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CHAPTER 2.04

Town Administrator

2.04.010 Created.

There is created and established the position of Town Administrator of the Town. (Ord. 281 §1, 1979)

2.04.020 Appointment; selection; residency.

The initial Town Administrator shall be appointed by the Board of Selectmen on or before April 30, 1979, and thereafter within ninety (90) days after any vacancy exists in such position. The Town Administrator shall hold office at the pleasure of a majority of the Board of Selectmen. The Town Administrator shall be selected solely on the basis of his or her executive and administrative qualifications with special reference to his or her actual experience and knowledge of accepted practice in respect to the duties of his or her office as set forth in this Chapter. At the time of his or her appointment, the Town Administrator need not be a resident of the State, but during tenure of office, he or she shall reside within the State. (Ord. 281 §2, 1979)

2.04.030 Functions and duties.

The Town Administrator shall be the chief administrative officer of the Town government. The Town Administrator's functions and duties shall be:

- (1) To be responsible to the Board of Selectmen for the efficient administration of all administrative departments of the Town government, inclusive of the Police Department, but excepting the departments under the direction of the Town Attorney, Town Prosecutor and Municipal Court;
- (2) To see that all laws are enforced;
- (3) To appoint, with approval of the Board of Selectmen, the heads of the various Town departments, whose appointments are not otherwise specified, and to direct and supervise such department heads;
- (4) To give to the proper departments or officials ample notice of the expiration or termination of any franchises, contracts or agreements, with approval of the Board of Selectmen;
- (5) To see that all terms and conditions imposed in favor of the Town or inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
- (6) To recommend an annual budget to the Board of Selectmen, to administer the budget as finally adopted under policies formulated by the Board of Selectmen, and to keep the Board of Selectmen fully advised at all times as to the financial conditions and needs of the Town;
- (7) To recommend to the Board of Selectmen for adoption such measures as he or she may deem necessary or expedient, and to attend Board of Selectmen meetings with the right to take part in discussions but not to vote;

(8) To exercise and perform all administrative functions of the Town that are not imposed by the Charter or ordinance upon some other official;

(9) To be responsible for the maintenance of a system of accounts of the Town which shall conform to any uniform system required by the Board of Selectmen and to generally accepted principles and procedures of governmental accounting, and to submit financial statements to the Board of Selectmen quarterly, or more often as the Board of Selectmen direct;

(10) To act as purchasing agent for the Town, and in such capacity purchase all supplies and equipment and dispose of the same in accordance with procedures established by the Board of Selectmen;

(11) To establish, subject to approval by the Board of Selectmen, appropriate personnel rules and regulations governing officers and employees of the Town; and

(12) To perform such other duties as may be prescribed by law or required of him or her by ordinance or by direction of the Board of Selectmen. (Ord. 281 §3, 1979; Ord. 2 §1, 2003)

2.04.040 Board of Selectmen prohibited from ordering Town Administrator's subordinates.

Except for the purpose of inquiry, the Board of Selectmen and its members shall deal with the employees of the administrative departments solely through the Town Administrator, and neither the Board of Selectmen nor any member thereof shall give orders to any of the subordinates of the Town Administrator. (Ord. 281 §4, 1979; Ord. 2 §1, 2003)

2.04.050 Salary.

The salary for the position of Town Administrator shall be commensurate with the experience and qualifications of the individual holding such office. The Town Administrator position need not be a full-time position.. (Ord. 281 §5, 1979; Ord. 2 §1, 2003)

CHAPTER 2.08

Town Attorney and Town Prosecutor

2.08.010 Appointment power.

The Board of Selectmen of the Town shall appoint a Town Attorney and may appoint a Town Prosecutor. One (1) person may be appointed and simultaneously serve as Town Attorney and Town Prosecutor. (Ord. 151 §1, 1963; Ord. 2 §1, 2003)

2.08.020 Prosecution of ordinance violations.

The Town Prosecutor and Town Attorney are empowered to prosecute all violations of any ordinance of the Town and, as the case may be, prosecute or defend every other action originating or pending before any court in which the official acts of any of its officers or agents shall be involved; provided that, without the order of the Board of Selectmen, the Town Attorney and Town Prosecutor shall commence no action in the interest of the Town except for violations of the ordinances thereof. (Ord. 151 §2(a), 1963; Ord. 2 §1, 2003)

2.08.030 Duties of Town Attorney and Town Prosecutor; attendance at meetings.

(a) The Town Attorney shall act as the legal advisor to the Board of Selectmen, Town committees and commissions, and to all Town officers in all matters relating to the official powers or duties of any such officer the corporate business of the Town. Unless otherwise directed by the Board of Selectmen, the Town Attorney shall attend all meetings of the Board and shall have the right to be heard upon all questions or motions before the Board amending, repealing or in any manner affecting any ordinance in force or to be enacted by the Board. The Town Attorney may also prosecute cases on behalf of the Town in the Municipal Court.

(b) The Town Prosecutor shall represent the Town and prosecute actions in the Town's Municipal Court.

