

Title 2

ADMINISTRATION AND PERSONNEL

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Chapter 2.02

TOWN MANAGER

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2.02.010 Appointment. The Board of Trustees of the Town shall appoint a Town Manager who shall be the chief administrative officer of the Town. (Ord. 169 Art. I §1, 1974).

2.02.020 Tenure and Qualifications. The Town Manager shall serve at the pleasure of and during such period of time as may be determined by a majority of the Board of Trustees. He shall be selected on the basis of his executive and administrative qualifications with special reference to his actual experience in and knowledge of the accepted practice with respect to the duties of the office of Town Manager. (Ord. 169 Art. I §2, 1974).

2.02.030 Administrative Relations. The Board of Trustees shall deal with the administrative functions of the Town through the Town Manager. Neither the Board of Trustees, nor any individual member thereof, shall give direction or orders to any subordinate of the Town Manager, except through him. (Ord. 169 Art. I §3, 1974).

2.02.040 Powers and Duties. The Town Manager shall be responsible to the Board of Trustees for the efficient administration of all affairs of the Town placed in his charge, and to that end he shall have the power, duty and responsibility to:

A. Enforce the laws and ordinances of the Town, and the statutes of the State of Colorado as they may be applicable to the Town;

B. To oversee the administration of all departments, offices and agencies of the Town. The Town Manager shall have the authority to appoint all heads of departments of the Town and to appoint acting department heads to act in case of temporary absence or disability of a department head. Such appointment shall be made by him on the basis of the ability, training and experience of such appointees in the work to be performed by them and in the position to be occupied by them. The Town Manager may remove, discharge, suspend (with or without pay), demote or discipline any department head in the manner set forth in the Town of Eagle Personnel Handbook.

The Town Manager shall have the authority to recommend to the Board of Trustees personnel rules and policies subject to adoption, revision or amendment by the Board of Trustees. The Town Manager may also, at any time deemed to be necessary or proper for the purpose of enforcement or implementation of the Town of Eagle Personnel Handbook to adopt, amend or rescind written administrative procedures consistent with the Town of Eagle Personnel Handbook. (Amended Ord. 20-2003 §1, 2003).

C. Prepare a proposed budget annually and submit the same to the Board of Trustees for its approval, and be responsible for the administration of the budget subsequent to its adoption;

D. Prepare and submit to the Board of Trustees at the end of each fiscal year a complete written report on the finances and administrative activities of the Town during the next preceding year, and from time to time when deemed necessary, or upon the request of the Board of Trustees, to make a written or verbal report concerning the finances, affairs and administration of the Town;

E. Exercise supervision and control of and over all executive and administrative departments of the Town, and to recommend to the Board of Trustees any proposal he may deem advisable or necessary to establish, consolidate or abolish any such administrative department;

F. Enforce all terms and conditions of any contract, including any public utility franchise, to which the Town is a part or party, and upon knowledge of any breach or violation thereof, promptly report the same to the Board of Trustees for such action as may be deemed necessary by it;

G. Attend all meetings of the Board of Trustees and participate therein in an advisory capacity, and to make such recommendations to the Board of Trustees as he may deem necessary or expedient;

H. Be responsible for the establishment, control and maintenance of a system of accounts for the Town as may be required by the Board of Trustees, the same to comply with generally accepted principles and procedures of governmental accounting;

I. Act as the purchasing agent for the Town;

J. Perform such other duties as may be prescribed by ordinance, resolution, or direction of the Board of Trustees.

2.02.050 Absence. The Board of Trustees may appoint or designate an acting Town Manager during any period of vacancy in the office, or during the absence of the Town Manager. Such acting Town Manager shall have all the responsibilities, duties, functions, and authority of the Town Manager.

2.02.060 Compensation. The Board of Trustees may, by resolution duly adopted, establish and modify the compensation to be paid the Town Manager.

2.02.070 Statutory Duties of Board of Trustees. Nothing herein contained shall be construed as an abrogation or nullification of the duties, powers, functions, and responsibilities imposed upon the Board of Trustees by the applicable statutes of the State of Colorado or by any applicable provision of the Constitution of the State of Colorado.

Chapter 2.04

TOWN OFFICERS

Sections:

2.04.010	Board of Trustees - Appointment.
2.04.011	Board of Trustees - Terms.
2.04.012	Board of Trustees - Vacancies.
2.04.013	Board of Trustees - Compensation.
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2.04.035	Mayor - Duties - Term.
2.04.040	Treasurer - Duties.
2.04.050	Clerk and Recorder - Duties.
2.04.060	Town Attorney - Duties.
2.04.080	Compensation.
2.04.090	Regular Meetings.
2.04.100	Special Meetings.
2.04.105	Public Notice of Meetings.
2.04.110	Quorum.

2.04.010 Board of Trustees - Appointment. The Board of Trustees shall appoint a Clerk, Treasurer, Town Attorney, and Town Administrator within thirty (30) days after compliance with Section 31-4-401, C.R.S., following each regular municipal election. No appointment of any such officer shall continue beyond thirty (30) days after compliance with Section 31-4-401, C.R.S., by the members of the succeeding Board of Trustees.

2.04.011 Board of Trustees - Terms. At the April 6, 1976, election, six (6) Trustees shall be elected. The three (3) candidates for Trustees receiving the highest number of votes shall be elected for four-year terms, and the three (3) candidates receiving the next highest number of votes shall be elected for two-year (2 yr.) terms. At the next subsequent regular election and at each regular election thereafter, three (3) Trustees shall be elected to serve four-year (4 yr.) terms.

2.04.012 Board of Trustees - Vacancies. A. The Board of Trustees has the power, by appointment, to fill all vacancies in the Board, and the person so appointed shall hold his office until the next regular election and until his successor is elected and has complied with Section 31-4-401, C.R.S., as amended. 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 only. Where a vacancy or vacancies exist in the office of Trustee, and a successor or successors are to be elected at the next election to fill the unexpired term or terms, the three (3) candidates for Trustee receiving the highest number of votes shall be elected to four-year (4 yr.) terms and the candidate or candidates receiving the next highest number of

votes, in descending order, shall be elected to fill the unexpired term or terms.

B. The Board of Trustees also has the power to fill a vacancy in the Board by ordering a special election, subject to the requirements of the Colorado Election Code, to fill the vacancy until the next regular election and until a successor has been elected and has complied with Section 31-4-401, C.R.S., as amended.

C. If a vacancy in the Board 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 a special election, subject to the requirements of the Colorado 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 has complied with Section 31-4-401, C.R.S., as amended.

2.04.013 Board of Trustees - Compensation. Each member of the Board of Trustees shall receive compensation in the amount of one hundred fifty dollars (\$150.00) per month during his or her term of office. (Amended Ord. 13-2004 §1 (part), 2004).

2.04.020 Oath - Surety Bond - Required. Each of the officers appointed under Section 2.04.010 of this Chapter before entering upon the duties as such officer shall make an oath before some qualified officer by law to administer such oath, that he will support the Constitution and the laws of the United States and of the State, and the ordinances of the Town, and faithfully perform the duties of his office. Such oath shall be made and subscribed substantially in the following form:

“I, _____, do solemnly swear that I will support the Constitution and laws of the United States, the Constitution and laws of the State of Colorado, and the ordinances of the Town of Eagle, and that I will faithfully perform all the duties of the office of _____, upon which I am about to enter.

Sworn to and subscribed before me this _____ day of _____, A.D., 20_____.

Official Title”

The Town Treasurer and Town Manager shall also execute a bond with sureties approved by the Board of Trustees in the amounts determined by the Board of Trustees. (Amended Ord. 12-2004 §3 (part), 2004).

2.04.030 Oath - Surety Bond - Filing. The oath and bond provided for in Section 2.04.020 of this Chapter, of each of the said officers except the Clerk and Recorder shall be filed with and kept by the Clerk and Recorder. The oath and bond as provided for in Section 2.04.020, of the Clerk and Recorder, shall be filed with and kept by the Treasurer.

