

CHAPTER 2 Administration

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ARTICLE I Elections

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

All elections shall be held and conducted in accordance with the Colorado Municipal Election 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. 06-01 §1, 2006)

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

Pursuant to the provisions of Section 31-10-306, C.R.S., no write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the Town Clerk by the person whose name is written in prior to twenty (20) days before the day of the election indicating that such person desires the office and is qualified to assume the duties of that office if elected.

(Prior code 1-9-1; Ord. 06-01 §1, 2006)

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

- (a) Pursuant to Section 31-10-507, C.R.S., 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 required by Section 2-1-20 above, the Town Clerk shall certify such fact to the Board of Trustees and it shall hold a meeting and may cancel the election and by resolution 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.

(Prior code 1-9-2; Ord. 06-01 §1, 2006)

ARTICLE II Mayor and Board of Trustees

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Sec. 2-2-10. Board of Trustees.

The Board of Trustees shall consist of six (6) Trustees and the Mayor. Trustees shall be elected to serve terms of four (4) years.

(Ord. 06-01 §1, 2006)

Sec. 2-2-20. Board of Trustees terms.

At the April 4, 1972 election, six (6) Trustees shall be elected. The three (3) candidates for Trustee receiving the highest number of votes shall be elected for four-year terms, and the three (3) candidates for Trustee receiving the next highest number of votes shall be elected for two-year terms. In the event of a tie, the decision shall be made by lot.

(Prior code 1-5-1)

Sec. 2-2-30. Board of Trustees authority; qualifications.

- (a) Authority. The Board of Trustees shall constitute the legislative body of the Town, shall have the power and authority, except as otherwise provided by statute, to exercise all power conferred upon or possessed by the Town, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof.

- (b) Qualifications. Each Trustee shall be a resident of the Town and a registered elector therein. If any Trustee shall move from or become, 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.

(Ord. 06-01 §1, 2006)

Sec. 2-2-40. Board of Trustees vacancies.

The Board of Trustees shall have power, by appointment, to fill all vacancies on the Board or in any other elected office, and the person so appointed shall hold office until the next regular election and until his or her successor is elected and qualified. If the term of the person creating the vacancy was to extend beyond the next regular election, the person elected to fill the vacancy shall be elected for the unexpired term. The Board of Trustees also has the power to fill a vacancy on the Board or in any other elective office of the Town 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 on the Board or in such other elective office 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. Where a vacancy exists in the office of Trustee, and a successor is to be elected at the next election to fill the unexpired term, the three (3) candidates for Trustee receiving the highest number of votes shall be elected to four-year terms, and the candidate receiving the next highest number of votes, in descending order, shall be elected to fill the unexpired term.

(Prior code 1-5-2)

Sec. 2-2-50. Mayor.

- (a) At the April 4, 1972 election, and at the regular election every four (4) years thereafter, a 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 2-2-40 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.

(Prior code 1-5-1; Ord. 06-01 §1, 2006)

Sec. 2-2-60. 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. 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, the Mayor Pro Tem shall perform the duties of the Mayor.

(Ord. 06-01 §1, 2006)

Sec. 2-2-70. 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. 06-01 §1, 2006)

Sec. 2-2-80. Compensation.

- (a) The Mayor shall receive three hundred dollars (\$300.00) per month as compensation.
- (b) The Trustees shall each receive one hundred fifty dollars (\$150.00) per month as compensation.
- (c) 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.

(Prior code 1-5-1; Ord. 06-01 §1, 2006)

Sec. 2-2-90. Regular meetings.

The regular meetings of the Board of Trustees shall be held on the third Tuesday of each month at the Town Hall at 6:00 p.m., except on legal holidays, when no meeting shall be held; provided, however, that in the event the Board of Trustees determines it is necessary to schedule a meeting at a different time, the Board shall provide notice to the public within twenty-four (24) hours of any rescheduled or newly scheduled meeting, consistent with Section 24-6-402(2)(c), C.R.S., and consistent with Section 2-2-110 of this Chapter. Said meetings shall be open to the public.

(Prior code 1-5-3; Ord. 06-01 §1, 2006)

Sec. 2-2-100. Special meetings.

- (a) Any four (4) members of the Board of Trustees may call special meetings by written notice to each member of the Board of Trustees, personally served or left at the member's usual place of residence by the Town Clerk, at least forty-eight (48) hours in advance of the meeting.
- (b) The Board of Trustees at any duly convened meeting may, by majority vote, call a special meeting for a future date. Notice of such meeting shall be given to any member of the Board of Trustees not in attendance.
- (c) 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. 06-01 §1, 2006)

Sec. 2-2-110. Place for posting notices.

- (a) In accordance with the requirements of Section 24-6-402(2)(c), C.R.S., the Board of Trustees hereby designates the Blue River Town Hall and the old Summit County Courthouse as the locations where notices of meetings may be posted.
- (b) The Board of Trustees, by resolution adopted at the first meeting of each calendar year, shall either redesignate the above locations or designate a new location for posting notices of meetings. If, in any calendar year, the Board of Trustees fails to adopt such resolution, the above-designated locations shall be deemed the designated location for such calendar year.

