbus Day and Veterans Day, and to utilize two days (to be considered holidays) during the typically slower periods of work during Thanksgiving and Christmas as follow:

- 1) A set holiday the Friday after Thanksgiving (a holiday in a number of cities) for which Town Hall would be closed; and
- 2) A floating holiday during the Christmas season for which Town Hall would be closed (in addition to the twenty-fifth of December). Said holiday to be determined by the Town Administrator/Manager no later than January 5 of the same year in which the holiday falls.

WHEREAS, the revised form of Chapter 2 attached as Exhibit A implements those changes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF TIMNATH, COLORADO, as follows:

Section 1. Chapter 2 of the Timnath Municipal Code is repealed and re-enacted as set forth in Exhibit A attached hereto and incorporated herein by reference.

Section 2. Repeal. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts

hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

Section 4. Penalty. Violations of this ordinance are punishable as provided in Chapter 1, Article IV of the Timnath Municipal Code.

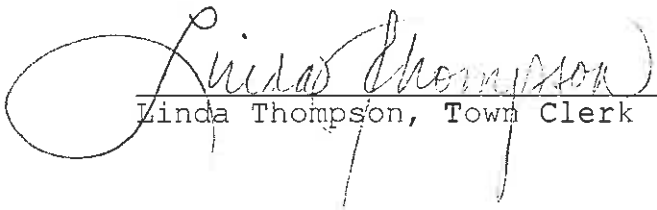
Section 5. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 17th day of May, 2006.



Donna Benson, Mayor

ATTEST:



Linda Thompson, Town Clerk

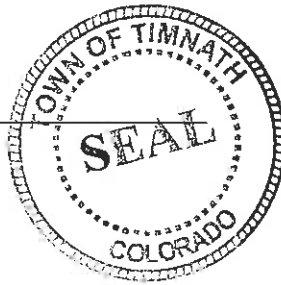


EXHIBIT A

CHAPTER 2

Administration, Personnel, Boards and Commissions

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ARTICLE I GENERAL PROVISIONS

2.1. Meetings

- A. Regular meetings of the Board of Trustees, the Planning Commission, and any other board appointed by the Board of Trustees shall be held as follows:
1. Board of Trustees. There shall be two (2) regular meetings of the Board of Trustees in each calendar month of each and every year to be held on the first and third Wednesdays of each month at the hour of 7:00 p.m. at the Town Hall.
 2. Planning Commission. There shall be one regular meeting of the Planning Commission in each calendar month of each and every year to be held on the fourth Wednesday of each month at the hour of 7:00 p.m. at the Town Hall.
- B. When the date fixed for any regular meeting falls upon a day designated by law as a legal or national holiday, such meeting may be held at the same hour on the next succeeding day not a holiday or such other day as may be set by the Board of Trustees.
- C. Canceling or rescheduling regular meetings.
1. Board of Trustees. The Mayor or two members of the Board of Trustees may cancel or reschedule a regular meeting of the Board of Trustees upon notice to the members of the Board of Trustees.
 2. Planning Commission and other boards. The Chairperson or two members of the Planning Commission or other board may cancel or reschedule a regular meeting of the Planning Commission or other board upon notice to the members of the Planning Commission or other board. (RES H-2002; Ord. 11-2002; Ord. 3-2004)

2.2. Special meetings

- A. Special meetings for the transacting of business described in the notice of the meeting may be called:
1. by the Mayor or two (2) members of the Board of Trustees for a special Board of Trustees meeting.
 2. by the Chairperson or two (2) members of the Planning Commission or any other board for their respective meetings.
- B. Written notice of the special meeting shall be delivered to each member, at their home addresses and posted at the Town Hall at least twenty-four (24) hours prior to the meeting. Any member may waive notice of the meeting, and a member's presence shall constitute waiver of notice of the meeting.
- C. The notice of the meeting shall include the date, time, place and purpose of the meeting. No business shall be transacted except as provided in the notice.