2.04.035 Mayor - Duties - Term. A. The Mayor or, in his absence, one of the

Trustees, who may be elected Mayor Pro Tem, shall preside at all meetings of the Board of Trustees and shall have the same voting powers as any member of said Board. The Mayor shall be considered a member of the governing body and the Board of Trustees for all purposes. (Amended Ord. 13-2004 §2 (part), 2004).

B. The Mayor shall be recognized as the political head of Town government and together with other members of the Board of Trustees shall supervise all appointed officers of the Town, examine the grounds of all reasonable complaints made against any of them, and cause any violations or neglect of duty to be promptly corrected or reported to the proper tribunal for action. The Mayor shall sign all documents on behalf of the Town which by statute, ordinance, or custom may require his signature, and shall also perform such other duties compatible with the nature of his office as the Board of Trustees may from time to time require. (Amended Ord. 13-2004 §2 (part), 2004).

C. At its first meeting following any regular municipal election, the Board of Trustees shall choose one of the Trustees as Mayor Pro Tem who, in the absence of the Mayor from any meeting of said Board, or during the Mayor's absence from the Town, or his inability to act, shall perform the duties of Mayor. (Amended Ord. 13-2004 §2 (part), 2004).

D. At the April 6, 1976, election, and at the regular election every four (4) years thereafter, a Mayor shall be elected to serve a four (4) year term. (Amended Ord. 13-2004 §2 (part), 2004).

E. The Mayor shall receive compensation in the amount of three hundred dollars (\$300.00) per month during his term of office. (Amended Ord. 13-2004 §2 (part), 2004).

2.04.040 Treasurer - Duties. It shall be the duty of the Treasurer to receive and safely keep all money belonging to the Town, and to pay out the same on the order of the Board of Trustees. He shall keep accurate account, in a book furnished him for that purpose by the Board of all money received and disbursed by him and shall render to the Board an account thereof whenever required by it.

2.04.050 Clerk and Recorder - Duties. It shall be the duty of the Clerk and Recorder to make and keep in a book provided by the Board of Trustees, an accurate record of all the official acts of the Board. He shall be the custodian of the Town seal and shall affix the Town seal to such documents as the law or the Board of Trustees requires. He shall keep an accurate record of all his official acts in such manner as the Board of Trustees may provide.

2.04.060 Town Attorney - Duties. The duties of the Town Attorney shall be as follows:

1. He shall act as legal advisor to, and be attorney and counsel for, the Board and shall be responsible solely to the Board. He shall advise any officer or department head of the Town in matters relating to his official duties when so requested by the Board;
2. He shall prosecute ordinance violations and shall represent the Town in cases in Municipal Court. He shall file with the Town Clerk copies of such records and files relating thereto as the Board shall request;
3. He shall prepare and review all ordinances, contracts, bonds, and other written instruments which are submitted to him by the Board and shall promptly give his opinion as to the legal consequences thereof;
4. He shall call to the attention of the Board all matters of law, and changes or developments therein, affecting the Town;
5. He shall perform such other duties as may be prescribed for him by the Board.

2.04.080 Compensation. All appointed officers shall receive compensation to be fixed by the Board of Trustees for services rendered.

2.04.090 Regular Meetings. The Board of Trustees shall hold not less than two (2) regular meetings per month. The Board shall provide by resolution the days and time fixed for said meetings, as well as the place where said meetings shall be held.

2.04.100 Special Meetings. The Mayor may convene the Board at any time. Whenever a special meeting shall be called, a summons or a notice in writing signed by the Mayor shall be served upon each member of the Board either in person or by notice left at his place of residence, stating the date and hour of the meeting and the purpose for which such meeting is called, and no business shall be transacted thereat, except such as is stated in the notice. If the Mayor is absent from the Town, a special meeting may be convened by a majority of the Board.

2.04.105 Public Notice of Meetings. A. Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the Board of Trustees is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public.

B. In addition to any other means of full and timely notice, the Board shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the Town of Eagle no less than twenty-four (24) hours prior to the holding of the meeting. The posting shall include specific agenda information when possible.

C. The public place or places for posting of meeting notices shall be designated annually at the first regular meeting of the Board of Trustees in January of each calendar year.

2.04.110 Quorum. No action shall be taken unless a quorum is present. A majority of the Trustees shall constitute a quorum. A lesser number may adjourn from time to time and compel the attendance of absent members. Any member of the Board, at any regular or special meeting, may in writing, demand the attendance of the absent members, which demand shall be entered on the record forthwith by the Clerk, who shall thereupon notify the absent members of the time and place of the meeting.

Chapter 2.06

TREASURER

Sections:

2.06.010	Appointment.
2.06.020	Tenure.
2.06.030	Consolidation of Offices.
2.06.040	Powers and Duties.
2.06.050	Compensation.

2.06.010 Appointment. The Board of Trustees of the Town shall appoint a Treasurer of the Town. (Ord. 169 Art. II §1, 1974).

2.06.020 Tenure. The Treasurer shall serve at the pleasure of and during such period of time as may be determined by a majority of the Board of Trustees. (Ord. 169 Art. II §2, 1974).

2.06.030 Consolidation of Offices. The Board of Trustees may appoint as Treasurer the person then appointed and serving as Town Manager. (Ord. 169 Art. II §3, 1974).

2.06.040 Powers and Duties. The Treasurer shall have the following powers, responsibilities and duties:

A. Keep and supervise all accounts, receive and have custody of all moneys of the Town, collect special Town taxes, trash and water fees and charges, issue licenses and collect fees therefor, make and keep public records of the Town;

B. Pay all bills incurred by the Town subsequent to their approval by the Board of Trustees;

C. Perform such other duties as may be prescribed by ordinance, resolution or direction of the Board of Trustees. (Ord. 169 Art. II §4, 1974).

2.06.050 Compensation. The Board of Trustees may, by resolution duly adopted, establish and modify the compensation to be paid the Treasurer. In the event that the Town Manager shall also be appointed by the Board of Trustees to perform the duties of the Town Treasurer, the Town Manager shall receive no additional compensation therefor. (Ord. 169 Art. II §5, 1974).

Chapter 2.08

MUNICIPAL COURT

Sections:

2.08.010	Municipal Court Established.
2.08.020	Qualified Court of Record.
2.08.030	Jurisdiction.
2.08.040	Sessions.
2.08.050	Practice and Procedure.
2.08.060	Municipal Judges-Appointment; Term; Qualifications.
2.08.070	Municipal Judges-Removal from Office.
2.08.080	Municipal Judges-Compensation.
2.08.090	Municipal Judges-Oath.
2.08.100	Municipal Judges-Powers.
2.08.110	Court Clerk-Position Established.
2.08.120	Court Clerk-Appointment.
2.08.130	Court Clerk-Duties.
2.08.140	Court Clerk-Compensation.
2.08.150	Court Clerk-Bond.
2.08.160	Court Facilities and Supplies; Appropriations.
2.08.170	Penalty Assessments-Procedure.
2.08.180	Penalty Assessment Schedule for Criminal Offenses.
2.08.190	Noncriminal Municipal Offenses-Procedure.
2.08.200	Court Fees and Costs.
2.08.210	Witness Immunity.

2.08.010 Municipal Court Established. In order to provide a simple and expeditious method for the prosecution of alleged violations of Town ordinances, but one which guarantees to defendants a method of exercising their constitutional rights, the Board of Trustees of the Town of Eagle, Colorado hereby establishes a Municipal Court for the Town of Eagle, Colorado. (Ord. 9-2001 §1 (part), 2001).

2.08.020 Qualified Court of Record. Whenever a judge of the Eagle Municipal Court has been admitted to, and is currently licensed in the practice of law in Colorado, the Municipal Court shall keep a verbatim record of the proceedings and evidence at trial by either electronic devices or stenographic means, and the Court thus shall be a qualified municipal court of record pursuant to the provisions of Colorado law. (Ord. 9-2001 §1 (part), 2001).

2.08.030 Jurisdiction. The Municipal Court shall have original jurisdiction in all cases arising under the ordinances of the Town, with full power to punish violators thereof by the imposition of such fines and penalties as are prescribed by ordinance or Court rule, and permitted

pursuant to Colorado law. (Ord. 9-2001 §1 (part), 2001).