(Prior code 1-5-4; Ord. 08-06 §1, 2008; Ord. 13-06 §1, 2013)

Sec. 2-2-120. 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. 06-01 §1, 2006)

Sec. 2-2-130. Boards and commissions.

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

- (1) Board of Zoning Adjustment;
- (2) Planning and Zoning Commission; and
- (3) Upper Blue River Regional Planning Commission.

(Ord. 06-01 §1, 2006)

ARTICLE III Officers and Employees

[Sec. 2-3-10. Appointed officers.](#)

[Sec. 2-3-15. Employed officers.](#)

[Sec. 2-3-20. Powers and duties of officers.](#)

[Sec. 2-3-30. Oath of office; bond.](#)

[Sec. 2-3-40. Liability of officers.](#)

[Sec. 2-3-50. Removal of Town officers.](#)

[Sec. 2-3-60. Town Attorney.](#)

[Sec. 2-3-70. Social Security.](#)

Sec. 2-3-10. Appointed officers.

- (a) The following officers of the Town shall be appointed by a majority vote of all the members of the Board of Trustees:
 - (1) Town Attorney;
 - (2) Town Clerk;
 - (3) Municipal Judge;
 - (4) Chief of Police; and
 - (5) Town Treasurer.
- (b) Said officers shall hold their respective offices until their successors are duly appointed and qualified. Vacancies shall be filled by appointment of the Board of Trustees.

(Ord. 06-01 §1, 2006; Ord. 06-07 §1, 2006; Ord. No. 19-01, §§ 2, 5, 6-18-2019)

Sec. 2-3-15. Employed officers.

Code Enforcement Officers. Code Enforcement Officers shall have the authority of the Chief of Police but limited to the enforcement of Chapter 16, Zoning; Chapter 18, Building Regulations; Chapter 7, Health, Sanitation and Animals; Chapter 8, Article II, Parking Regulations; Chapter 11, Article III, Goose Pasture Tarn and the Town Park; and Chapter 4, Article III, Accommodations Tax.

(Ord. 13-05 §1, 2013; Ord. No. 19-01, §§ 2, 5, 6-18-2019)

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

Appointed officers of the Town shall have such powers and perform such duties as are now or hereafter may be prescribed by state law and the ordinances of the Town, shall further perform any additional duties required by the Board of Trustees, and shall be subject to the control and orders of the Board of Trustees.

(Ord. 06-01 §1, 2006)

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

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

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- (c) The Chief of Police, Town Clerk, Town Treasurer and Municipal Court Clerk shall each be bonded by a surety acceptable to the Town in an amount of five thousand dollars (\$5,000.00). When any or all of the above offices are held by one (1) person, the aggregate amount of the bond for that person shall be five thousand dollars (\$5,000.00).

(Prior code 1-6-1; Ord. 06-01 §1, 2006; Ord. No. 19-01, §§ 2, 5, 6-18-2019)

Sec. 2-3-40. Liability of officers.

No provision of this Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the Board of Trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

(Prior code 1-4-3)

Sec. 2-3-50. Removal of Town officers.

- (a) Cause for removal. By a majority vote of all members of the Board of Trustees, the Mayor, Town Clerk, Town Treasurer, any member of the Board of Trustees or any other officer of the Town may be removed from office. No such removal shall be made without a charge in writing and an opportunity of hearing being given unless the officer against whom the charge is made has moved out of the limits of the Town. When any elected officer ceases to reside within the limits of the Town, he or she may be removed from office pursuant to this Section. Appointed officers or employees of the Town need not reside within the limits of the Town. A Municipal Judge may be removed during his or her term of office only for cause, as set forth in Section 13-10-105(2), C.R.S.
- (b) Specification of charges. All charges preferred against any such officer of the Town, for any cause or causes specified in the foregoing subsection for the removal of such officer, shall be made in writing to the Board of Trustees and shall clearly specify any such cause or causes of removal.
- (c) Service of charges and notice of hearing. A copy of such charges and specifications, together with a notice of the time and place of hearing, shall be served upon the accused at least fifteen (15) days before the day of hearing.
- (d) Hearing. At the time and place so set, the Board of Trustees shall meet and proceed according to its rules to hear the evidence against the accused officer, as well as the evidence offered in his or her behalf, adjourning from time to time as may be necessary, until all the evidence shall have been given.
- (e) Decision. Within three (3) days after the evidence shall have been given, the Board of Trustees shall vote by yeas and nays upon each charge and specification separately. The question upon each charge shall be, "Is the accused guilty?" If the Board of Trustees, by a lawful number, finds the accused officer guilty of any specified charge aforesaid, it shall resolve that the accused be removed from office and his or her office declared vacant.
- (f) Appearance by counsel. Upon the trial as aforesaid, the accused shall be heard by himself or herself or by counsel in his or her defense, and the Town may also be represented by counsel in the prosecution of such charges. The Chief of Police, the Mayor or the Town Clerk may serve any paper required to be served by any provisions of this Article.

