

## **CHAPTER 2 Administration**

ARTICLE 1 - Elections

ARTICLE 2 - Mayor and Board of Trustees

ARTICLE 3 - Officers and Employees

ARTICLE 4 - Municipal Court

ARTICLE 5 - Police Department

ARTICLE 6 - Planning and Zoning Commission

ARTICLE 7 - Utilities Board

### **ARTICLE 1 Elections**

[Sec. 2-1-10. Conduct of elections.](#)

[Sec. 2-1-20. Write-in candidate affidavit.](#)

[Sec. 2-1-30. Cancellation of election.](#)

#### **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 of 1992 for any election.

(Ord. 2011-18 §1)

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

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.

(Ord. 92-4 §1; Ord. 2011-18 §1)

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

- (a) If the only matter before the voters is the election of persons to office and if, at the close of business on the nineteenth day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent as set forth in Section 2-1-20, the Town Clerk, if instructed by resolution of the Board of Trustees either before or after such date, shall cancel the election and the candidates, by resolution of the Board of Trustees, shall be declared to be elected.

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

(Ord. 92-4 §§2, 3; Ord. 2011-18 §1)

## **ARTICLE 2 Mayor and Board of Trustees**

[Sec. 2-2-10. Board of Trustees; terms, authority, qualifications and vacancies.](#)

[Sec. 2-2-20. Mayor.](#)

[Sec. 2-2-30. Mayor Pro Tem.](#)

[Sec. 2-2-40. Acting Mayor.](#)

[Sec. 2-2-50. Compensation.](#)

[Sec. 2-2-60. Regular meetings.](#)

[Sec. 2-2-70. Special meetings.](#)

[Sec. 2-2-80. Conduct of meetings; voting.](#)

[Sec. 2-2-90. Boards and commissions.](#)

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

- (a) Terms. The Board of Trustees shall consist of six (6) Trustees and the Mayor. The Mayor shall be elected to serve a term of four (4) years. Commencing with the 2016 general election, Trustees shall be elected to serve terms of four (4) years. At the 2016 general election three (3) Trustees shall be elected to serve two-year terms and three (3) Trustees shall be elected to serve four-year terms. At each regular election thereafter three (3) Trustees shall be elected to serve four-year terms.
- (b) Authority. The Board of Trustees shall constitute the legislative body of the Town, 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.
- (c) Qualifications. Each Trustee shall be a resident of the Town and a registered elector who has resided within the Town limits for a period of at least twelve (12) consecutive months immediately preceding the date of the election. However, in case of annexation of property, any person who has resided within the annexed territory for the time prescribed in this Subsection shall be deemed to have met the residence requirements for the Town.
- (d) Removal from office. By a majority vote of all members of the Board of Trustees, the Mayor or any Trustee 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 Town limits. When any officer ceases to reside within the Town limits, he or she may be removed from office pursuant to this Subsection.
- (e) Vacancies. In case of the death, resignation, vacation or removal of any of the Trustees during his or her term of office, the Board of Trustees, by a majority vote of all remaining members thereof, may select and appoint, from among the duly qualified electors of the Town, a suitable person to fill the vacancy. 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. Where vacancies exist in the offices of Trustee and successors are to be elected at the next election to fill the unexpired terms, the three (3) candidates for Trustee receiving the highest number of votes

## CHAPTER 2 Administration

shall be elected to four-year terms, and the candidates receiving the next highest number of votes, in descending order, shall be elected to fill the unexpired terms.

(Ord. 2011-18 §1; Ord. 2014-02 §1)

### **Sec. 2-2-20. Mayor.**

- (a) The Mayor shall be elected to serve a term of four (4) years. The Mayor shall meet the same qualifications as a Trustee and, in the event of a vacancy in the office of Mayor, such vacancy shall be filled in the same manner as a vacancy in the office of Trustee, as set forth in Section 2-2-10 above.
- (b) The Mayor shall preside over all meetings of the Board of Trustees and shall perform such duties as may be required of him or her by statute or ordinance. Insofar as is required by statute and for all ceremonial purposes, the Mayor shall be the executive head of the Town.
- (c) The Mayor shall execute and authenticate by his or her signature all bonds, warrants, contracts and instruments of and concerning the business of the Town, as the Trustees or any statutes or ordinances may require.
- (d) Except as may be required by statute, the Mayor shall exercise only such powers as the Trustees shall specifically confer upon him or her.