2.08.040 Sessions. There shall be regular sessions of the Eagle Municipal Court for the trial of cases. The Municipal Judge may hold a special session of Court at any time. All sessions of Court shall be open to the public, unless otherwise provided by law or Court rule. (Ord. 9-2001 §1 (part), 2001).

2.08.050 Practice and Procedure. The practice and procedure in the Eagle Municipal Court shall be in accordance with the Colorado Municipal Court Rules of Procedure, as promulgated by the Colorado Supreme Court, and applicable statutes of the State of Colorado. The presiding Municipal Judge of the Court shall have authority to issue local rules of procedure consistent with the rules promulgated by the Supreme Court and Colorado law. (Ord. 9-2001 §1 (part), 2001).

2.08.060 Municipal Judges - Appointment; Term; Qualifications. The Board of Trustees shall appoint the Municipal Judge, who shall be licensed to practice law in the State of Colorado, within thirty (30) days after compliance with Section 31-4-401, C.R.S., following each regular municipal election. No appointment of such judge shall continue beyond thirty (30) days after compliance with Section 31-4-401, C.R.S., by the members of the succeeding Board of Trustees. The person appointed need not be a resident of the Town of Eagle, Colorado, and, subject to State law, may hold other judicial offices and may practice law. The Municipal Judge may be reappointed for a subsequent term. Any vacancy in the office of Municipal Judge shall be filled by appointment of the Board of Trustees for the remainder of the unexpired term. The Board of Trustees may appoint such additional associate municipal judges or assistant judges as may be necessary to act in case of temporary absence, sickness, disqualification, or other inability of the presiding Municipal Judge to act. (Ord. 9-2001 §1 (part), 2001).

2.08.070 Municipal Judges-Removal From Office. The Municipal Judge or any assistant or associate municipal judge may be removed during his term of office only for cause following a hearing, and only after the judge has been given written notification of the charges against him, and a reasonable opportunity to prepare for a hearing before the Board of Trustees. The Judge may be removed for cause if:

- A. He is found guilty of a felony or any other crime involving moral turpitude;
- B. He has a disability which interferes with the performance of his duties, and which is or is likely to become permanent;
- C. He has willfully or persistently failed to perform the duties of his office; or
- D. He is habitually intemperate.

(Ord. 9-2001 §1 (part), 2001).

2.08.080 Municipal Judges-Compensation. The Board of Trustees shall provide by

ordinance for the salary of the Municipal Judge. Such salary shall be a fixed annual compensation and payable on a monthly or other periodic basis. Payment of any fees or other compensation based directly on the number of individual cases handled or heard by the Municipal Judge is prohibited. (Ord. 9-2001 §1 (part), 2001).

An associate or assistant municipal judge may be compensated based upon the number of Court sessions served by such judge. If an assistant or associate municipal judge acts in the absence of the Municipal Judge, his salary may be adjusted so as to compensate the assistant or associate municipal judge. (Ord. 9-2001 §1 (part), 2001).

2.08.090 Municipal Judges-Oath. Before entering upon the duties of his office, the Municipal Judge, or any associate or assistant judge, shall take an oath or affirmation that he will support the Constitution of the United States and the Constitution of the State of Colorado and the laws of the Town of Eagle, and that he will faithfully perform the duties of his office. (Ord. 9-2001 §1 (part), 2001).

2.08.100 Municipal Judges-Powers. The presiding Municipal Judge and any assistant or associate municipal judge shall have all judicial powers relating to the operation of the Municipal Court, subject to any rules of procedure governing the operation or conduct of municipal courts promulgated by the Colorado Supreme Court. In sentencing or fining a violator, a judge shall not exceed the sentence or fine limitations established by an applicable ordinance. Except as may otherwise be provided by law, a judge may defer the prosecution or a judgment and sentence of any violator, or suspend the sentence or fine of any violator, and place such violator on probation for a period not to exceed one (1) year. A Judge may impose as conditions of such probation any of the conditions set forth in Section 16-11-204, C.R.S., except for subsection (2)(a)(V). In addition, a Municipal Judge shall require restitution as a condition of any probation, as set forth in Section 16-11-204.5, C.R.S.

A judge shall assess the costs and fees set forth in Section 2.08.200 of this Chapter. (Ord. 9-2001 §1 (part), 2001).

2.08.110 Court Clerk-Position Established. There is hereby established the position of Clerk of the Municipal Court. Provided however, the Municipal Judge may serve as ex-officio clerk if the business of the Court is insufficient to warrant a separate full-time or part-time Clerk. (Ord. 9-2001 §1 (part), 2001).

2.08.120 Court Clerk-Appointment. The Clerk of the Municipal Court shall be appointed by the Municipal Judge. In addition, the Municipal Judge shall exercise supervisory powers concerning the job performance of the Clerk, and shall have the power to discipline or terminate the Clerk in accordance with the Town of Eagle's personnel policies and procedures. (Ord. 9-2001 §1 (part), 2001).

2.08.130 Court Clerk-Duties. The Clerk of the Municipal Court shall have such duties as are delegated to him by ordinance, Court rule, or by the Municipal Judge. The Clerk shall file monthly reports with the Town Clerk of all fines and costs collected or received by the

Municipal Court, and on the last day of each month shall pay to the Town Treasurer said fines and costs which shall be deposited in the general fund of the Town. (Ord. 9-2001 §1 (part), 2001).

2.08.140 Court Clerk-Compensation. The Board of Trustees shall provide by ordinance for the salary of the Clerk of Municipal Court, except that if the Municipal Judge serves as ex-officio clerk, he shall not receive any additional compensation. (Ord. 9-2001 §1 (part), 2001).

2.08.150 Court Clerk-Bond. The Clerk of the Municipal Court shall give a performance bond in the sum of not less than two thousand dollars (\$2,000.00) to the Town. The performance bond shall be approved by the Board of Trustees and be conditioned upon the faithful performance of his duties, and for the faithful accounting for, and payment of, all funds deposited with or received by the Court. When the Municipal Judge serves as ex-officio Clerk of the Municipal Court, he shall execute the performance bond required by this Section. (Ord. 9-2001 §1 (part), 2001).

2.08.160 Court Facilities and Supplies; Appropriations. The Board of Trustees shall furnish the Municipal Court with suitable courtroom facilities and sufficient funds for the acquisition of all necessary books, supplies, and furniture for the proper conduct of the business of the Court. The Board of Trustees shall, on an annual basis, budget and appropriate funds to pay the annual salary of the Municipal Court Judge and any assistant or associate judges, the salary of the Municipal Court Clerk, together with the other expenses as may be necessary for the proper operation of the Municipal Court. (Ord. 9-2001 §1 (part), 2001).

2.08.170 Penalty Assessments – Procedure. In order to provide for the expeditious handling of certain minor criminal offenses and noncriminal municipal offenses, the Eagle Municipal Court is authorized to accept penalty assessment fines and penalties in accordance with the provisions of this Section. This Section shall not be construed as limiting or otherwise modifying the Model Traffic Code, adopted by reference by the Town of Eagle.

A. At the time that any person is arrested or charged for the commission of a Class A or Class B municipal offense set forth pursuant to Section 2.08.180 of this Chapter, or as set forth pursuant to Court order, the arresting officer may offer to give a Penalty Assessment Notice to the defendant. If any person is charged with a noncriminal municipal offense, the citing officer shall issue a Penalty Assessment Notice to the defendant, unless otherwise provided by law. This Notice shall be made by notation upon the summons and complaint issued in conformance with law.

B. If a person charged with a Class A or B municipal offense does not possess a valid Colorado driver's license, such person, in order to secure release, as provided in this Section, must give his written acknowledgment of guilt or give his written promise to appear in court by signing the Penalty Assessment Notice prepared by the charging officer. Should the person to whom the Penalty Assessment Notice is tendered accept the notice by acknowledging his guilt in writing, said acceptance shall constitute a promise on such person's part to pay the

fine or penalty specified in the schedule issued pursuant to Section 2.08.180 of this Chapter, or specified in a schedule issued by Court order, for the violation involved at the office of the Clerk of the Municipal Court, Eagle, Colorado, either in person or by mail within twenty (20) days of the date of issuance. Any person who accepts a Penalty Assessment Notice for a Class A or B municipal offense, which constitutes a criminal violation, by acknowledgment of guilt, but who does not furnish satisfactory evidence of identity, or who the officer has reasonable and probable grounds to believe will disregard a written promise to pay the specified fine, may be taken by the officer to the nearest post office facility, and required to remit the amount of the specified fine to the Town of Eagle immediately by mail in United States currency or legal tender, or by money order, or personal check. Refusal or inability to remit the specified fine by mail when required shall constitute a refusal to accept a Penalty Assessment Notice, by acknowledgment of guilt.