(c) When directed or required by order of the Board of Selectmen or any committee thereof, or by any Town officer or officers having authority in any particular case, the Town Attorney shall draw up any ordinance, bond, contract, lease, conveyance or other instrument in writing in relation to the execution of the Town's corporate powers or corporate business. (Ord. 151 §2(c), 1963; Ord. 2 §1, 2003)

2.08.040 Appointment of other persons.

In the absence of the Town Attorney and/or Town Prosecutor from the Town, or in matters in which he or she shall have adverse interests to the Town, or in case of his or her incapacity through sickness or otherwise, the Board may appoint some other person to represent the Town in such cases, and such persons so appointed shall have all the powers in such cases as are otherwise entrusted to the Town Attorney and/or Town Prosecutor. Assistant counsel may be employed in any case at the discretion of the Board, provided that no person so appointed to act in place of the Town Attorney or Town Prosecutor shall be required to take an oath of office. (Ord. 151 §2(e), 1963; Ord. 2 §1, 2003)

2.08.050 Compensation.

The Town Attorney and Town Prosecutor shall receive for their services in all matters such compensation as deemed reasonable and appropriate by the Board of Selectmen. (Ord. 151 §3, 1963; Ord. 2 §1, 2003)

CHAPTER 2.12

Town Clerk

2.12.010 Keeper of seal; custody of documents.

The Town Clerk shall be the keeper of the seal of the Town and shall affix it to all instruments and papers which by law or ordinance are required to be attested by the seal of the Town. He or she shall have the custody of and safely keep all public records, documents, ordinances, resolutions and orders of the Board of Selectmen and such other papers and documents as may be delivered into his or her custody. (Ord. 12 Art. II §1; Ord. 297 §4(part), 1980)

2.12.020 Recordkeeping duties.

It shall be the duty of the Town Clerk to attend all meetings of the Board of Selectmen, keep the minutes of all its proceedings, and record the same in official books designed and intended for such purpose, which books shall be maintained in the office of the Town Clerk. The Town Clerk shall be the official custodian of all Town documents and records and shall perform such other duties as may from time to time be enjoined upon him or her by ordinance, resolution or order of the Board of Selectmen. (Ord. 12 Art. II §2; Ord. 297 §4(part), 1980; Ord. 2 §1, 2003)

CHAPTER 2.16

Town Treasurer

2.16.010 Keeping of accounts.

It shall be the duty of the Town Treasurer to take under his or her charge and keep a true and accurate account of money belonging to the Town, stating from whom and on what account received and/or expended, reporting accurately thereon, and to perform such other duties as may be assigned to him or her by the Board of Selectmen. (Ord. 12 Art. III §1; Ord. 297 §4(part), 1980; Ord. 2 §1, 2003)

2.16.020 Payment from funds.

The Town Treasurer shall pay from the treasury all such sums of money as may be ordered by the Board of Selectmen, and the warrants and/or checks therefor shall be signed by the Police Judge or presiding officer of the Board of Selectmen, or such other officer as authorized by the Board of Selectmen, and countersigned by not less than one (1) other Town officer as designated and authorized from time to time by the Board of Selectmen. The Town Treasurer shall keep the account of each fund separate and distinct from other funds, charging such fund with all payments and crediting it with all moneys received on account thereof, and upon all warrants payable out of any particular fund, there shall be legibly written the name of the fund out of which they are payable. (Ord. 12 Art. III §2; Ord. 297 §4(part), 1980; Ord. 2 §1, 2003)

2.16.030 Registration and payment of warrants and invoices.

Whenever any warrant or invoice is presented for payment to the Town Treasurer and there are no funds for the payment of the same, it shall be his or her duty to register such warrant or invoice in a book kept by him or her for that purpose, wherein he or she shall state the date, number and amount of such warrant or invoice and the name of the person to whom the same is payable, together with the time and date of such presentation; and it shall be the further duty of the Town Treasurer to endorse upon the face of all warrants or invoices presented to him or her as aforesaid, the time and date of such registry. All warrants or invoices shall be paid by the Town Treasurer according to the priority in the order in which the same are registered, or as directed by the Board of Selectmen. (Ord. 12 Art. III §3; Ord. 297 §4(part), 1980; Ord. 2 §1, 2003)

2.16.040 Report to Board of Selectmen; other duties.

The Town Treasurer shall, at the close of each fiscal year, and more often if requested by the Board of Selectmen, make out and deliver to the Board of Selectmen a full and complete report of his or her doings during the preceding year, stating the amount of money received, from whom and for what

purpose received, and exhibiting all credits and expenditures allowed by law and the ordinances of the Town. Such report shall be published and otherwise made available to the public upon the approval of the same by the Board of Selectmen. The Town Treasurer shall also do and perform such other duties as may be required of him or her by ordinance, resolution or order of the Board of Selectmen. (Ord. 12 Art. III §4; Ord. 297 §4(part), 1980; Ord. 2 §1, 2003)

CHAPTER 2.24

Town Marshal

2.24.010 Office of Town Marshal; authority and duties.

The Town Marshal (sometimes also referred to as the Chief of Police) shall be appointed by and hold office at the pleasure of the Board of Selectmen, and shall have and exercise such authority and powers within the Town similar to that of sheriff under state law. The Town Marshal shall report to the Town Administrator with respect to the administrative and financial operations of the Police Department, and shall be responsible for the professional supervision and management of all police officers and reserve members under his or her command. It shall also be the duty of the Town Marshal to:

(1) See that the ordinances of the Town and the laws of the state of Colorado are duly enforced and executed, and that the peace of the Town is preserved.

(2) See that the rules and regulations governing the operations of the Police Department are properly administered and obeyed, and perform such duties as may be assigned by the Board of Selectmen.

(3) See that all writs and processes directed to the Police Department by the Municipal Court Judge in any case arising under a Town ordinance are timely and faithfully executed and returned, and that the same fees for services that sheriffs are allowed in similar cases are received and collected.

(4) Maintain and make available for inspection such books, accounts, receipts and records of the Police Department as may be required by law, the Board of Selectmen or the Town Administrator.