(Ord. 06-01 §1, 2006; Ord. No. 19-01, §§ 2, 5, 6-18-2019)

Sec. 2-3-60. Town Attorney.

- (a) Appointment. The Board of Trustees, within thirty (30) days of its first regular meeting after each biennial election, shall appoint some qualified attorney at law as the Town Attorney, in compliance with Section 31-4-304, C.R.S., and shall fix his or her compensation.
- (b) Duties. The Town Attorney shall perform the following duties:
 - (1) Act as legal advisor to, and be attorney and counsel for, the Board of Trustees and be responsible solely to the Board of Trustees. He or she shall advise any officer or department head of the Town in matters relating to his or her official duties when so requested by the Board of Trustees and shall file with the Town Clerk a copy of all written opinions given by him or her.
 - (2) Prosecute ordinance violations and conduct for the Town cases in Municipal Court.
 - (3) Prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to him or her by the Board of Trustees and promptly give his or her opinion to the legal consequences thereof.
 - (4) Call to the attention of the Board of Trustees all matters of law, and changes or developments therein, affecting the Town.
 - (5) Perform such other duties as may be prescribed for him or her by the Board of Trustees.

(Prior codes 1-7-1, 1-7-2; Ord. 06-01 §1, 2006)

Sec. 2-3-70. Social Security.

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

(Ord. 06-01 §1, 2006)

ARTICLE IV Municipal Court

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

[Sec. 2-4-20. Jurisdiction and powers.](#)

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

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[Sec. 2-4-100. Sessions generally.](#)

[Sec. 2-4-110. Rules of procedure.](#)

[Sec. 2-4-120. Failure of person to respond to process.](#)

[Sec. 2-4-130. Contempt power.](#)

[Sec. 2-4-140. Court costs.](#)

[Sec. 2-4-150. Appeals.](#)

[Sec. 2-4-160. Appropriations.](#)

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

- (a) A Municipal Court in and for the Town is hereby created and established pursuant to and governed by the provisions of state law.
- (b) The Municipal Court shall be a qualified municipal court of record, and the presiding Municipal Judge shall provide for the keeping of a verbatim record of the proceedings and evidence at trials by either electric devices or stenographic means.

(Prior codes 1-8-1, 1-8-7; Ord. 06-01 §1, 2006)

Sec. 2-4-20. Jurisdiction and powers.

- (a) 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 by law, ordinance or court rule. (See also Section 2-4-140.) It shall have the power to assess court costs as provided in Section 2-4-140 of this Chapter in addition to any fines or penalties for any plea entered in the designated courtroom.
- (b) It shall have the power to enforce subpoenas issued by any board, commission, hearing officer or other body or officer of the Town authorized by law or ordinance to issue subpoenas. It shall have authority to issue protection orders to prevent domestic abuse, whether or not such relief could be obtained in a domestic relations action filed in a district court.

(Prior code 1-8-2; Ord. 06-01 §1, 2006)

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

The Municipal Court shall be presided over by a Municipal Judge, appointed by the Board of Trustees to a term of not less than two (2) years. The Municipal Judge may be removed from office by the Board of Trustees for cause.

(Prior code 1-8-3A; Ord. 06-01 §1, 2006; Ord. 06-04 §1, 2006)

Sec. 2-4-40. Qualifications of Municipal Judge.

Any person appointed to the office of Municipal Judge shall have been admitted to and shall be at the time of his or her appointment and during his or her tenure of office, licensed in the practice of law in the State.

(Prior code 1-8-3B)

Sec. 2-4-50. Oath and bond.

- (a) Before entering upon the duties of his or her office, the Municipal Judge shall take and subscribe, before a judge of a court of record, and file with the Board of Trustees, an oath of affirmation 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 will faithfully perform the duties of his or her office.
- (b) The Municipal Judge shall give bond to the Town in an amount which shall be approved by the Board of Trustees and which shall be surety for his or her faithful performance of the duties of his or her office and for his or her faithful accounting of the payment of all monies coming into his or her hands by virtue of said office.

(Prior code 1-8-3C)

Sec. 2-4-60. Compensation of Judge.

The Municipal Judge shall receive an annual salary of six thousand five hundred dollars (\$6,500.00), which salary shall be payable monthly commencing April 1, 2008.

(Prior code 1-8-3C; Ord. 08-01 §1, 2008)

Sec. 2-4-70. Duties of Judge.

The presiding Municipal Judge shall supervise and direct the Municipal Court's operation and shall perform no other duties during the hours when Court is in session except as may be approved by the Board of Trustees.

(Prior code 1-8-3D)

Sec. 2-4-80. Additional judges.