Should a person cited for a Class A or B municipal offense violation refuse to give his written acknowledgment of guilt or give his written promise to appear in Court by signing the Penalty Assessment Notice, the officer shall proceed to issue a Summons and complaint in accordance with Colorado law. Should such person accept the Notice, by acknowledgment of guilt, but fail to pay the prescribed fine within twenty (20) days thereafter, the Notice shall be construed to be a Summons and Complaint, and the prosecution for said violation shall thereafter be heard in the Municipal Court, in which event such person shall be privileged to answer the charge made against him in the same manner as if he had not been tendered a Penalty Assessment Notice. In such event, the maximum penalty which may be imposed may exceed the penalty assessment amount.

C. If the person cited for a Class A or B municipal offense does possess a valid Colorado driver's license, the person shall not be required to give his written acknowledgment of guilt or written promise to appear on the Penalty Assessment Notice. For the purposes of this Section, tender by an arresting officer of the Penalty Assessment Notice to such a person shall constitute notice to the violator to appear in Court at the time specified on such Notice or to pay the required fine. Should such person fail to pay the prescribed penalty within twenty (20) days thereafter, the Notice shall be construed to be a Summons and Complaint, and the prosecution for said violation shall thereafter be heard in the Municipal Court, in which event such person shall be privileged to answer the charge made against him in the same manner as if he had not been tendered a Penalty Assessment Notice. In such event, the maximum penalty which may be imposed may exceed the penalty assessment amount.

D. Payment of the prescribed penalty assessment within twenty (20) days shall be deemed a complete satisfaction for the violation. Checks tendered by the violator to, and accepted by the Municipal Court, and upon which payment is received by the Municipal Court, shall be deemed sufficient receipt.

E. Penalty Assessment Notices issued for noncriminal violations shall also be in accordance with Section 2.08.190 of this Chapter.

F. Nothing contained herein shall be construed as requiring a law enforcement

officer to issue a Penalty Assessment Notice for a Class A or B municipal offense which constitutes a criminal violation. Penalty Assessment Notices for criminal violations shall not be issued in the event of an offense involving property damage, injury to any person, or in the event the complaint is made by a private party. Penalty Assessment Notices shall be issued in all cases involving noncriminal municipal offenses, unless otherwise provided by law.

(Ord. 9-2001 §1 (part), 2001).

2.08.180 Penalty Assessment Schedule for Criminal Offenses. A penalty assessment schedule for criminal offenses may be established by the Board of Trustees. In the event the Board of Trustees has not established such a schedule, the Court, by order of the Court, may promulgate such a schedule. (Ord. 9-2001 §1 (part), 2001).

2.08.190 Noncriminal Municipal Offenses - Procedure. A. Pursuant to Section 16-10-101, C.R.S., and Section 16-10-109, C.R.S., the right of a trial by jury shall not be available at a hearing where the cited person is charged with a noncriminal municipal offense. In addition, no person charged with a noncriminal municipal offense shall be afforded the right of court appointed counsel.

B. The Colorado Municipal Court Rules of Procedure shall apply to any hearing where the cited person is charged with a noncriminal municipal offense, unless any of the rules are clearly inapplicable. The burden of proof shall be upon the People, and the Court shall dismiss charges against an alleged violator if the alleged violator is not proven to be liable or guilty beyond a reasonable doubt.

C. An appeal from final judgment on a noncriminal municipal offense shall be made in accordance with Rule 237 of the Colorado Municipal Court Rules of Procedure.

D. Except as otherwise provided in this Section, no person against whom a judgment has been entered for a noncriminal municipal offense shall collaterally attack the validity of that judgment unless such attack is commenced within three (3) months after the date of entry of the judgment. The only exceptions to such time limitations shall be:

1. A case in which the Court did not have jurisdiction over the subject matter of the alleged noncriminal municipal violation;
2. A case in which the Court did not have jurisdiction over the person of the violator;
3. Where the Court finds by the preponderance of the evidence that the failure to seek relief within the applicable time period was caused by an adjudication of incompetence or by commitment of the violator to an institution for treatment as a mentally ill person; or

4. Where the Court finds that failure to seek relief within the applicable time period was the result of circumstances amounting to justifiable excuse or excusable neglect.

E. At any time that a person is cited for the commission of any noncriminal municipal offense, the citing officer shall give a notice to such person, which notice shall be in the form of a Penalty Assessment Notice as described in Section 2.08.170 of this Chapter.

F. The Penalty Assessment Notice tendered by the citing officer shall contain the name and address of the alleged violator, the license number of the vehicle involved, if any, the number of such person's driver's license if applicable, the nature of the offense, the amount of the penalty prescribed for such offense, the date of the Notice, the time and place and when and where such person shall appear in Court in the event such penalty is not paid, and a place for such person to execute and sign the acknowledgment of guilt or liability and an agreement to pay the penalty prescribed within twenty (20) days, as well as such other information as may be required by law to constitute such Notice as a Summons and Complaint to appear in Court, if the prescribed penalty is not paid within the time period.

G. One (1) copy of the Notice shall be given to the violator by the citing officer.

H. The time specified in the notice to appear shall be at least fourteen (14) days, but not more than forty-five (45) days after the date of such citation, unless otherwise provided by law or the person cited requests an earlier hearing.

I. Whenever the alleged violator refuses to sign or accept the Penalty Assessment Notice, tender of such Notice by the citing officer to the alleged violator shall constitute service of a Summons and Complaint.

J. If an alleged violator is cited for a noncriminal municipal offense, he shall be privileged to answer the Complaint made against him in the manner provided in the Colorado Municipal Court Rules and Procedure. The maximum penalty which may be imposed shall not exceed the penalties set forth in the Penalty Assessment Notice.

K. In the event a person who has been cited for a noncriminal municipal offense fails to pay the Penalty Assessment Notice, he shall be permitted to make an appearance and answer the Complaint against him. If the alleged violator answers that he is guilty or liable, judgment shall be entered against him and he shall be assessed the appropriate penalty and applicable Court costs and fees. If the alleged violator denies the allegations in the Complaint, a final hearing on the Complaint shall be held within the time period prescribed in Rule 248 of the Colorado Municipal Court Rules of Procedure. If the alleged violator fails to appear for a final hearing, a default judgment shall be entered against him, and he shall be assessed the appropriate penalty and applicable Court costs and fees.

L. In the event a person who has been cited for a noncriminal municipal offense fails to pay the penalty assessment within the time period specified in the Penalty Assessment Notice and fails to appear at the time and place specified in the Notice, a default judgment shall be

entered against him and he shall be assessed the appropriate penalty and Court costs and fees.

M. Whenever the Judge of the Municipal Court imposes a monetary penalty for a noncriminal municipal offense, if the person who committed the offense is unable to pay the amount at the time of the Court hearing or if he fails to pay any penalty imposed for the commission of such offense within the time permitted by the Court, in order to guarantee the payment of such penalty, the Judge may compel collection of the penalty in the manner provided in Section 18-1-110, C.R.S.

N. An officer coming upon an unattended vehicle which is an apparent violation of any provision of the Model Traffic Code may place upon the vehicle a Penalty Assessment Notice indicating the noncriminal traffic offense and directing the owner/operator of the vehicle to remit the penalty assessment to the Municipal Court within twenty (20) days. If the penalty assessment is not paid within twenty (20) days of the issuance of such Notice, the Court shall mail a notice to the registered owner of the vehicle, setting forth the noncriminal traffic offense and the time and place where it occurred and directing the payment of the penalty assessment within twenty (20) days from the issuance of such notice. If the penalty assessment is not paid within such twenty (20) days, the Court shall request the officer who issued the original Penalty Assessment Notice to file a Complaint with the Court and serve upon the registered owner of the vehicle a Summons to appear in Court at a time and place specified therein.