2.6. Holidays

Colorado Revised Statutes §24-11-101(1) prohibits governments from giving notices or accepting payments on checks, promissory notes, or other negotiable instruments, or from holding court on official state and national holidays. Therefore, the Town of Timnath will observe the following state and national holidays, and the offices of the Town of Timnath shall be closed for business on these days:

1. New Year's Day – the first day of January.
2. Martin Luther King, Jr.'s Birthday – third Monday in January
3. Washington-Lincoln Day – third Monday in February
4. Memorial Day – last Monday in May
5. Independence Day – fourth of July
6. Labor Day – first Monday in September
7. Thanksgiving Day - fourth Thursday in November
8. Thanksgiving Friday - fourth Friday in November
9. Christmas Day - twenty-fifth of December
10. Floating Holiday – One day during Christmas week (in addition to the twenty-fifth of December)

If such holidays fall on a Saturday, the holiday shall be observed on the preceding Friday. If such holiday falls on a Sunday, the holiday shall be observed on the Monday following the actual holiday. The Town Administrator shall determine the floating holiday no later than January 5 of each year. (Ord. 3-2004 & 7-2006)

Secs. 2.7—2.20. Reserved.

ARTICLE II ELECTIONS

2.21. Conduct of elections

All elections shall be held and conducted in accordance with the Colorado Municipal Election Law. The Town may by resolution or ordinance determine to follow all or part of the provisions of the Uniform Election Code for any election. (Ord. 11-2002; Ord. 3-2004)

2.22. Write-in votes

No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the clerk by the person whose name is written in prior to twenty (20) days before the day of the election indicating that such person desires the office and is qualified to assume the duties of that office if elected. (Ord. 3 §1, 1988, amended 1994; Ord. 11-2002; Ord. 3-2004)

2.34. Mayor

The Mayor shall be a member of the governing body and the Board of Trustees with the same voting powers as any Trustee. (Ord. 11-2002; Ord. 3-2004)

2.35. Powers and duties of Mayor

The Mayor, or in his or her absence, one (1) of the Trustees who may be elected Mayor Pro Tem, shall preside at all meetings of the Board of Trustees. The Mayor shall preside as provided herein to preserve order and decorum during the meetings. (Ord. 11-2002; Ord. 3-2004)

2.36. Mayor Pro Tem

The Board of Trustees shall at its first meeting elect one of its members as Mayor Pro Tem, who in the absence of the Mayor or on his or her inability to act, shall perform his or her duties. (Ord. 11-2002; Ord. 3-2004)

2.37. Emergency Meetings

An emergency meeting may be called only by the Mayor or two (2) members of the Board of Trustees upon such notice to each of the members of the Board of Trustees as is reasonable under the circumstances of the particular emergency. Emergencies shall include any matter which is an immediate threat to the health, safety or welfare of the residents of the Town upon which the Board of Trustees may take action to negate or alleviate the negative impact of such emergency. Any action taken at such emergency meeting shall be effective only until the next regular or special meeting of the Board of Trustees at which time the action taken in the emergency meeting must be ratified or it shall be deemed repealed. (Ord. 9 §2, 1950; Ord. 9 §2, 1987; Ord. 11-2002; Ord. 3-2004)

2.38. Removal from office

A majority of the Board of Trustees may remove a Trustee for good cause after notice of the alleged grounds to the Trustee and a hearing thereon. Notice of alleged grounds for removal and setting of a hearing thereon shall require a majority vote of the members of the Board. The alleged grounds may be based upon a written complaint by a member of the Board or a citizen of the Town. The complaint must be placed on the next regular meeting agenda held more than five (5) days after receipt of the complaint. In the event that a complaint requesting a hearing for removal of a Trustee is placed on an agenda of a meeting, and there is not a majority vote for a removal hearing at the meeting at which it appears on the agenda, the member shall not be subject to a removal hearing on the same charge. All testimony at a removal hearing shall be given under oath. Grounds for removal shall be presumed against any member of the Board who has:

1. Been absent on three (3) occasions within any two-year period between regular elections of the Town, which absence is unexcused;
2. Been convicted of a felony or a crime of moral turpitude during the current term of office or within five (5) years of being elected, which conviction was not known to the voters at the time the member was elected to office;
3. Violated the conflict of interest provisions of this Code or state law;