The Board of Trustees may appoint additional judges for such terms as necessary as may be needed to transact the business of the Municipal Court or to preside in the absence of the presiding Municipal Judge.

(Prior code 1-8-3E; Ord. 06-01 §1, 2006)

Sec. 2-4-90. Court Clerk.

- (a) Appointment. The presiding Municipal Judge, after approval by the Board of Trustees, may appoint a person to serve as Court Clerk whose duties shall be those designated by law, by court rule or by the presiding Municipal Judge. The Municipal Judge may also act as Court Clerk in accordance with state statutes.
- (b) Salary and bond.
 - (1) The compensation of the Clerk shall be an annual salary of seven thousand two hundred dollars (\$7,200.00), which shall be payable monthly effective as of July 1, 2007.
 - (2) The Court Clerk shall post a bond as required in Section 2-3-30 of this Chapter.
- (c) Monies collected. The Court Clerk shall file monthly reports with the Town Clerk of all monies collected, either by fines or otherwise, and shall, on the last day of each month, pay to the Town Treasurer all such monies.

(Prior code 1-8-4; Ord. 06-01 §1, 2006; Ord. 08-01 §2, 2008; Ord. 08-04 §1, 2008)

Sec. 2-4-100. Sessions generally.

- (a) There shall be regular sessions of the Municipal Court for the arraignment of defendants, the trial of cases and such other matters and proceedings as the business of the Court may require. Such sessions shall be conducted no less frequently than once per month and shall be open to the public.
- (b) The Municipal Court shall be open during such hours as are set by the presiding Municipal Judge with the advice and consent of the Board of Trustees; provided, however, that the Court shall be closed on weekends and local, state and national holidays, except for extraordinary sessions.
- (c) Suitable court facilities cannot be provided within the Town; therefore, the presiding Municipal Judge may establish by court rule such facilities at any location within the County which may be in reasonable proximity to the Town.
- (d) 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.

(Prior code 1-8-6; Ord. 06-01 §1, 2006)

Sec. 2-4-110. Rules of procedure.

The procedures of the Municipal Court shall be in accordance with the Colorado Municipal Court Rules of Procedure as promulgated by the Colorado Supreme Court. In addition to other powers, the presiding Municipal Judge shall have full power and authority to issue local rules of procedure and regulations for conducting the business of the Municipal Court not inconsistent with any rules of procedure adopted by the Colorado Supreme Court.

(Prior code 1-8-5; Ord. 06-01 §1, 2006)

Sec. 2-4-120. Failure of person to respond to process.

- (a) In all cases where a person is summoned as a juror or as a witness to the Municipal Court and fails to attend at the time and place appointed, the Municipal Court may issue a citation for the appearance of such juror or witness so failing to attend and direct such person to show cause why he or she should not be punished for contempt of court. Upon a satisfactory excuse being made, the Municipal Court may discharge such person and release any bond posted pursuant thereto.
- (b) In all cases where a person is summoned to appear at the Municipal Court or ordered to appear by the Municipal Judge, it is unlawful for such person to fail to appear at the time and place so ordered.

(Prior code 1-8-9)

Sec. 2-4-130. Contempt power.

The Municipal Court shall have power to compel attendance at sessions of court and to punish contempt of court by fine. When the Court finds any person to be in contempt, the Court may vindicate its dignity by imposing on the contemnor a fine not to exceed two thousand seven hundred dollars (\$2,700.00), as adjusted for inflation on January 1, 2018, and on January 1 of each year thereafter. In cases of indirect contempt, the alleged contemnor shall have all the rights, privileges, safeguards and protections of a defendant in a petty offense case, including but not limited to a formal written complaint, arraignment and trial.

(Prior code 1-8-2; Ord. 06-01 §1, 2006; Ord. 16-04, § 1, 12-20-2016)

Sec. 2-4-140. Court costs.

- (a) The Municipal Court is hereby authorized to increase court costs charged to defendants found guilty after trial or plea to up to one hundred dollars (\$100.00) in the Court's sole discretion.
- (b) The Municipal Court is hereby authorized to make any adjustments or increases in fines assessed against defendants found guilty to such amounts approved by the presiding Municipal Judge in accordance with state law.
- (c) Nothing contained herein shall deprive the Municipal Judge of the authority to permit defendants to perform labor and service for the Town in lieu of paying all or part of the fines and costs imposed, under such terms and conditions as the Municipal Judge shall require; provided, however, that no defendant shall be ordered or required to participate in any work program. Instead, such work program alternative may be granted by the Municipal Judge only upon a defendant's voluntarily requesting participation therein.

(Prior codes 1-4-4, 1-8-8)

Sec. 2-4-150. Appeals.

Appeals from the Municipal Court shall be in accordance with the practice and procedure provided by Section 13-10-116 et seq., C.R.S.

(Prior code 1-8-10)

Sec. 2-4-160. Appropriations.