(Ord. 2004-4 §1; Ord. 2011-18 §1)

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

At its first meeting following each biennial election, the Board of Trustees shall choose one (1) of the Trustees as Mayor Pro Tem. 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. 2011-18 §1)

### **Sec. 2-2-40. Acting Mayor.**

In the event of the absence or disability of both the Mayor and the Mayor Pro Tem, the Trustees may designate another Trustee to serve as acting Mayor during such absence or disability.

(Ord. 2011-18 §1)

### **Sec. 2-2-50. Compensation.**

- (a) The Mayor shall receive such monthly compensation for his or her services as set by ordinance of the Board of Trustees.
- (b) Each Trustee shall receive such monthly compensation for his or her services as set forth in the Annual Fee Resolution adopted by the Board of Trustees.
- (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.

(Ord. 1989-3; Ord. 2011-18 §1)

**Sec. 2-2-60. Regular meetings.**

The regular meetings of the Board of Trustees shall be held on the first and third Tuesday of each month at the Town Hall at 7:00 p.m., except on legal holidays, when no meeting shall be held.

(Ord. 2011-18 §1)

**Sec. 2-2-70. 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 establish fees in the Annual Fee Resolution adopted by the Board of Trustees, 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. 2011-18 §1)

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

- (a) Meetings of the Board of Trustees shall be conducted by the Mayor according to Robert's Rules of Order, Revised.
- (b) A majority shall constitute a quorum to do business at all meetings of the Board of Trustees, and each member, including the Mayor, shall vote upon every question put by the Chair unless allowed by the Board of Trustees to abstain. The Mayor shall preside at all meetings of the Board of Trustees and shall have the same voting powers as any member of the Board of Trustees. Upon the taking of any vote, the Town Clerk shall record in the minutes the names of those voting and their votes.
- (c) At the hour appointed for meeting, the members shall be called to order by the Mayor or, in his or her absence, by the Mayor Pro Tem, and the Town Clerk shall proceed to call the roll, note the absentees and announce whether a quorum is present. If a quorum is present, the Board of Trustees shall proceed with the business before it, in the manner and order as established by the Board of Trustees.

(Ord. 2011-18 §1)

**Sec. 2-2-90. 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 Adjustment;
- (2) Planning and Zoning Commission; and

(3) Utilities Board.

(Ord. 2011-18 §1)

## **ARTICLE 3 Officers and Employees**

Division 1 - Town Administrator

Division 2 - Officers and Employees Generally

### **Division 1 Town Administrator**

[Sec. 2-3-10. Position established.](#)

[Sec. 2-3-20. Purpose of office.](#)

[Sec. 2-3-30. Appointment.](#)

[Sec. 2-3-40. Compensation.](#)

[Sec. 2-3-50. Duties and authority.](#)

[Sec. 2-3-60. Disability or absence of Town Administrator.](#)

[Sec. 2-3-70. Responsibilities of Mayor and Board of Trustees not impaired.](#)

#### **Sec. 2-3-10. Position established.**

There is hereby created and established the position and office of Town Administrator.

(Ord. 2007-1 §1; Ord. 2011-18 §1)

#### **Sec. 2-3-20. Purpose of office.**

The purpose of the office of the Town Administrator is to provide the centralization of the administrative head of the Town government under the direction and control of the Mayor and Board of Trustees and to be responsible to the Mayor and Board of Trustees for the efficient conduct of the office.

(Ord. 2007-1 §2; Ord. 2011-18 §1)

#### **Sec. 2-3-30. Appointment.**

The Town Administrator shall be appointed by a majority of the Board of Trustees, including the Mayor. The Town Administrator shall be appointed on the basis of training, experience and merit alone and need not be a resident of the Town or the State when appointed. He or she shall devote full time to the diligent prosecution of the office and shall have no other conflicting or distracting employment.