(5) Hire, retain and terminate such police officers and reserve members as deemed necessary for the proper operation of the Police Department, subject to budgetary appropriation and the review and approval of the Town Administrator. (Ord. 12 Art. IV §1; Ord. 297 §4(part), 1980; Ord. 4 §1, 2002; Ord. 2 §1, 2003; Ord. 12 §1, 2008)

CHAPTER 2.28

Fire Department

2.28.010 Department established.

There is hereby authorized and created the Town of Georgetown Volunteer Fire Department which shall perform fire protection, prevention and suppression services within the Town. The Fire Department shall, subject to the review and approval of the Board of Selectmen, adopt such bylaws and operating procedures governing its operations as it deems necessary and appropriate from time to time. (Ord. 6 §1; Ord. 293 §1, 1980; Ord. 2 §1, 2003)

CHAPTER 2.32

Police Department

2.32.010 Department established.

There shall be and is hereby established the Georgetown Police Department, which shall be comprised of a Town Marshal (or Police Chief) and such number of police officers and reserve members as may from time to time be deemed necessary by the Board of Selectmen for the safety and good order of the Town. (Ord. 15 §1; Ord. 2 §1, 2003; Ord. 12 §2, 2008)

2.32.020 Town Marshal.

The Town Marshal (sometimes also referred to as the Chief of Police) shall be the head of the Police Department and shall supervise all police officers, reserve members and nonlaw enforcement personnel under his or her command. The Town Marshal shall report to and be under the supervision of the Town Administrator with respect to the administrative and financial operations of the Police Department. (Ord. 15 §2; Ord. 4 §2, 2002; Ord. 12 §3, 2008)

2.32.030 Departmental regulations.

The Police Department shall be administered and operated in accordance with the ordinances of the Town and such departmental rules and regulations as may from time to time be recommended by the Town Marshal and/or Town Administrator and approved by the Board of Selectmen. (Ord. 15 §3; Ord. 4 §2, 2002; Ord. 2 §1, 2003)

2.32.040 Police officers and reserve members; appointment, oath, duties, termination.

(a) Every person appointed to serve as a police officer shall be a bona fide resident of the State and certified as a peace officer in accordance with Colorado law at the time of his or her appointment.

(b) The Town Marshal, subject to the review and approval of the Town Administrator, shall appoint and retain such persons as police officers and reserve members as he or she may deem necessary for the proper operation of the Department.

(c) Every person appointed to the position of police officer or reserve member shall take and subscribe to an oath or affirmation that he or she will support the Constitution and laws of the United

States and the State of Colorado, and that he or she will faithfully and impartially enforce the ordinances of the Town and discharge the duties of his or her office.

(d) Police officers shall have the following powers and duties:

(1) To enforce Town ordinances and the laws of the State within the jurisdictional limits of the Town, and to make arrests without process of all persons engaged in violations of the law in their presence.

(2) To execute and return all writs and process directed to them by a Municipal Court Judge in any case arising under the ordinances of the Town, and to serve and enforce such warrants as authorized under state law.

(3) To suppress disturbances of the peace and disorderly conduct.

(4) To perform such duties as required by the Town Marshal and/or as imposed upon police officers by state law.

(e) All police officers and reserve members shall be under the command and supervision of the Town Marshal, who shall review and evaluate their performance and who may, subject to the review and approval of the Town Administrator, terminate the employment of any officer when deemed necessary for the proper or efficient operation of the Department. (Ord. 15 §4; Ord. 4 §2, 2002; Ord. 12 §4, 2008)

2.32.050 Code Enforcement Officer.

(a) There is hereby established within the Police Department the position of Code Enforcement Officer. The Code Enforcement Officer shall be appointed by the Town Marshal, subject to the approval of the Town Administrator and the Board of Selectmen, and shall take an oath or affirmation to faithfully enforce the ordinances of the Town prior to assuming office.

(b) The duties of the Code Enforcement Officer shall be to respond to and/or investigate complaints regarding nuisances and violations of the Town's health and safety ordinances, including, by way of example, zoning and design review regulations, street, sidewalk and public property regulations, parking regulations, and animal control and sign regulations. The Code Enforcement Officer shall be empowered and authorized to issue verbal and/or written warnings for violations of the Town's ordinances, and may issue summonses and complaints commanding violators to appear in the Municipal Court. However, the Code Enforcement Officer shall have no power or authority to effectuate arrests or to carry firearms.

(c) Nothing contained in this Section shall be construed to limit the authority and powers of Town police officers to enforce any and all ordinances of the Town, or to perform the duties of the Code Enforcement Officer. (Ord. 4 §2, 2002)

CHAPTER 2.36

Municipal Court

2.36.010 Establishment of Municipal Court.

(a) There is hereby established the Town of Georgetown Municipal Court, which shall be a qualified municipal court of record and which shall keep a verbatim record of all its proceedings and evidence at all trials by either electronic recording device or stenographic means.

(b) The Municipal Court shall have jurisdiction to hear and try all alleged violations of this Code and any ordinance or code adopted thereunder; and shall have all judicial powers necessary to enjoin and abate all public nuisances, enforce subpoenas issued by any board, commission, body or hearing officer of the Town authorized by law or ordinance to issue subpoenas; issue search warrants and exercise such other judicial powers as vested in a Municipal Court Judge by the Town Charter and laws of the State, and the rules adopted by the Colorado Supreme Court.

(c) There shall not be less than one (1) session of the Municipal Court per month, unless there are no matters to come before the Court. (Ord. 497 §2, 1999)

2.36.020 Municipal Court Judge.

(a) The Municipal Court Judge and any alternate judge shall be appointed, and may be reappointed, by the Board of Selectmen for a two-year term commencing on the first Monday in May after each regular Town election, and shall exercise all authority with regard to the Municipal Court as may otherwise be vested in the Police Judge under the Town Charter. The alternate judge shall serve in the absence of the presiding Municipal Court Judge.

(b) Every Municipal Court Judge shall be admitted to, and be currently licensed in, the practice of law in Colorado, and shall before assuming office take and subscribe an oath or affirmation to support the Constitution and laws of the United States and the State, the Charter and ordinances of the Town and to faithfully perform the duties of office.