The Board of Trustees shall annually appropriate an amount sufficient to pay salaries and expenses incurred in connection with carrying out the provisions of this Chapter.

(Prior code 1-8-11)

ARTICLE V Public Records

[Sec. 2-5-10. Purpose.](#)

[Sec. 2-5-20. Scope.](#)

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

[Sec. 2-5-40. Custody; inspection.](#)

[Sec. 2-5-50. Copies of records.](#)

Sec. 2-5-10. Purpose.

The purpose of this Article is to set forth a general policy and procedures for providing access to public records maintained by the Town in compliance with the standards and requirements of the Colorado Public Records Law, Section 24-72-101 et seq., C.R.S., (the "Act"), and to establish reasonable

and standardized fees for producing copies of and information from Town-maintained records as authorized by the Act.

(Prior code 1-10-1)

Sec. 2-5-20. Scope.

This Article shall apply to all Town records and copies of all information requested and/or released, with the exception of those records covered under the Criminal Justice Records Act, in which case only the fees contained herein shall apply.

(Prior code 1-10-2)

Sec. 2-5-30. Policy.

It is the policy of the Town that public records shall be open for inspection at reasonable times in accordance with the Act. Public records include electronic mail messages (e-mail).

(Prior code 1-10-3)

Sec. 2-5-40. Custody; inspection.

- (a) The Town Clerk is the custodian of all records which are maintained by the Town.
- (b) All public records as defined in the Act shall be open for inspection at the office of the Town Clerk upon appointment.
- (c) Inspection of the following public records shall not be permitted:
 - (1) If, upon consultation with the Town Attorney, it is determined that inspection would be contrary to any state statute, federal statute or regulation issued thereunder or is prohibited by rules promulgated by the order of any court.
 - (2) Communications from attorneys in the Town Attorney's office or other special counsel should not be released to any individuals other than those to whom the communication was directed without the consent of the attorney who wrote the communication or the Town Attorney, or if said records are subject to the deliberative process privilege.
 - (3) If, in the opinion of the records' custodian, disclosure of the contents of any public record would do substantial injury to the public interest. Notwithstanding the fact that said record might otherwise be available for public inspection under the provisions of this directive, the records' custodian may deny access to such public record, and at the direction of the Board of Trustees, the Town Attorney's office may apply to the County District Court for an order permitting the records' custodian to restrict such disclosure.
- (d) If the public records requested are not in the custody or control of the records' custodian, the applicant may request a written statement explaining the reason for the absence of the records from such custodian's custody or control, their location and what person has custody or control of the records.
- (e) If the public records requested are in the custody and control of the records' custodian, but are in active use or in storage and, therefore, not available at the time an applicant asks to examine them, the applicant may request a written statement to that effect. Upon written request of the applicant specifying exactly which documents are being requested, the custodian shall set a date and hour within the following three (3) full working days unless extenuating circumstances exist, at which time the records will be available for inspection. In the event of extenuating circumstances existing as defined

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in the Act, the custodian shall have seven (7) full working days to make the records available for inspection.

- (f) If a public record which is requested contains information which is exempt from disclosure (i.e., is not to be disclosed) under this administrative directive or the Act, together with information which may be disclosed under the administrative directive or the Act, the records' custodian shall not release such record. Except as determined by the records' custodian, public records shall not be altered to permit disclosure where inspection of the public record without alteration would otherwise be contrary to this administrative directive or the Act. The records' custodian is not under a duty to create any new public record in response to a request.
- (g) Questions concerning requests for information should be directed immediately to the office of the Town Attorney.

(Prior code 1-10-4)

Sec. 2-5-50. Copies of records.

In all cases in which a person has the right to inspect any public record pursuant to this directive, copies, printouts, plots, or photographs of such records may be provided to the applicant. Prior to the reproduction and/or receipt of such record, the applicant shall pay the Town Clerk a reasonable fee for such service. The costs of reproduction as stated in this Section have been determined to be the cost of the Town in producing such documents as follows:

- (1) Periodically, situations will arise concerning the charging of fees that will require flexibility and common sense. To provide that flexibility, the Town Clerk is authorized to make decisions on situations not specifically covered by this policy. All decisions must be made within the general intent of this policy and in the best interest of the Town.
- (2) Brochures and pamphlets produced specifically for assistance and convenience of citizens and businesses in complying with municipal regulations are not affected by this directive and may be distributed free of charge.
- (3) No fee will be charged to employees of the Town for copies of information required in carrying out their officially assigned duties and within the scope of public service.
- (4) The fee per page will be one dollar (\$1.00) for black and white copies and two dollars (\$2.00) for color copies, which is the average cost of a copy, taking into account the cost of personnel time, necessary research not to exceed fifteen (15) minutes, paper, machine time and supplies.
- (5) The fee for copies telefaxed, excluding the cover sheet, will be one dollar (\$1.00) per page for local destinations and one dollar and fifty cents (\$1.50) for long distance destinations. A maximum of five (5) pages will be faxed. The customer will be billed at the time the faxed copies are sent, and the charges are due upon receipt as indicated on the form available for inspection in the office of the Town Clerk.
- (6) Certified copies will be provided at a cost of one dollar and twenty-five cents (\$1.25) per page for black and white copies and two dollars and twenty-five cents (\$2.25) for color copies.
- (7) Applicable mailing fees shall be assessed.
- (8) A research fee of fifteen dollars (\$15.00) per hour, or portion thereof in fifteen-minute increments, will be charged on time required in excess of fifteen (15) minutes to produce requested information.
- (9) Requested records which need to be retrieved from off-site storage will be provided at the same fee charged to the Town by the off-site storage facility.
- (10) Requested transcripts of board or commission meetings will be provided by the custodian at a fee based on the actual cost incurred by the Town for the preparation of the transcript. An