O. The provisions of this Section shall not apply when it appears the alleged violator has, in the course of the same transaction or episode, committed one (1) or more noncriminal municipal offenses and has also committed one or more Class A or B municipal offenses and the charging officer charges such alleged violator with two (2) or more violations, any one of which is a noncriminal municipal offense.

(Ord. 9-2001 §1 (part), 2001).

2.08.200 Court Fees and Costs. The following fees and costs, if applicable, shall be taxed and paid in all Municipal Court proceedings. All fees and costs shall be paid to the Town. When judgment is entered against a defendant, all fees and costs shall be taxed as part of the judgment, unless otherwise provided in this Chapter. Costs shall be paid by the Town when a defendant is acquitted, when charges are dismissed against a defendant, or when a defendant is convicted and the Court determines he is unable to pay them, unless otherwise provided herein.

If any private person complainant, in any action before the Municipal Court, requests dismissal of the prosecution of said action, or willfully absents himself from trial or fails to appear at trial after being subpoenaed, and said action is dismissed, the Court shall give judgment against said private person complainant for all applicable fees and costs. In addition, if charges against an accused pursuant to a private person complaint are dismissed, and it appears to the Court there were no reasonable grounds for the complaint, or that it was maliciously made, the Court shall give judgment against said complainant for all applicable fees and costs. (Ord. 9-2001 §1 (part), 2001).

A. Docket Fee. In all proceedings before the Municipal Court, a docket fee in the amount of fifteen dollars (\$15.00) shall be charged, which shall be payable by the defendant upon his conviction. Said docket fee shall also be charged in the event a defendant is granted a deferred judgment and sentence or a deferred prosecution. A separate docket fee shall be charged upon the filing of a complaint alleging violation of probation or a deferred sentence and judgment.

B. Surcharge. In addition to any docket fee or other costs imposed by this Section, a surcharge in the amount of twenty dollars (\$20.00) is hereby levied on each Municipal Court action for violation of all criminal municipal ordinances, and ten dollars (\$10.00) for all violations under the Model Traffic Code, resulting in a conviction, plea of guilty, plea of no contest, a deferred prosecution, or in a deferred judgment and sentence. The defendant shall pay such surcharge to the Clerk of the Municipal Court at the time the fine is paid, whether the defendant appears in Court, or elects to pay a fine through the mail. The Clerk of the Municipal Court shall deposit the money so received into a special fund, and all such surcharges collected shall be used exclusively for training Town of Eagle police officers in their performance of their duties and for necessary police equipment. (Ord. 08, Series 2015 §1)

C. Jury Fee. At the time he demands a jury trial, a defendant shall pay a jury fee in the amount of twenty-five dollars (\$25.00) to the Clerk of the Court, unless the fee is waived by the Judge because of the indigence of the Defendant. If the action is dismissed or the defendant is acquitted of the charge, or if the defendant, having paid the jury fee, files with the Court at least ten (10) days before the scheduled trial date a written waiver of jury trial, the jury fee shall be refunded. A defendant who fails to file with the Municipal Court the written jury demand together with the jury fee as provided above waives the right to a jury trial.

D. Witness Fee. A witness fee in the amount of five dollars (\$5.00) per day for each witness shall be assessed for each witness testifying in a trial. Said fee shall be paid by the defendant upon his conviction.

Witnesses shall receive the sum of five dollars (\$5.00) per day for testifying before the Municipal Court, provided, however, witnesses called to testify only to an opinion founded on a special study or experience in any branch of science or to make scientific or professional examinations and state the results thereof, shall receive additional compensation, to be fixed by the Court, with reference to the value of the time employed and the degree of learning or skill required. Said fees fixed by the Court shall be assessed against the defendant upon his conviction and paid to such witnesses.

Any witness fee collected by the Court Clerk shall be paid to the person entitled to the witness fee, if claimed by such person. Any witness fee collected, but not claimed by a witness within thirty (30) days, shall be paid by the Clerk of the Court to the Town Treasurer. All unclaimed witness fees shall become the property of the Town and shall not be refunded. If a fee claimed by a witness has not previously been collected by the Court Clerk, the Town shall pay the witness claimant if said claim was submitted in a timely manner.

E. Juror Fees. For attending Municipal Court, jurors shall receive six dollars (\$6.00) per day while actually engaged on the jury and three dollars (\$3.00) per day for attendance on the panel alone. Said fee shall be paid by the Town.

F. Mileage Fees. All witnesses and jurors shall receive fifteen cents (\$.15) per mile for each mile actually and necessarily traveled in going from his place of residence to the Municipal Court; provided, however, no witness shall receive mileage fees unless such witness claims the same before the adjournment of the Court. Mileage fees shall be paid by the Town. This subsection shall not apply to an officer of the Court who attends in his official capacity, including clerks, sheriffs, bailiffs and police officers.

G. Deferred Judgment and Sentence, Deferred Prosecution, or Probation Fee. In all actions in which a defendant is granted a deferred judgment and sentence, or a deferred prosecution, or in all actions in which the Court orders that the defendant be placed on probation, the defendant shall be assessed a fee in the amount of forty dollars (\$40.00) to defray the costs of preparing the applicable Court documents and to monitor compliance. Such fee shall be in addition the applicable docket fee. Nothing contained in this Chapter shall prevent the Court from assessing additional fees if a human services agency, mental health professional or similar professional is utilized by the Court to supervise the Defendant's compliance with the terms of the deferred judgment, deferred prosecution, or probation.

H. Compulsory Insurance-Dismissal Fee. In all actions in which a defendant is charged with violating Section 1409 of the Model Traffic Code, concerning required compulsory insurance who later obtains a dismissal of such charge by producing in Court a bonafide complying policy shall pay a processing fee of ten dollars (\$10.00).

I. Bench Warrant Fee. In all actions in which a bench warrant is issued for the arrest of a defendant for failure to appear or failure to pay fines and costs as ordered by the Court, the Court shall assess against said defendant a fee in the amount of fifty dollars (\$50.00) in addition to all other fees and costs due and owing.

J. Incarceration Fee. In all actions in which a defendant is sentenced to incarceration in the County jail, the Court may assess against said defendant an incarceration fee in an amount equal to the sum charged to the Town by Eagle County for such incarceration.

(Ord. 9-2001 §1 (part), 2001).

2.08.210 Witness Immunity.

A. Whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding before the Municipal Court, and the Judge presiding over the proceeding communicates to the witness an order as specified in subsection (B) of this Section, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination; except that no testimony or other information compelled under the order, or any information directly or indirectly derived from such testimony

or other information, may be used against the witness in any Municipal Court case, except for prosecution for perjury, for false statement or otherwise failing to comply with the order. (Ord. 9-2001 §1 (part), 2001).

B. In the case of any individual who has been or may be called to testify or provide other information in any proceeding before the Municipal Court, the Municipal Court may issue, upon request of the prosecuting attorney, an order requiring such individual to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination, such order to become effective as provided in subsection (A) above.

C. The prosecuting attorney may request an order as specified in subsection (B) above when, in his judgment, the testimony or other information from any individual may be necessary to the public interest and such individual has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

(Ord. 9-2001 §1 (part), 2001).

Chapter 2.11

CODE ENFORCEMENT OFFICER

Sections:

- 2.11.010 Code Enforcement Officer - Established.
- 2.11.020 Designation.
- 2.11.030 Liability.

2.11.010 Code Enforcement Officer - Established. There is hereby established the position of Town of Eagle Code Enforcement Officer which shall be under the administrative and operational control of the Town Administrator. Such Code Enforcement Officer shall have the power, together with the Town Planner and the Town Attorney, to enforce all terms and provisions contained in Title 4 of the Eagle Municipal Code concerning Land Use and Development, as well as the terms and conditions of any permits or other land use approvals granted pursuant to Title 4. Such Code Enforcement Officer shall also have the authority, together with the Town Attorney and members of the Eagle Police Department, to enforce provisions contained within Title 7 concerning Health and Sanitation and Title 8 concerning Animals, and Chapter 9.24 of the Eagle Municipal Code concerning Public Nuisances as well as such other provisions of the Eagle Municipal Code as may be determined from time to time by the Board of Trustees. The Code Enforcement Officer shall have the authority to issue notices of violation, compliance orders, and may issue citations or summons and complaints in Eagle Municipal Court. Provided, however, such Code Enforcement Officer need not be a “peace officer” as defined in Title 18, C.R.S., and if the Code Enforcement Officer is not a “peace officer,” shall not be permitted to carry a firearm or conduct arrests.