(c) A Municipal Court Judge may be removed during his or her term of office only for cause and only upon an affirmative vote of four (4) members (excluding the Police Judge) of the Board of Selectmen after a hearing. Cause shall include:

- (1) Conviction of a felony or any other crime involving moral turpitude.
- (2) Disability which interferes with the performance of judicial duties and which is, or is likely to become, of a permanent character.
- (3) A willful or persistent failure to perform the duties of office.
- (4) Habitual intemperate behavior.

Any vacancy in the office of Municipal Court Judge shall be filled by appointment made by the Board of Selectmen within ninety (90) days of the vacancy, which appointment shall be for the remainder of the then-current unexpired term. The Police Judge may make a temporary appointment pending a permanent appointment to fill a vacancy.

(d) The Municipal Court Judge shall have all judicial powers relating and necessary to the operation of the Court, subject to the rules of procedure governing the operation and conduct of municipal courts promulgated by the Colorado Supreme Court and such ordinances as may be adopted by the Town, and may issue local rules of procedure consistent therewith. The Town shall provide to the Municipal Court a Court Clerk as the Board of Selectmen may deem necessary for the efficient operation of the Court. The compensation to be paid the Municipal Court Judge and Court Clerk shall be determined by the Board of Selectmen from time to time as part of the Town's municipal budget process.

(e) The Municipal Court Judge may protect, preserve and enforce the dignity of the Court and its proceedings through the imposition of fines and/or imprisonment for contempt. (Ord. 497 §2, 1999; Ord. 2 §1, 2003)

2.36.030 Procedures for noncriminal violations.

(a) *Applicability.* This Section applies to all noncriminal violations of this Code. Criminal violations of this Code, including traffic offenses, shall be subject to the Colorado Municipal Court Rules of Procedure, and when a noncriminal violation is consolidated for trial with a violation which is punishable by imprisonment, then the Colorado Municipal Court Rules of Procedure shall apply to all proceedings thereon.

(b) *Purpose and construction.* This Section is intended to provide for the just determination of all noncriminal municipal ordinance violations. It shall be construed to secure simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay.

(c) *Definitions.* As used in this Section, the following definitions shall apply:

Charging document shall mean the document commencing or initiating the noncriminal violation matter, whether denoted as a complaint, summons and complaint, citation, penalty assessment notice or other document charging the person with the commission of a noncriminal violation.

Code shall mean the Georgetown Municipal Code.

Criminal violation shall mean any violation of the Code, including a traffic offense, which is punishable by imprisonment.

Defendant shall mean any person charged with the commission of a traffic infraction or any other violation of this Code which is not punishable by imprisonment.

Judgment shall mean the admission of guilt or liability for any noncriminal violation, the entry of judgment of guilt or liability, or the entry of default judgment as set forth in this Section against any person for the commission of a noncriminal violation.

Noncriminal violation shall mean any violation of the Code which is not punishable by imprisonment.

Penalty shall mean that fine imposed pursuant to Section 1.24.040(b)(2) of this Code, or any other penalty for a violation of this Code which does not include the threat or possibility of imprisonment.

Traffic infraction means a violation of an ordinance governing vehicles and/or traffic which is not punishable by imprisonment.

Traffic offense means a violation of an ordinance governing vehicles and/or traffic which is punishable by imprisonment.

(d) Commencement of noncriminal violation action; contents of charging document; amendment; service.

(1) Commencement. An action for a noncriminal violation of this Code shall be commenced by the tender or service of a charging document upon the defendant, or by conspicuously attaching a parking traffic infraction charging document to the subject vehicle, and by filing the charging document with the Municipal Court.

(2) Contents of charging document; amendment; service. The information which shall be included in the charging document, when a charging document may be amended, and how service of the charging document shall be effected, shall be as provided in the Colorado Municipal Court Rules of Procedure, as amended, relating to contents, amendment and service of a complaint or a summons and complaint.

(e) Payment of penalty assessment before appearance.

(1) The Municipal Court Clerk shall accept payment of a penalty assessment for a noncriminal violation without an appearance before the Municipal Court if:

a. Payment is made at any time prior to the date set for first appearance; and

b. Payment is allowable by and in accordance with a penalty assessment schedule in this Code, and is accompanied by payment for any costs and/or surcharges.

(2) At the time of payment, the defendant shall sign a waiver of rights and acknowledgment of guilt or liability upon a form approved by the Municipal Court.

(3) This procedure shall constitute an entry in satisfaction of judgment.

(f) First appearance.

(1) If the defendant has not previously acknowledged guilt or liability and satisfied the judgment, the defendant shall appear before the Municipal Court at the time scheduled for first appearance.

(2) The defendant may appear in person or by counsel who shall enter an appearance in the case; provided, however, that if an admission of guilt or liability is entered, the Court may require the presence of the defendant for the assessment of the penalty.

(3) If the defendant appears in person, he or she shall be advised of the following:

a. The right to have the first appearance continued upon request for good cause shown;

b. The nature of the violation alleged in the charging document and the right to a copy of the charging document if one was not previously signed;

c. The penalty and fees and costs that may be assessed, and the penalty points that may be assessed against the defendant's driver's license, if applicable.

d. The consequences of failure to appear at any subsequent hearing including, with respect to violations of Chapter 10.04 of this Code, entry of default judgment against the defendant and reporting the judgment to the state motor vehicle division which may assess points against the defendant's driver's license and may deny an application for a driver's license or for renewal of a driver's license until such judgment is satisfied.

e. The right to be represented by an attorney at the defendant's own expense.

f. The right to deny the allegations and to have a trial before the court.

g. The right to remain silent and that any statement made by the defendant may be used against him or her.

h. That guilt or liability for the offense must be proven beyond a reasonable doubt.

i. The right to testify, subpoena witnesses, present evidence in accordance with the Colorado Rules of Evidence and cross-examine any witness.

j. That any plea or answer must be voluntary and not the result of undue coercion on the part of any person; and

k. That an admission of guilt or liability constitutes a waiver of the foregoing rights and any right to appeal.