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administrative fee of fifteen dollars (\$15.00) per hour, or portion thereof in fifteen-minute increments, will also be charged on time required in excess of fifteen (15) minutes to verify the accuracy of the transcript. The Town may require payment of the estimated cost prior to preparation of the transcript.

- (11) Individuals requesting that copies of Town agendas be mailed must supply the Town Clerk's office with self-addressed stamped envelopes. No fee will be charged for faxing agendas locally. Copies of agendas and minutes will be provided by the Town Clerk's office.
- (12) Standard computer printouts will be provided at one dollar and twenty-five cents (\$1.25) per page. Information requiring special resources will be charged at one hundred dollars (\$100.00) per hour for computer time, and fifty dollars (\$50.00) per hour for personnel, with a minimum fee of one hundred dollars (\$100.00).
- (13) Maps will be produced at actual cost plus fifteen dollars (\$15.00) per hour for any research and retrieval time.
- (14) Copies of information provided on computer diskettes will be produced by the custodian for a fee of fifty dollars (\$50.00) for the first diskette and ten dollars (\$10.00) for each subsequent diskette.
- (15) Copies of photographs will be produced by the custodian for a fee of fifteen dollars (\$15.00) per request plus the actual cost of the copies.
- (16) Copies of videotapes will be produced by the custodian at a fee of fifteen dollars (\$15.00) per tape, which includes associated administrative costs.
- (17) Copies of audiotapes will be produced by the custodian at a fee of fifteen dollars (\$15.00) per tape and any associated administrative costs.
- (18) Blue-line reproductions will be available at actual cost plus fifteen dollars (\$15.00) per hour for any research and retrieval time.
- (19) Copies of this Code are provided at actual cost, which is currently one hundred dollars (\$100.00) plus cost of postage, or one dollar and twenty-five cents (\$1.25) per page requested. A fee of one dollar and twenty-five cents (\$1.25) per page on any code supplements will be charged. The fee for the code on computer disk or CD-ROM will be based on the fee charged to the Town by the codifier.
- (20) Copies of the standards and specifications for the design and construction of public improvements may be purchased at a cost of fifty dollars (\$50.00). Supplements may be purchased for an established fee based upon reproduction and all other applicable costs.
- (21) A set of bid documents will be available during bidding periods at prices as set by the Town Treasurer, based upon reproduction and all other applicable costs.

(Prior code 1-10-4; Ord. 06-01 §1, 2006)

ARTICLE VI Planning and Zoning Commission

[Sec. 2-6-10. Establishment and purpose.](#)

[Sec. 2-6-20. Definitions.](#)

[Sec. 2-6-30. Created; membership; terms](#)

[Sec. 2-6-40. Vacancies.](#)

[Sec. 2-6-50. Organization.](#)

[Sec. 2-6-60. Meetings.](#)

[Sec. 2-6-70. Staff.](#)

[Sec. 2-6-80. Duties of Commission.](#)

[Sec. 2-6-90. Material to be submitted.](#)

[Sec. 2-6-100. Appeal to Board of Trustees.](#)

[Sec. 2-6-110. Lapse of approval.](#)

[Sec. 2-6-120. Board of Zoning Adjustment.](#)

Sec. 2-6-10. Establishment and purpose.

- (a) There is hereby established a Planning and Zoning Commission for the Town.
- (b) The purposes of the Planning and Zoning Commission are as follows:
 - (1) To guide and accomplish a coordinated, adjusted and harmonious development of the municipality 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 provision for traffic, the promotion of safety from fire, floodwaters and other dangers and adequate provision for light and air.
 - (2) To preserve the natural beauty of the Town's site and setting, to prevent indiscriminate clearing of property, removal of trees and earthmoving, and to attain the objectives set out in this Chapter through architectural review of the exterior design of all new structures and property development and additions to all existing structures and property development.
- (c) The objectives of the architectural review function of the Planning and Zoning Commission shall be as follows:
 - (1) To prevent excessive or unsightly grading of property which could cause disruption of natural watercourses or scar natural landforms;
 - (2) To ensure that the location and configuration of structures, including signs and signage, are visually harmonious with their sites and with surrounding sites and structures and that there shall be conformance to the Upper Blue Joint Master Plan.
 - (3) To ensure that the architectural design of structures and their materials and colors are visually harmonious with the Town's overall appearance, with surrounding development and with natural and existing landforms.
 - (4) To ensure that plans for the landscaping of property and open spaces conform with the rules and regulations as prescribed by the Town and by this Chapter and to provide visually pleasing settings for structures on the same site and on adjoining and nearby sites.