2.11.020 Designation. The Town Administrator shall designate one (1) or more persons to serve as the Town of Eagle Code Enforcement Officer(s). The Board of Trustees may also authorize the Town Administrator to serve in the capacity of Code Enforcement Officer. Compensation for the person(s) serving as Code Enforcement Officer shall be as determined from time to time by the Board of Trustees pursuant to the Town’s personnel policies and annual budget.

2.11.030 Liability. The Code Enforcement Officer, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of his duties. Any suit brought against the Code Enforcement Officer because of such act or omission performed by him in the enforcement of Town ordinances shall be defended by the Town until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the Town.

(Ord. 10 §1(part), 1997).

Chapter 2.12

OLD AGE AND SURVIVORS INSURANCE

Sections:

- 2.12.010 State Statute Compliance.
- 2.12.020 Payroll System Establishment.
- 2.12.030 Appropriations.
- 2.12.040 Authority.

2.12.010 State Statute Compliance. The 38th General Assembly of the State, in regular session, enacted a statute, known as House Bill No. 291, which is the enabling act provided for in Section 218 of Public Law 734, 81st Congress, which designated the State Department of Employment Security, to act as the department to implement the coverage of employees and officers under the said Old-Age and Survivors* Insurance System. The Town is hereby authorized to execute and deliver to the State Department of Employment Security, a plan, or plans, and agreement, required under Section 5 of said enabling act and the Social Security Act, to extend coverage to employees and officers of the Town and do all other necessary things to effectuate coverage of employees and officers under the Old-Age and Survivors' Insurance System. (Ord. 110 (part), 1959).

2.12.020 Payroll System Establishment. The Clerk is authorized to establish a system of payroll deduction to be matched by payments by the Town to be paid into the Contribution Fund of the State 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 Sections 1400 and 1410 of the Federal Insurance Contribution Act on all services which constitute employment within the meaning of that act. Payments made to the State Department of Employment Security, shall be due and payable on or before the eighteenth (18th) day of the month immediately following the completed calendar quarter, and such payments which are delinquent shall bear interest at the rate of one-half of one percent (½ of 1%) per month until such time as payments are made. (Ord. 110 (part), 1959).

2.12.030 Appropriations. Appropriation is made from the proper fund, or funds, of the Town in the necessary amount to pay into the contribution fund as provided in Section 5 (c)(1) of the enabling Act and in accordance with the plan, or plans and agreement. (Ord. 110 (part), 1959).

2.12.040 Authority. Authority is given to the Mayor and the Clerk of the Town to enter into an agreement with the State Department of Employment Security, which agreement shall be in accordance with House Bill No. 291, and with paragraph 218 of the Social Security Act. Such plan and agreement shall provide that the participation of this Town shall be in effect as of January 1, 1959. (Ord. 110 (part), 1959).

Chapter 2.16

POLICE DEPARTMENT

Sections:

- 2.16.010 Created.
- 2.16.020 Chief - Appointment, Tenure, Powers and Duties.
- 2.16.030 Chief - Oath and Bond.
- 2.16.040 Reports and Accounting.
- 2.16.050 Membership.
- 2.16.060 Rules and Regulations.
- 2.16.070 Disposition Of Marijuana Found On Persons Taken Into Custody.

2.16.010 Created. There is created a Police Department of the Town which shall consist of one (1) Chief of Police and as many policemen as may from time to time be determined necessary by the Board of Trustees for the safety and good order of the Town.

2.16.020 Chief - Appointment, Tenure, Powers and Duties. A. The Chief of Police shall be appointed by the Town Administrator and shall serve under the supervision, direction, and control of the Town Administrator. The Chief of Police may be removed or discharged in accordance with the Town's personnel policies governing department heads.

B. The Chief of Police shall, in such capacity, and by such name and title, be vested with all powers and duties set forth in Section 31-4-306, C.R.S., as amended, and as otherwise provided under the laws of the State of Colorado.

2.16.030 Chief - Oath and Bond. The Chief of Police shall, upon entering upon his duties, take such oath as may be required by the statutes of the State of Colorado, or as otherwise determined by the Board of Trustees, and shall provide such security bond as may be required by the Board of Trustees or the Town's personnel policies.

2.16.040 Reports and Accounting. The Chief of Police shall render such accounts of the Police Department, his duties, reports, and receipts as may be required from time to time by the Town Administrator or by resolution of the Board of Trustees, and shall keep the records of his office open to inspection by the Board of Trustees and the Town Administrator at any time, unless otherwise provided by the laws of the State of Colorado.

2.16.050 Membership. Members of the Police Department, other than the Chief of Police, shall be appointed by the Chief of Police, or as otherwise may be provided in the Town's personnel policies. Said members shall be removed or discharged by the Chief of Police, or as otherwise provided in the Town's personnel policies. Said members shall only be removed or discharged in the manner provided by the Town's personnel policies. The members of the Police

Department shall be under the direct control and supervision of the Chief of Police, who may adopt further personnel policies, such as probationary periods of employment, grievance and disciplinary procedures, and the like, so long as said policies are not inconsistent with the Town's general personnel policies. The Town Administrator and the Board of Trustees shall be advised of any such policies promulgated by the Chief of Police, and shall have the power to amend or set them aside.

2.16.060 Rules and Regulations. The Police Department shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be promulgated by the Chief of Police with the approval of the Town Administrator, or as otherwise promulgated by the Town Administrator or the Board of Trustees.

2.16.070 Disposition Of Marijuana Found On Persons Taken Into Custody. In the event a member of the Eagle Police Department arrests a person, or takes into custody a person, and such individual has on his/her person marijuana that such person is permitted to possess under Colorado law, the police officer shall make a good faith effort to have the individual arrested or taken into custody leave the marijuana at his/her residence or in his/her vehicle. As an alternative the person arrested or taken into custody shall be given the opportunity to place a telephone call to another person who can respond and pick up the marijuana and transport it in a lawful manner. Otherwise, with the owner of the marijuana present, along with a witnessing police officer or other person, the marijuana shall be destroyed by the police officer at the scene of the arrest or custody site. (Ord. 16 §1, 2013).

Chapter 2.20

PROCEDURE FOR HEARINGS

Sections:

- 2.20.010 Purpose and Applicability.
- 2.20.020 Quasi-judicial Hearings.
- 2.20.030 Rules of Procedure.
- 2.20.040 Rights of Participants.
- 2.20.050 Order of Procedure.
- 2.20.060 Appointment of Hearing Officer.
- 2.20.070 Deliberation and Notice of Decision.
- 2.20.080 Judicial Enforcement and Review.

2.20.010 Purpose and Applicability. The purpose of this Chapter is to provide a uniform, consistent, and expeditious method of procedure for the conduct of all quasi-judicial hearings held before the Board of Trustees; any board, commission, official or employee of the Town; or any hearing officer appointed to hear and receive evidence and render a decision on the law and facts. The provisions of this Chapter shall be applied uniformly in all applicable hearings. Provided, however, the rules contained in this Chapter may be supplemented by the adoption of further rules of procedure by the hearing body, official, employee, or hearing officer, not inconsistent therewith. All rules adopted to supplement the provisions of this Chapter by any board, commission, official, employee, or hearing officer, shall be reduced to writing and copies thereof shall be made available to the public.