(4) The defendant personally or by counsel shall answer the allegations in the charging document either by admitting guilt or liability, or by denying the allegations.

(5) If the defendant admits guilt or liability, the Court shall enter judgment and assess the appropriate penalty, fees and costs.

(g) Jury trial. A defendant charged solely with noncriminal violations shall have no right to trial by jury and trial shall be to the Municipal Court. In the event that the defendant is charged with and is to be tried on more than one (1) violation arising out of the same incident and at least one (1) of the charged violations is a criminal violation, the defendant shall have the right to demand a trial by jury as set forth in Rule 223 of the Colorado Municipal Court Rules of Procedure, as amended, on all violations, which shall be consolidated for purposes of trial. Also, if a defendant is charged with a violation of the Municipal Code that would constitute a violation under a counterpart state statute, and if a defendant would be entitled to a jury trial for a violation of the counterpart state statute, then the defendant shall be entitled to a jury trial in the Municipal Court on the Code violation.

(h) Right to counsel. A defendant charged solely with noncriminal violations shall have the right to retain counsel, but shall have no right to appointed counsel.

(i) Speedy trial. If the trial of a defendant is delayed more than six (6) months after the date upon which the defendant first entered a plea or answer, the Court shall dismiss with prejudice the charges alleging a noncriminal violation unless the delay is occasioned by the action or request of the defendant; except that if on the day of a final hearing set within the last ten (10) days of the above time limit, a necessity for a continuance arises which the Court in the exercise of sound judicial discretion determines would warrant an additional delay, then one (1) continuance, not exceeding thirty (30) days, may be allowed, after which the dismissal shall be entered as above provided if trial is not held within the additional time allowed.

(j) Final hearing of noncriminal violations. The trial of all noncriminal violations shall be conducted pursuant to the Colorado Rules of Evidence, and the conduct of the hearing shall otherwise be in a form similar to those held for criminal violations.

(k) Judgment on noncriminal violations after trial.

(1) The burden of proof shall be upon the Town and the Municipal Court shall enter judgment in favor of the defendant unless the Town proves the guilt or liability of the defendant beyond a reasonable doubt.

(2) If the defendant admits guilt or liability, or is found guilty or liable, the Municipal Court shall assess an appropriate penalty subject to any other applicable provision of this Code, and such additional costs, fees and surcharges as are otherwise generally imposed under this Code.

(3) The judgment shall be satisfied upon payment to the Municipal Court Clerk of the total amount assessed.

(4) If the defendant fails to satisfy the judgment upon an admission or finding of guilt or liability, or within the time of a reasonable extension granted upon a showing of good cause by and upon the application of the defendant, then such nonpayment in the full amount of the penalty, fees, costs and surcharges, if applicable, shall be treated as a default. A default for failure to satisfy a judgment upon an admission or finding of guilt or liability for a violation of Chapter 10.04 of this Code shall be certified to the State Motor Vehicle Division for enforcement action.

(l) Default on noncriminal violations.

(1) If the defendant fails to appear for a first hearing on a noncriminal violation on the date set forth in the charging document, or at any hearing, including a final hearing, the Court shall enter judgment against the defendant.

(2) The amount of the judgment shall be the penalty assessment, or other appropriate penalty that would be assessed upon an acknowledgment or finding of guilt or liability, and such additional costs, fees and surcharges as are otherwise generally imposed under this Code.

(3) The defendant may satisfy any judgment entered under this rule by paying the Municipal Court Clerk.

(4) No warrant shall be issued for the arrest of any defendant charged with a noncriminal violation who fails to satisfy a default judgment.

(m) Post-trial motions.

(1) There shall be no post-trial motions available in noncriminal violation matters other than a motion to set aside a default judgment.

(2) For good cause shown, the Municipal Court may set aside a default judgment entered in accordance with this Section. *Good cause* shall mean:

- a. Mistake, inadvertence, surprise or excusable neglect;
- b. The penalty assessment was paid prior to entry of default judgment;
- c. The judgment has been satisfied, released or discharged; or
- d. Any other reason justifying relief from the operation of the default judgment.

(3) A motion to set aside a default judgment shall be made within ten (10) days after the judgment was entered.

(n) Appeal. All appeals from the Municipal Court shall be as provided by the Colorado Municipal Court Rules of Procedure, as amended.

(o) Discovery, subpoena, disability of judge, time, and service and filing of papers. Discovery, subpoena, joinder of offenses and defendants, disability of the Municipal Court Judge, proof of official record, time and the service and filing of papers shall be as provided by the Colorado Municipal Court Rules of Procedure, as amended. (Ord. 497 §2, 1999)

2.36.040 Court costs.

The Municipal Court Judge shall assess court costs in the sum of twenty-five dollars (\$25.00) against every defendant who pleads guilty or liable or nolo contendere, or who enters into a plea agreement, or who, after hearing or trial, is found liable or guilty of a violation of the Code. Additionally, any bank fees, penalties or other charges incurred by the Town in processing a personal or other check for the payment of a fine shall be added to court costs to be paid by and collected from the defendant pursuant to Section 1.24.060 of this Code. (Ord. 497 §2, 1999; Ord. 2 §1, 2003)

2.36.050 Community service.

The Municipal Court Judge may allow any person to perform useful public or community service for the Town in lieu of all or a portion of a fine upon a finding that such person cannot pay all or some part of such fine without undue hardship, or for other good cause. (Ord. 497 §2, 1999)

2.36.060 Probation.

Except where a mandatory minimum fine or term of imprisonment has been specified by ordinance for a given criminal offense, the Municipal Court Judge may suspend any fine and/or term of imprisonment and place a defendant on probation for a period of time not to exceed one (1) year upon such terms and conditions as the Court may deem necessary and just. (Ord. 497 §2, 1999)