2.53. Oath of office; bond

When required by the Board of Trustees, each officer or employee, before entering upon the duties of his or her office, shall take and subscribe to an oath to support the Constitution and laws of the United States and the State and the ordinances of the Town. (Ord. 11-2002; Ord. 3-2004)

2.54. Town Clerk duties

The Town Clerk shall have such powers and perform such duties as prescribed by law, by ordinance, by the Board of Trustees or by the Town Administrator, including but not limited to the following:

1. The Town Clerk shall attend all meetings of the Board of Trustees and make a true and accurate record of all the proceedings, motions, resolutions, and ordinances made and passed by the Board of Trustees.
2. The Town Clerk shall certify by signature, all ordinances and resolutions enacted or passed by the Board of Trustees.
3. The Town Clerk shall provide and maintain in the Clerk's office a supply of forms for all petitions required to be filed for any purpose provided by the Board of Trustees.
4. The Town Clerk shall countersign all warrants drawn on the Town treasury.
5. The Town Clerk shall be the custodian of the Town seal and shall have power to administer oaths and take acknowledgements under the seal of the Town.
6. The Town Clerk shall handle activities of municipal elections; register citizens for voting and handle absentee voting.
7. The Town Clerk shall act as custodian of Town records, establish and maintain a variety of files, such as files for ordinances and resolutions, contracts, minute books, official deeds and leases and other documents of record.

(Ord. 11-2002; Ord. 3-2004)

2.55. Town Treasurer duties

- A. The Town Clerk may also, by appointment by the Board of Trustees, serve as Town Treasurer.
- B. The Town Treasurer, or his or her designee, shall maintain a record showing all funds authorized by the budget adopted by the Town, all warrants and all funds transferred in a manner such that the record reflects at all times the unexpended balance of each fund budgeted. (Ord. 11-2002; Ord. 3-2004)

2.56. Town Administrator

- A. The Town Administrator shall be paid a salary to be fixed from time to time by resolution of the Board of Trustees. The Town Administrator shall be subject to the control and direction of the Mayor with the approval of the Board and shall be appointed without regard to any consideration

9. Establish a system of accounting and auditing for the Town which shall reflect, in accordance with generally accepted accounting principles, the financial condition and financial operation of the Town;
10. Provide for engineering, architectural, maintenance and construction services required by the Town;
11. Serve in an ex officio capacity on all present and future boards, committees and commissions of the Town; and
12. Perform such other duties as may be prescribed by ordinance or by other applicable law or required of him or her by the Mayor and Board of Trustees.

(Ord. 11-2002; Ord. 3-2004)

2.59. Relationship of Board of Trustees to Town Administrator

Except for the purpose of inquiries, individual Board members and the Mayor shall deal with the administrative services solely through the Town Administrator, and neither the Board of Trustees, the Mayor nor any committee thereof shall give orders to any of the subordinates of the Town Administrator. (Ord. 11-2002; Ord. 3-2004)

Secs. 2-60—2-70. Reserved.

ARTICLE V MUNICIPAL COURT

2.71. Established

There shall be a Municipal Court vested with exclusive original jurisdiction of all causes arising under the ordinances of the Town. The Judge of the Court shall be appointed by the Board of Trustees and may be removed by the Board of Trustees for cause. In his or her absence, the Board of Trustees shall designate a reputable citizen possessing the qualifications for the office to serve in his or her stead. Rules and procedure, costs and fees shall be enacted by the Board of Trustees upon recommendation of the Municipal Judge. (Ord. 2 §1, 1963; Ord. 11-2002; Ord. 3-2004)

2.72. Municipal Judge

The Municipal Judge shall serve as ex officio Clerk of the Municipal Court pursuant to the provisions of Section 13-10-108, C.R.S. (Ord. 2 §1, 1963; Ord. 11-2002; Ord. 3-2004)

2.73. Compensation of Judge

The compensation of the Judge shall be fixed by the Board of Trustees. Such compensation shall in no manner be contingent upon the amount of fees charged or collected. (Ord. 2 §1, 1963; Ord. 11-2002; Ord. 3-2004)