(Ord. 05-01 §1, 2005)

Sec. 2-6-20. Definitions.

Certain terms as used in this Chapter are defined in this Section. The Planning and Zoning Commission shall define such other terms as necessary to be used in its rules and regulations.

Clerk means the Town Clerk of the Town.

Commission means the Planning and Zoning Commission of the Town.

(Ord. 05-01 §1, 2005)

Sec. 2-6-30. Created; membership; terms

- (a) Effective the first day of March, 2005 there is created a Planning and Zoning Commission of the Town, composed of seven (7) members, to which is delegated the powers and duties to administer this Chapter.
- (b) Members of the Planning and Zoning Commission shall be bona fide residents of the Town at the time of their appointment to the Commission.
- (c) Of the members initially appointed, one (1) member shall be the Mayor or a member of the Board of Trustees appointed by the Board, and the remaining members shall be citizens appointed by the Board. Initially, three (3) members shall serve for terms of four (4) years, and three (3) members shall serve for terms of two (2) years. After the expiration of the initial terms, each member shall serve a term of four (4) years, except the Mayor or member of the Board of Trustees, whose term shall coincide with that member's elected term.

(Ord. 05-01 §1, 2005)

Sec. 2-6-40. Vacancies.

A vacancy on the Planning and Zoning Commission shall occur whenever a member of the Commission is removed by the Board of Trustees, dies, becomes incapacitated and unable to perform his or her duties for a period of ninety (90) days, resigns, ceases to reside within the Town or is convicted of a felony. A member of the Commission may be removed by the Board of Trustees for misconduct, including but not limited to repeated absence from meetings or violation of the state code of ethics. In the event a vacancy occurs, the Board of Trustees shall appoint a successor to fill the vacancy and serve the remainder of the term of the former member.

(Ord. 05-01 §1, 2005)

Sec. 2-6-50. Organization.

The Commission shall select its own Chair, a Vice Chair and a secretary from among its members. The Chair or, in his or her absence, the Vice Chair shall be the presiding officer of its meetings. In the absence of both the Chair and the Vice Chair from a meeting, the members present shall appoint a member to serve as acting Chair at the meeting. All meetings shall be held at the Blue River Town Hall unless otherwise specified. Four (4) members shall constitute a quorum for the transaction of business, but in the absence of a quorum, a lesser number may adjourn any meeting.

(Ord. 05-01 §1, 2005)

Sec. 2-6-60. Meetings.

The Planning and Zoning Commission shall meet on the first Tuesday of each month and otherwise upon the call of the Chair or, in the absence of the Chair, of the Vice Chair.

(Ord. 05-01 §1, 2005)

Sec. 2-6-70. Staff.

The Building Official shall serve as the staff of the Commission and shall act in the capacity of executive secretary to the Commission for the purpose of receiving applications and other material for

consideration for the Commission. The Town Clerk shall ex-officio serve as recording secretary of the Commission.

(Ord. 05-01 §1, 2005)

Sec. 2-6-80. Duties of Commission.

The Planning and Zoning Commission shall have the following functions and duties:

- (1) To make and recommend to the Board of Trustees plans for the physical development of the Town, including any areas outside its boundaries, subject to the approval of the legislative or governing body having jurisdiction thereof, which in the Commission's judgment relate to the planning of the Town. The plan, with the accompanying maps, plats, charts and descriptive matter, shall show the Commission's recommendations for the development of the subject territory.
- (2) To review and recommend to the Board of Trustees desirable or necessary modifications to Chapter 16 of this Code, with appropriate regulations, which may be specifically provided or required by ordinance of the Town.
- (3) To hear and decide appeals from and review any order of any administrative official charged with the enforcement of the Town's zoning regulations.
- (4) To hear and decide appeals from decisions of the Building Official pursuant to Chapter 18, Article I of this Code.
- (5) To act as the Architectural Review Board of the Town and to perform all duties and exercise all powers assigned to the Architectural Review Board.
- (6) To act as the Board of Zoning Adjustment and to perform all duties and exercise all powers assigned to the Board of Zoning Adjustment.
- (7) To review and approve, disapprove or conditionally approve design of all proposed structures in the Town, based upon criteria and procedures determined necessary for the health, safety and welfare of the residents of the Town and approved by the Board of Trustees. No site preparation, excavation, building construction, sign erection or application, exterior alteration or enlargement of an existing structure, fencing or other improvements shall be permitted unless architectural review approval has been granted as prescribed in this Chapter.
- (8) To review and approve, disapprove or conditionally approve for recommendation to the Board of Trustees applications for the approval of subdivision plats, replats and amended plats.
- (9) To consider any other matters pertaining to the Commission as provided by law, resolution or ordinance, to act in an advisory capacity to the Board of Trustees when so requested, and to perform all other powers and duties authorized and required by ordinance or state law.