2.36.070 Restitution.

In any case where a criminal violation of the Code involved or resulted in injury to a person or property, the Municipal Court Judge shall have the authority to order the defendant to make restitution to the injured person or property owner on terms and conditions as the court may deem reasonable and just. (Ord. 497 §2, 1999)

2.36.080 Deferred judgments and sentencing.

In any case in which a defendant has entered a plea of guilty, the Municipal Court Judge may, upon the written consent of the defendant and the Town Prosecutor or Attorney, enter a deferred judgment and sentence and continue the case for a period not to exceed one (1) year from the date of the entry of the plea, subject to such terms and conditions as recommended by the Town Prosecutor or Attorney and approved by the Court. (Ord. 497 §2, 1999; Ord. 2 §1, 2003)

CHAPTER 2.40

Planning Commission

2.40.010 Declaration of necessity.

It is declared necessary for the promotion of the health, safety, morals and general welfare of the Town to provide for the careful and comprehensive survey and study of present conditions and future growth of the Town. Further, it is necessary to guide and accomplish a coordinated, adjusted and harmonious development of the Town and its environs, which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provisions for traffic, the promotion of safety from fire, flood waters and other dangers, adequate provision for light and air, the promotion of helpful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements. (Ord. 348 §1, 1983)

2.40.020 Commission established; membership, powers.

(a) A Planning Commission is established consisting of five (5) members who shall all be bona fide residents of the Town. No member of the Planning Commission may simultaneously serve on the Design Review Commission, Board of Adjustment or Board of Selectmen as an elected, appointed, regular or alternate member.

(b) Members shall be appointed by the Board of Selectmen, and serve staggered terms of three (3) years or until a qualified successor is appointed. Vacancies occurring otherwise than through the expiration of a term shall be filled by appointment for the remainder of the unexpired term by the Board of Selectmen.

(c) The Board of Selectmen may appoint as many alternate members to the Commission as it deems necessary to ensure the proper functioning of the Commission.

(d) Members shall serve without compensation; however, the Commission is authorized to incur expenses as approved by the Board of Selectmen in the Town's annual budget.

(e) If any member ceases to reside in the Town, his or her membership on the Commission shall automatically terminate. Members shall also be subject to removal by a majority vote of the membership of the Board of Selectmen for inefficiency, neglect of duty, excessive absenteeism or malfeasance in office. For purposes of this Section, *excessive absenteeism* shall mean a failure to attend more than three (3) consecutive regular meetings, or a failure to attend at least sixty percent (60%) of the regularly scheduled commission meetings in any six-month period.

(f) The Commission shall perform its responsibilities in furtherance of the purposes as described in this Chapter and shall exercise such power and authority as vested in it by state law and local ordinance. (Ord. 348 §1, 1983; Ord. 516 §1, 2000)

2.40.030 Duties.

The Planning Commission shall have such duties as may be conferred upon it by the Town Charter, the state statutes and such ordinances as may be adopted by the Board of Selectmen. (Ord. 348 §1, 1983; Ord. 2 §1, 2003)

CHAPTER 2.44

Parks and Recreation Commission

2.44.010 Established; membership; term of office.

The Parks and Recreation Commission for the Town is hereby established, consisting of seven (7) members. One (1) member shall be a member of the Board of Selectmen and shall serve for two (2) years. The remaining six (6) members of the Commission shall be residents of the Town and shall serve terms of three (3) years, or until their successor takes office. All persons serving on the Commission shall be appointed by a majority of the Board of Selectmen. All terms shall commence on September 1 of the year in which the Commission member is appointed unless the appointment was to complete an unfulfilled term. The initial Commission shall be made up of two (2) members who shall serve for three (3) years, two (2) members who shall serve for two (2) years, and two (2) members who shall serve for one (1) year. Thereafter, successor members shall serve for three-year terms. (Ord. 375 §1, 1985; Ord. 2 §1, 2003)

2.44.020 Organization and procedure of Commission.

The organization and procedure of the Commission shall be as follows:

(1) The Commission shall choose a chairman and a vice chairman.

(2) The Commission shall hold regular meetings. Special meetings may be called at any time by four (4) members of the Commission upon giving at least twenty-four-hour notice of said special meeting to all commission members.

(3) Four (4) members of the Commission shall constitute a quorum. Unless otherwise expressly provided in the ordinances of the Town, an affirmative vote of the majority of a quorum shall be necessary to authorize any action of the Commission.

(4) The Commission shall keep minutes and records of its meetings and transactions reflecting the actions of the Commission and a vote of each member upon each question considered.

(5) Except for such provisions as are herein expressly provided for, the Commission shall have power to make reasonable rules for the conduct of its business.

(6) Members of the Commission shall be subject to removal by a majority vote of the membership of the Board of Selectmen for inefficiency, neglect of duty, excessive absenteeism or malfeasance in office. For purposes of this Section, *excessive absenteeism* shall mean a failure to attend more than three (3) consecutive regular meetings, or a failure to attend at least sixty percent (60%) of the regularly schedule meetings in any six-month period. (Ord. 375 §1, 1985; Ord. 2 §1, 2003)

2.44.030 Duties and functions of Commission.

(a) Under the direction, supervision and control of the Board of Selectmen, the Parks and Recreation Commission shall:

(1) Make recommendations to the Board concerning the maintenance, renovation, expansion and general administration of existing park, recreation and open space areas.

(2) Make recommendations to the Board concerning any budgeting, expenditure or appropriation and expenditure of park and recreation funds.

(3) Make recommendations to the Board concerning the acquisition or disposal of park, recreation and open space areas.

(4) Assist the Board in pursuing and applying for all available local, state and national park, recreation and open space funds and other technical assistance.

(5) Review the Town Administrator's proposed annual budget as it relates to park and recreational matters, and submit its recommendations concerning said budget to the Board.