- (b) Term. The term of each appointed official shall be four (4) years or until his successor takes office. The terms shall be staggered, commencing with the appointments made on or before April 1, 2003. Three (3) of the terms shall expire on March 31, 2005, two (2) of the terms shall expire on March 31, 2007, and the terms for the two (2) alternates shall expire one (1) on March 31, 2005 and one (1) on March 31, 2007, with all terms expiring four (4) years thereafter.
- (c) Removal; vacancies. Members may be removed after notice and an opportunity for hearing by the Board of Trustees for inefficiency, neglect of duty or malfeasance in office. The notice shall include a written statement of the reason for such removal. Vacancies occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by the Mayor with approval of the Board of Trustees. (Ord. 1 §2, 1982; Ord. 11-2002; Ord. 2-2003; Ord. 3-2004)

2.143. Qualifications of members

All members of the Planning Commission shall be bona fide residents of the Town, and if any member ceases to reside in the Town, his or her membership shall immediately terminate. All members of said Commission shall serve as such without compensation, and the appointed members shall hold no other municipal office. (Ord. 11-2002; Ord. 3-2004)

2.144. Organization and rules

The Planning Commission shall elect its chairman from among the appointed members and create and fill such other of its offices as it may determine. The terms of the chairman shall be one (1) year, with eligibility for reelection. The Planning Commission shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. (Ord. 1 §2, 1982; Ord. 11-2002; Ord. 3-2004)

2.145. Staff and finances

The Planning Commission may, with the consent of the Town Administrator, use Town employees or, with the consent of the Board of Trustees, contract with Town planners, engineers, architects and other consultants for such services as it may require. The expenditures of the Planning Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Board of Trustees, which shall provide the funds, equipment and accommodations necessary for the Planning Commission's work. (Ord. 1 §2, 1982; Ord. 11-2002; Ord. 3-2004)

2.146. Powers of the Planning Commission

The Planning Commission shall have all of the powers and perform each and all of the duties specified by said Title 31, Article 23, Parts 2 and 3, C.R.S. together with any other duties or authority which may hereafter be conferred upon them by the laws of the State of Colorado. The performance of such duties and the exercise of such authority is to be subject to each and all of the limitations expressed in such legislative enactment or enactments. (Ord. 1 §2, 1982; Ord. 11-2002; Ord. 3-2004)

2.147. Purpose

- A. In the preparation of a master plan, the Planning Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the Town with due regard to its relations to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the Town and

3. A concurring vote of three (3) members is needed to reverse any order, requirements, etc., of the administrative official charged with enforcing this Code; to decide in favor of any applicant on any matter upon which the Board of Adjustment is required to pass under this Code; to effect any variation in this ordinance.

(Ord. 1 §4.101, 1994; Ord. 11-2002; Ord. 3-2004)

2.164. Organization and rules

The Board of Adjustment shall elect a chairman from among its members and create and fill such other of its offices as it may determine. The term of the chairman shall be one (1) year, with eligibility for reelection. The Board of Adjustment shall hold such meetings as may be required to fulfill its purposes, and it shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. Such rules shall include the time within which an appeal to the Board of Adjustment must be taken and the name in which meetings of the Board of Adjustment may be called. (Ord. 11-2002; Ord. 3-2004)

ARTICLE IX LOCAL LICENSING AUTHORITY

2.180. Created

Pursuant to the authority conferred by state law, there is hereby created a Local Licensing Authority for the Town. The Local Licensing Authority shall have two (2) divisions as follows:

1. The Board of Trustees shall serve as the Local Licensing Authority for all new liquor license applications, applications for transfer of ownership, applications for modification and renewals of existing liquor licenses.
2. The Municipal Judge shall serve as the Local Licensing Authority for all other liquor licensing matters including, but not limited to, show cause orders and hearings on suspensions and revocations and other disciplinary actions. (Ord. 9-2004)

2.181. Appearance of witnesses

The Local Licensing Authority shall have the authority to issue subpoenas to require the presence of persons and the production of papers, books and records necessary to the determination of any hearing which the Local Licensing Authority is authorized to conduct. It is unlawful for any person to fail to comply with any subpoena issued on behalf of the Local Licensing Authority. (Ord. 9-2004)

Secs. 2-182–2-200. Reserved.