2.20.020 Quasi-judicial Hearings. The provisions of this Chapter shall be applicable only to those hearings where the Board of Trustees, board, commission, official, employee, or duly-appointed hearing officer is called upon to exercise powers of a judicial or quasi-judicial nature which shall include, but not be limited to, the following:

- A. Hearings before the Board of Trustees upon application for the issuance of, or hearings for the suspension or revocation of, a liquor or fermented malt beverage license.
- B. Hearings before any board, commission, or official appealing the issuance, suspension, or revocation of other licenses issued by the Town, where such an appeal is otherwise authorized, and which requires an evidentiary hearing to determine such appeal.
- C. All land use and development hearings conducted pursuant to Title 4 of the Eagle Municipal Code.
- D. Personnel hearings.
- E. Appeals from any decision of the Building Official.

F. All appeals from the decisions of any Town official, board, or commission, where such an appeal is otherwise authorized, and which requires an evidentiary hearing to determine such appeal.

2.20.030 Rules of Procedure. All quasi-judicial hearings shall be conducted under procedures designed to insure all interested parties due process of law and shall, in all cases, provide for the following:

A. The board, commission, official, employee, or duly-appointed hearing officer conducting the hearing shall have authority to administer oaths and affirmations; rule upon offers of proof; compel testimony; receive evidence; dispose of motions relating to discovery and production of relevant documents and things for inspection, copying, or photocopying; regulate the course of the hearing; fix the time for filing of briefs and other documents; direct the parties to appear and confer to consider simplification of issues, admissions of facts, or documents to avoid unnecessary proof, and limitation of the number of witnesses; issue appropriate orders to control the subsequent course of the proceedings; dispose of motions; and control the decorum and conduct of the proceeding.

B. Any Town board, commission, official, employee, or duly-appointed hearing officer conducting a quasi-judicial hearing shall have the power to issue subpoenas compelling testimony or the production of documents. Pursuant to Section 13-10-112(2), C.R.S., as amended, the Eagle Municipal Judge shall have the power to enforce said subpoenas.

C. The hearing need not be conducted according to the technical rules relating to evidence and witnesses.

D. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding, unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this State.

E. Any relevant evidence shall be admitted if it is the type of evidence on which responsible parties are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law, statute, or court rules which might make improper the admission of such evidence. Evidence which is reasonably reliable and calculated to aid the hearing body, official, or officer, in reaching an accurate determination of the issues involved may be considered.

F. Irrelevant and unduly repetitious evidence shall be excluded.

G. The board, commission, official, employee, or hearing officer conducting the hearing shall be permitted at the hearing to continue the hearing, for good cause, to another date, time, and place. In such an event, no advertised public notice of such continued hearing shall be required.

H. In reaching a decision, official notice may be taken, whether before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this State, or of official records of the Town, and ordinances, rules, and regulations of the Town. Interested parties present at the hearing shall be informed of the matters to be noticed and these matters shall be noted in the record, referred to therein, or appended thereto.

Interested parties shall be given a reasonable opportunity, upon request, to refute the officially noticed matters by evidence or by written or oral presentation of authority.

I. All hearings shall be open to the public unless otherwise authorized or permitted by applicable law.

J. A record of the entire proceedings shall be made by tape recording, or any other means of permanent recording determined to be appropriate by the Town board, commission, official, employee, or duly-appointed hearing officer conducting the hearing.

(Amended Ord. 21 §1-2, 2014).

2.20.040 Rights of Participants. Each interested party participating in a quasi-judicial hearing shall have these rights, among others:

- A. To call and examine witnesses on any matter relevant to the issues of the hearing.
- B. To introduce documentary and physical evidence.
- C. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing.
- D. To rebut the evidence presented.
- E. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

2.20.050 Order of Procedure. In all quasi-judicial hearings, the following order of procedure shall be followed, unless otherwise determined by the body or person conducting the hearing:

- A. Presentation of those documents showing the regularity of the commencement of the proceedings and the form of the public notice given, if required.
- B. Presentation of evidence by the applicant, petitioner, appealing party, or complainant.
- C. Presentation of evidence in support of the applicant, petitioner, appealing party, or complainant by any other person.

D. Presentation of evidence from any person opposing the application, petition, appeal, or complaint.

E. Presentation of evidence in rebuttal to the matters presented by the opposing party.

F. All documents or other items of physical evidence shall be marked as exhibits with such identifying symbols as may be necessary to determine the exhibit referred to by any witness or other person.

2.20.060 Appointment of Hearing Officer. In any hearing upon application for the issuance of, or hearing for the suspension or revocation of, a liquor or fermented malt beverage license; any personnel hearing; and any other hearing when it is necessary to avoid a conflict of interest, the Town board, commission, official, or employee called upon to render a decision may appoint one or more hearing officers who have not determined the factual issues in controversy and have no personal financial interest in the outcome of the hearing to conduct the required hearing. The hearing officer shall hear and receive evidence and render a decision on the applicable law and the facts. The hearing officer shall have all the authority possessed by the Town board, commission, official, or employee to render decisions, except, if required by applicable law, only the Town board, commission, official, or employee possessing the authority, shall take formal action on the matters at issue, following issuance of the hearing officer's decision on the law and facts.

2.20.070 Deliberation and Notice of Decision. If the final decision or formal action is required to be made by a Town board or commission, no decision or formal action shall be effective, except upon a vote of the members of said board or commission, conducted in an open session thereof, which shall be duly recorded in the minutes of the Town board or commission. No member of a board or commission who did not hear the evidence or has not read the entire record of proceedings shall vote or take part in the factual determination. The Town board, commission, official, employee, or duly-appointed hearing officer may issue an oral decision immediately upon conclusion of the evidentiary hearing. If no decision is issued at the hearing, said decision shall be rendered in writing within the time limits provided by applicable law. If no specific time limit is provided, the decision shall be rendered no later than twenty (20) days following the conclusion of the hearing. Said written decision shall contain findings of fact and conclusions of law, setting forth the grounds of the decision, based on the evidence presented at the hearing. Copies of the written decision shall be delivered to the applicant, petitioner, appellant, complainant, and other interested parties requesting the same unless otherwise prohibited by applicable law.

2.20.080 Judicial Enforcement and Review. Any party aggrieved by any decision rendered by the hearing body, official, employee, or duly-appointed hearing officer in any quasi-judicial hearing, may apply to have said decision reviewed by a court of competent jurisdiction, in accordance with the provisions of the Colorado Rules of Civil Procedure, and any other applicable law. Said appeal shall be filed with the court within thirty (30) days following the issuance of the final decision or the formal action.

Chapter 2.24

PLANNING AND ZONING COMMISSION

Sections:

- 2.24.010 Created - Statutory Authority.
- 2.24.020 Composition and Terms of Office.
- 2.24.030 Qualifications; Restrictions; and Compensation.
- 2.24.040 Organization; Meetings; Rules and Regulations.
- 2.24.050 Staff and Finances.
- 2.24.060 Powers and Duties.
- 2.24.070 Planning Commission - Master Plan Preparation - Considerations.
- 2.24.080 Land Use Regulations Preparation-Considerations.

2.24.010 Created - Statutory Authority. Pursuant to the authority conferred by Article 23, Chapter 31, Colorado Revised Statutes, there is created a Planning Commission and a Zoning Commission for the Town. The members of the Planning Commission shall also serve, and are appointed as, the Zoning Commission.

2.24.020 Composition and Terms of Office. A. The Town of Eagle Planning and Zoning Commission shall consist of seven (7) members appointed by the Board of Trustees. In order to provide for the staggered terms of members, the terms of the two (2) existing Planning and Zoning Commission members, as of August 24, 2010, shall expire on June 1, 2012. Within thirty (30) days following the effective date of this Ordinance the Board of Trustees shall appoint three (3) members whose terms shall expire on June 1, 2014. The Board of Trustees shall also appoint two (2) members whose terms shall expire on June 1, 2013. Thereafter, the term of each member shall be four (4) years or until his or her successor takes office. (Ord. 1-1985 §1, 1985; Amended Ord. 9 §1, 2010).

The provisions contained in this Section shall be implemented only upon the expiration of the term of each current member, or upon the resignation or removal of any current member.