(6) At the request of the Board or Town Administrator, prepare and submit to the Board or the Town Administrator or other departments of the Town, recommendations on park and recreation matters.

(7) Be responsible for all other matters that are required of it by the ordinances and Charter of the Town.

(b) The Commission shall not execute for and on behalf of the Town any contract, agreement, request for bid, solicitation for funds or applications for grants without the express written authorization of the Board. (Ord. 375 §1, 1985; Ord. 2 §1, 2003)

2.44.040 Annual report.

In furtherance of the duties and functions of the Parks and Recreation Commission as herein set forth, the Commission shall, at the end of each calendar year, report to the Board concerning its present activities, projects, proposed activities and projects for the coming year, and the status of the condition of all existing parks, recreation and open space areas of the Town. (Ord. 375 §1, 1985)

2.44.050 Compensation.

Members shall serve without compensation. The Commission shall not incur any expenses that have not been budgeted, appropriated or approved by the Board of Selectmen. (Ord. 375 §1, 1985)

CHAPTER 2.48

Appointment of Officers

2.48.010 Appointment of Attorney, Clerk, Treasurer and Marshal; terms of office.

There shall be appointed or reappointed by the Board of Selectmen by not later than the second regular meeting of the Board after each regular Town election, one (1) Town Attorney, one (1) Town Clerk, one (1) Town Treasurer and one (1) Town Marshal, who shall hold their respective offices at the pleasure of the Board of Selectmen. (Ord. 12 Art. I §1; Ord. 297 §1, 1980; Ord. 2 §1, 2003)

2.48.020 Oath of office; bond.

Before entering upon the duties of their respective offices, the officers named in Section 2.48.010 shall each take and subscribe an oath or affirmation that they will support the Constitution of the United States and the Constitution and laws of the State and that they will well and truly perform the duties of their office to the best of their skill and ability. Unless otherwise authorized by the Board of Selectmen, Town officers be bonded to the Town with sureties to be approved by the Board of Selectmen, in the penal sums named in this title, conditioned that they will faithfully perform the duties of their respective offices and that they will, when required by the Board of Selectmen, pay over all moneys and deliver all property in their custody belonging to the Town. Said oath and bond shall be filed with the Town Clerk. (Ord. 12 Art. I §2; Ord. 297 §2, 1980; Ord. 2 §1, 2003)

2.48.030 Method of appointment.

In the appointment of any Town officer, the person who receives the highest number of votes upon the vote of the membership of the Board of Selectmen shall be declared duly appointed. (Ord. 12 Art. I §3; Ord. 2 §1, 2003)

2.48.040 Neglect of duty prohibited.

Every officer elected or appointed by the Board of Selectmen who fails or neglects to perform any duty assigned him or her by any ordinance of the Town may be removed from office suffer a reduction in paid compensation or otherwise be disciplined as deemed appropriate by the Board of Selectmen. (Ord. 12 Art. I §4; Ord. 2 §1, 2003)

CHAPTER 2.52

Compensation of Officers and Employees

2.52.010 Fixing compensation by resolution.

The compensation of the Police Judge, Marshal, Town Clerk and Town Treasurer and all other officers and agents of the Town shall be fixed from time to time by resolution of the Board of Selectmen. The Board shall also have the power at any time to reduce or increase the salary or compensation of any of said officers and agents and to establish the amount of compensation for any officer or other Town employee within an employment contract or through the setting of compensation levels pursuant to the adoption of a compensation/employee classification schedule which has been duly approved by written resolution voted upon by the Board of Selectmen. (Ord. 112 §1, 1953; Ord. 302(part), 1980; Ord. 2 §1, 2003)

2.52.020 Other compensation prohibited; exception.

No officer or agent of the Town shall receive any compensation except as fixed and set forth in Section 2.52.010 or hereafter fixed by resolution by the Board of Selectmen, except that judges and clerks of elections shall receive the same compensation as is now or hereafter provided by state law for such officers when serving at state elections. (Ord. 112 §2, 1953; Ord. 302(part), 1980)

2.52.030 Bonds.

Bonds for faithful performance of duty may be requested by the Board of Selectmen for elected or appointed officers in such amounts as the Board of Selectmen may from time to time establish. (Ord. 112 §3, 1953; Ord. 302(part), 1980)

CHAPTER 2.56

Elections

2.56.010 Regular Town election.

A regular Town election shall be held on the first Monday in April in each odd-numbered year. (Ord. 2 §1, 2003)

2.56.020 Special elections.

Special elections may be called and set by the Board of Selectmen in accordance with the provisions of the Colorado Municipal Election Code of 1965. (Ord. 2 §1, 2003)

2.56.030 Conduct of elections.

All Town elections shall be held and conducted in accordance with the provisions of the Colorado Municipal Election Code of 1965, except that the Board of Selectmen may provide by ordinance or resolution that an election will be conducted under the requirements and procedures of the Uniform Election Code of 1992 with respect to any particular election. Additionally, Town elections conducted as part of a coordinated election with another political subdivision shall be conducted in accordance

with the provisions of the Uniform Election Code of 1992, except in instances where the Board of Selectmen determines to conduct a mail ballot election. (Ord. 2 §1, 2003)

2.56.040 Write-in candidates affidavit.

No write-in vote for Police Judge or any other elective office of the Town shall be counted unless an affidavit of intent was filed with the Town Clerk by the person whose name is written in prior to twenty (20) days before the day of the election, indicating that such person desires the office and is qualified to assume the duties of that office if elected. (Ord. 371 §1, 1985; Ord. 440 §1, 1992; Ord. 2 §1, 2003; Ord. 2 §1, 2004)

2.56.050 Election may be cancelled.

(a) If the only matter before the voters at an election is the election of persons to office and if, at the close of business on the nineteenth day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the Town Clerk, if instructed by resolution of the Board of Selectmen either before or after such date, shall cancel the election. Notification of cancellation shall be made as required by statute and all nominated candidates shall be declared and deemed elected by said resolution.