(Ord. 05-01 §1, 2005)

Sec. 2-6-90. Material to be submitted.

- (a) The Commission shall adopt rules and regulations for the submission of applications, materials and information requiring action by the Commission. The rules and regulations shall include procedures, schedules, content and quantities of materials to be submitted.
- (b) The owner or owner's authorized agent of any proposed project requiring action by the Commission shall submit all of the required material and information in accordance with the rules and regulations of the Commission no later than three (3) weeks before a regular meeting of the Commission. The Building Official shall have one (1) week from submittal to determine whether or not an application is

complete, and the applicant shall have one (1) week thereafter in which to satisfy any deficiencies identified by the Building Official. Any application found to be incomplete one (1) week before the meeting shall not come before the Commission.

(Ord. 05-01 §1, 2005)

Sec. 2-6-100. Appeal to Board of Trustees.

- (a) Appeal of any decision of the Planning and Zoning Commission, except a decision granting or denying a variance, shall be governed by the provisions of this Section.
- (b) Decisions of the Planning and Zoning Commission may be appealed to the Board of Trustees by the applicant or any interested person or may be reviewed at the request of a majority of the Board at any time before the decision becomes final. An *interested person* is an adjacent property owner or a person entitled to have notice of the hearing mailed to him or her in association with the action of the Commission.
- (c) Within five (5) working days following action of the Planning and Zoning Commission, notification of its decision shall be deposited in the United States mail to the applicant and his or her designated agent. The decision shall become final unless a written appeal or request for review by the Board of Trustees is received by the Town Clerk within fifteen (15) days of the decision of the Planning and Zoning Commission. If an appeal is filed or a request for review by the Board made after approval of an application by the Planning and Zoning Commission, no building permit shall be issued until after a final decision of the Board upholding the decision of the Commission.
- (d) If an appeal is filed or a request for review by the Board of Trustees is made, the Board shall review the action of the Planning and Zoning Commission at its next regular meeting. The Board shall, in writing, confirm, modify or reverse the decision of the Commission within thirty-five (35) days following the commencement of review. If it deems insufficient information is available to provide the basis for a sound decision, the Board of Trustees may postpone final action for not more than thirty-five (35) additional days. Failure of the Board to act within such thirty-five (35) additional days shall be deemed action confirming the decision of the Commission unless the applicant consents to a time extension. Action of the Board of Trustees shall become final immediately.
- (e) Any decision by the Board of Trustees which results in action modifying or reversing the decision of the Planning and Zoning Commission shall specifically describe the reasons therefor.

(Ord. 05-01 §1, 2005)

Sec. 2-6-110. Lapse of approval.

Unless otherwise more specifically provided in this Code, approval of an application of any nature except a zoning amendment shall lapse and shall become void eighteen (18) months following the date of final approval of the application prescribed by ordinance unless, prior to the expiration of eighteen (18) months, a building permit based upon such approval is issued and construction is commenced and diligently pursued toward completion.

(Ord. 05-01 §1, 2005; Ord. 05-05 §2, 2005)

Sec. 2-6-120. Board of Zoning Adjustment.

There is established a Board of Zoning Adjustment, which shall consist of the membership of the Planning and Zoning Commission.

(Ord. 05-01 §2, 2005)

ARTICLE VII Upper Blue River Regional Planning Commission

[Sec. 2-7-10. Creation; rules adopted.](#)

[Sec. 2-7-20. Commission members from Town.](#)

[Sec. 2-7-30. Powers and duties.](#)

Sec. 2-7-10. Creation; rules adopted.

The Board of Trustees hereby adopts a plan to cooperate with other political subdivisions in the creation of the Upper Blue River Regional Planning Commission as provided for in Title 30, Article 28, C.R.S., and further adopts the recommended rules, regulations, plan of organization and operation of the Upper Blue River Regional Planning Commission as set forth in the "Rules of Association" adopted by the official representatives of the County and towns cooperating in the organization of the Upper Blue River Regional Planning Commission, dated July 22, 1969, and the amendments thereto, which by reference thereto is hereby expressly made a part of this Chapter.

(Prior code 2-3-1)

Sec. 2-7-20. Commission members from Town.

The membership from the Town shall consist of one (1) member and one (1) alternate appointed by the Mayor.

(Prior code 2-3-2)

Sec. 2-7-30. Powers and duties.

The Upper Blue River Regional Planning Commission shall have the function, powers and duties which are prescribed by law.

(Prior code 2-3-3)