B. The Board of Trustees may also appoint alternate members of the Town Planning and Zoning Commission, to serve in the event any regular member is temporarily unable to act due to absence from a meeting, illness, a personal interest in any matter before the Commission, or any other cause. Alternate members shall be designated by rank (i.e. First Alternate, Second Alternate) in order to determine which alternate members shall serve in the absence of regular members of the Commission. The term of each alternate member shall be four (4) years, or until his successor takes office. (Ord. 9 §2, 2010)

C. Regular and alternate members of the Commission may be removed by the Board of Trustees for inefficiency, neglect of duty, malfeasance in office, removal of their residence from the Town, or for other good cause. Provided, however, no such removal shall be made without a charge in writing and an opportunity of a public hearing being given unless the member against whom the charge is made has ceased to reside in the Town.

D. Vacancies occurring otherwise than through the expiration of a term shall be filled for the remainder of the unexpired term by the Board of Trustees.

2.24.030 Qualifications; Restrictions; and Compensation. All members of the Planning and Zoning Commission shall be bonafide residents of the Town, and if any members ceases to reside in the Town, his/her membership shall immediately terminate. All regular members of the Commission shall receive compensation in the amount of \$100 per month during each member's term of office. Alternate members of the Commission shall serve without compensation. Except for those members who are elected officers, members of the Commission shall hold no other municipal office. (Ord. 38 §1, 2015)

2.24.040 Organization; Meetings; Rules and Regulations. Each Commission shall elect its chairman from among the appointed members and create and fill such other of its offices as it may determine. The term of the chairmen shall be one (1) year, with eligibility for reelection. Each Commission shall hold at least one (1) regular meeting in each month and such meetings may be held consecutively on the same date. Each Commission shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. (Ord. 184 §4, 1975).

2.24.050 Staff and Finances. The Planning and Zoning Commission may appoint such employees as it deems necessary to assist the Planning and Zoning Commission in its work subject to Board of Trustees approval. The Planning and Zoning Commission may also, with the consent of the Board of Trustees, contract with planners, engineers and architects, and other consultants, for such services as it may require. The expenditures of the Planning and Zoning Commission shall be within the amounts appropriated for such purposes by the Board of Trustees, which shall provide the funds, equipment and accommodations necessary for the Planning and Zoning Commission's work. (Ord. 184 §5, 1975; Amended Ord. 9 §4, 2010).

2.24.060 Powers and Duties. Each Commission shall have all of the powers and perform each and all of the duties specified by said Chapter 31, Article 23, Colorado Revised Statutes, together with any other duties or authority which may hereafter be conferred upon them by the laws of the State. The performance of such duties and the exercise of such authority is to be subject to each and all of the limitations expressed in such legislative enactments. (Ord. 184 §6, 1975).

2.24.070 Planning Commission - Master Plan Preparation - Considerations. In the preparation of a master plan, the Planning Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality with due regard to its relations to neighboring territory. The plan shall be made with the general purpose of

guiding and accomplishing a coordinated, adjusted and harmonious development of the 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 and other dangers, adequate provision for light and air, the promotion of healthful 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. 184 §7, 1975).

2.24.080 Land Use Regulations Preparation-Considerations. The Planning and Zoning Commission shall recommend to the Board of Trustees land use regulations in accordance with a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, wastewater, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its particular suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town of Eagle. (Ord. 184 §8, 1975; Amended Ord. 12-2004 §4 (part), 2004; Amended Ord. 9 §6, 2010).

Chapter 2.26

MUNICIPAL ELECTIONS

Sections:

- 2.26.010 Cancellation of Municipal Election
- 2.26.020 Write-in Candidate Affidavit Required

2.26.010 Cancellation of Municipal Election. The Town Clerk is hereby authorized to cancel a regular municipal election of the Town of Eagle in accordance with 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 write-in candidates filing affidavits of intent. As required by said statute, the Board of Trustees shall instruct the Town Clerk by resolution to cancel any future election and declare the candidates elected if the only matter before the voters is the election of persons to office and there are not more candidates than offices to be filled at such election.

2.26.020 Write-in Candidate Affidavit Required. In accordance with Section 31-10-306, C.R.S. no write-in vote for any Town 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 election indicating that such person desires the office and is qualified to assume the duties of that office if elected.

(Ord. 5 §1, 2014)

Chapter 2.32

PARK REGULATIONS

Sections:

2.32.010	Establishment Authority.
2.32.020	Definitions.
2.32.030	Daily Park Hours.
2.32.040	Destruction of Park Property.
2.32.050	Erection of Tents and Buildings.
2.32.060	Fires Prohibited.
2.32.070	Riding of Animals in Public Parks.
2.32.080	Permits and Regulation Authority.

2.32.010 Establishment Authority. The Town shall have authority to acquire, establish and maintain in the manner provided for by State law, public parks or pleasure grounds, boulevards, parkways, avenues and roads. (Ord. 1-1978 (part), 1978).

2.32.020 Definitions. For the purposes of this Chapter, the following words, unless the context requires otherwise, shall have the following meaning:

1. “Town” is the Town of Eagle, Colorado.
2. “Park” is a park, reservation, playground, beach, recreation center or any other area in the Town, either now existing or which shall be subsequently acquired in accordance with the provisions of this Chapter, owned or used by the Town, and devoted to active or passive recreation, or other aesthetic purposes.
3. “Party” is any person, firm, partnership, association corporation, company or organization of any kind.

(Ord. 1-1978 (part), 1978).

2.32.030 Daily Park Hours. The parks shall be open daily to the public from five o’clock in the morning until eleven o’clock at night, and no party not an employee of the parks shall remain in them at any other time except that persons may remain at the tennis courts to play tennis; provided, however, that the Town Manager may, by permit issued pursuant to this Chapter, extend or limit the time herein specified. Any person who knowingly violates this Section commits a non-criminal municipal offense. (Ord. 1-1978 (part), 1978; Amended Ord. 10-2001 §3, 2001).

2.32.040 Destruction of Park Property. It is unlawful to cut, mark, remove, or

break, or in any way injure, damage or deface the trees, shrubs, plants, turf, or any of the buildings, fences, bridges, or other structures or property within or upon park premises; or in any other way injure or impair the natural beauty or usefulness of any park or recreation area. Any person who knowingly, intentionally, or willfully violates this Section commits a Class A municipal offense. (Ord. 1-1978 (part), 1978; Amended Ord. 10-2001 §4, 2001).

2.32.050 Erection of Tents and Buildings. It is unlawful to build or place any tent, building, booth, stand, or other structure in or upon any of the parks, parkways, or other recreational facilities without first having obtained a permit to do so from the Town Manager. Any person who knowingly violates this Section commits a non-criminal municipal offense. (Ord. 1-1978 (part), 1978; Amended Ord. 10-2001 §5, 2001).

2.32.060 Fires Prohibited. It is unlawful to light, make or use any unenclosed picnic or trash fire within the parks, parkways, or other recreation facilities owned or operated by the Town; provided, however, that this Section shall not apply to authorized park employees. Fires may only be built in fireplaces or on grills constructed for that purpose in such areas and under such rules and regulations as may be prescribed by the Town Board. Any person who knowingly violates this Section commits a noncriminal offense. (Ord. 1-1978 (part), 1978; Amended Ord. 10-2001 §6, 2001).

2.32.070 Riding of Animals in Public Parks. It is unlawful for any person to ride or lead any horse or other livestock in any public park or recreational area except upon paths or other ways expressly provided and posted for that purpose. Any person who knowingly violates this Section commits a noncriminal municipal offense. (Ord. 1-1978 (part), 1978; Amended Ord. 10-2001 §7, 2001).

2.32.080 Permits and Regulation Authority. The Town Manager is empowered and authorized to issue permits described in this Chapter for such fees as will compensate the Town for the expense of processing and administering such permits; to impose reasonable conditions to ensure that the activity which is the subject of the permit is not likely to cause damage to public or private property, or to cause a nuisance or disturbance; and to require reasonable deposits of money to ensure compliance with the terms of such permits. (Ord. 1-1978 (part), 1978).

Chapter 2.34

ESTABLISHMENT OF FEES FOR SERVICES

2.34.010 At least once annually, following recommendations from the Town Manager and Town Clerk, the Board of Trustees shall adopt one or more resolutions containing a schedule of fees charged by the Town of Eagle for licensing fees, registration fees, services rendered and facilities provided for use by members of the general public.