(b) Notice of the cancellation of an election shall be timely published, if possible, in a newspaper of general circulation within the Town in order to inform the electors of such cancellation. Notice of the cancellation shall also be posted at Town Hall, at each polling place and at all duly designated posting locations. (Ord. 371 §1, 1985; Ord. 440 §1, 1992; Ord. 2 §1, 2003)

CHAPTER 2.60

Social Security Benefits

2.60.010 Authorization.

The Town is authorized to execute and deliver to the Department of Employment Security, State of Colorado, a plan or plans and agreement, required under Section 5 of the enabling act and the Social Security Act, to extend coverage to employees and officers of the Town and do all the other necessary things to effectuate coverage of employees and officers under the Old Age and Survivors' Insurance System. (Ord. 119 §1, 1955)

2.60.020 Payroll deduction system establishment.

The Town Treasurer is hereby authorized to maintain a system of payroll deduction, to be matched by payments by the Town, to be made into the contribution fund of the Social Security Act through the Department of Employment Security and to make charges of this tax to the fund or funds from which wage or salary payments are issued to employees of the Town. Such payments are to be made in accordance with the provisions of Section 1400 of the Federal Insurance Contribution Act on all services which constitute employment within the meaning of that Act. Payments made to the Department of Employment Security, State of Colorado, shall be due and payable on or before the eighteenth day of the month immediately following the completed calendar quarter. (Ord. 119 §2, 1955; Ord. 2 §1, 2003)

2.60.030 Appropriation made.

Appropriation shall be annually made from the proper fund or funds of the Town in the necessary amount to pay into the contribution fund as provided in Section 2.60.020 above of the enabling act and in accordance with the plan or plans and agreement. Authority is given to the Mayor and Town Treasurer to enter into an agreement with the Department of Employment Security, State of Colorado. Such plan and agreement shall provide that the participation of Georgetown shall be in effect as of January 1, 1955. (Ord. 119 §3, 1955; Ord. 2 §1, 2003)

CHAPTER 2.70

Appointment of Alternate Members to Citizen Boards and Commissions

2.70.010 Purpose.

This Chapter is intended to empower and authorize the appointment of alternate members to any and all citizen boards and commissions as otherwise established under this Code so as to promote the consistent and timely execution of the duties, responsibilities and functions of such boards and commissions. (Ord. 489 §1, 1998)

2.70.020 Appointment of alternates.

(a) The Board of Selectmen is hereby empowered and authorized to appoint as many alternate members to each citizen board and commission as established under this Code as it may deem appropriate or necessary to ensure the consistent and timely performance of the duties, responsibilities and functions of such boards and commissions. Alternate members must qualify for appointment in the same manner as regular members and shall be selected and appointed to any given board or commission following the same procedures utilized for the appointment of regular members.

(b) Alternate members of any citizen board or commission shall serve in the same manner as regular members and shall exercise the same powers and authority as may be exercised by regular members when sitting in substitution of an absent regular member. (Ord. 489 §1, 1998; Ord. 2 §1, 2003)

CHAPTER 2.75

Police Judge and Board of Selectmen

2.75.010 Regular meetings, special meetings and work sessions.

(a) The Board of Selectmen shall meet in regular session on the second and fourth Tuesday of each month at the Georgetown Town Hall or such other location as may be designated by the Board. If the day set for the regular meeting falls on a legal holiday or on Christmas Eve or New Year's Eve, the regular meeting shall either be vacated or rescheduled to an alternative date, as determined by the Board of Selectmen no later than the meeting next preceding the holiday; in case any hearing or other proceeding has been set for any such regular meeting, the same shall not abate but shall stand continued to the next regular meeting held by the Board of Selectmen.

(b) The Police Judge or any two (2) Selectmen may call a special meeting of the Board of Selectmen; notice of such meeting shall be personally served or left at the usual place of residence for each member of the Board. The Board of Selectmen may also, at any duly convened meeting, by majority vote, call a special meeting for a future date; notice of such meeting shall be given to any member of the Board not in attendance.

(c) The Board of Selectmen may schedule and hold work sessions as needed. Minutes shall not be kept of work sessions. (Ord. 05 §1, 2007)

2.75.020 Quorum for meetings and work sessions.

(a) At all regular and special meetings of the Board of Selectmen, a majority of the Board shall constitute a quorum for the transaction of business, but a minority may adjourn from day to day. The Police Judge shall be counted for the purpose of determining a quorum. A quorum shall not be required for the Board to hold a work session, provided that no decisions shall be made or other final action taken at any work session.

(b) Should there not be a quorum at any regular or special meeting, all action items and public hearings shall stand continued to the next regular meeting of the Board. A majority of the Board present may vote to hold a work session in place of a regular or special meeting at which a quorum is not achieved, provided that the notice for such regular or special meeting so advised and further provided that no discussion may occur at the work session regarding any item for which a public hearing was scheduled. (Ord. 05 §1, 2007)

CHAPTER 2.80

Police Judge *Pro Tem*

2.80.010. Police Judge *pro tem*.

(a) At the first meeting after each regular municipal election, the Board of Selectmen shall select one of its own members to serve as Police Judge *pro tem*, who shall perform the duties of the Police Judge whenever the Police Judge is absent from the Town or temporarily unable to perform the duties of his or her office.

(b) When presiding over a meeting of the Board of Selectmen in the absence of the Police Judge, the Police Judge *pro tem* shall exercise his or her normal voting powers as a member of the Board.

(c) The Board of Selectmen shall select one (1) of their own members to fill any vacancy that may occur in the office of Police Judge *pro tem*. (Ord. 518 §1, 2000)