(Ord. 2007-1 §3; Ord. 2011-18 §1)

**Sec. 2-3-40. Compensation.**

The Town Administrator shall be compensated for services as the Mayor and Board of Trustees may from time to time determine and set forth in the Annual Fee Resolution.

(Ord. 2007-1 §4; Ord. 2011-18 §1)

**Sec. 2-3-50. Duties and authority.**

The Town Administrator shall be the chief administrative officer of the Town government. The duties and authority of the Town Administrator shall be:

- (1) To enforce the laws, ordinances and policies of the Town and contracts to which the Town is a party.
- (2) To be responsible to the Mayor and Board of Trustees for the efficient administration of all administrative departments of the Town government.
- (3) To serve as the Town Clerk and Town Treasurer unless otherwise directed by the Board of Trustees. When reference is made in this Code to the Town Clerk and Town Treasurer, such reference shall be interpreted to be the Town Administrator.
- (4) To superintend and generally manage all Town departments, personnel and all other properties of the Town, including all appliances, vehicles and equipment used in connection therewith.
- (5) To recommend to the Mayor and Board of Trustees for the adoption of such measures as he or she deems necessary and to attend Board of Trustees meetings with the right to take part in discussions but not to vote.
- (6) To establish, subject to approval of the Mayor and Board of Trustees, appropriate personnel rules and regulations governing officers and employees of the Town.
- (7) To administer and be responsible for all departments and divisions of the Town government which are under the direction of the Mayor and Board of Trustees, including Police and Fire Departments. The offices of the Town Attorney, the Town Clerk and the Municipal Judge shall be responsible to the Mayor and Board of Trustees.
- (8) To appoint and remove all officers and employees in the administrative service of the Town, except the Town Attorney, the Town Clerk and the Municipal Judge.
- (9) To perform such other duties as may be prescribed by ordinance or by direction of the Mayor and Board of Trustees.

(Ord. 2007-1 §5; Ord. 2011-18 §1)

**Sec. 2-3-60. Disability or absence of Town Administrator.**

The Town Administrator shall nominate a department head or other employee of the Town to serve as Acting Town Administrator during temporary disability or absence from the Town of the Town Administrator. Such nominee, when confirmed and approved by the Mayor and Board of Trustees, shall perform all the duties and exercise all the powers of the Town Administrator, but shall receive no additional compensation therefor.

(Ord. 2007-1 §6; Ord. 2011-18 §1)

**Sec. 2-3-70. Responsibilities of Mayor and Board of Trustees not impaired.**

Nothing in this Article is to be interpreted so as to impair the responsibilities of the Mayor and Board of Trustees for the overall operation of all Town government as required by the laws of the State.

(Ord. 2007-1 §7; Ord. 2011-18 §1)

**Division 2 Officers and Employees Generally**

[Sec. 2-3-110. Appointed officers.](#)

[Sec. 2-3-120. Powers and duties of officers.](#)

[Sec. 2-3-130. Oath of office; bond.](#)

[Sec. 2-3-140. Employee compensation.](#)

[Sec. 2-3-150. Removal of Town officers.](#)

**Sec. 2-3-110. 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; and
  - (4) Chief of Police.
- (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. 2011-18 §1)

**Sec. 2-3-120. 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. 2011-18 §1)

**Sec. 2-3-130. 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.

(Ord. 2011-18 §1)

**Sec. 2-3-140. Employee compensation.**

Each employee of the Town shall receive such monthly compensation for his or her services as set forth in the Annual Fee Resolution adopted by the Board of Trustees.

(Ord. 2011-18 §1)

**Sec. 2-3-150. Removal of Town officers.**

- (a) Cause for removal. By a majority vote of all members of the Board of Trustees, any appointed 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. 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. 2011-18 §1)

**ARTICLE 4 Municipal Court**

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

[Sec. 2-4-20. Original jurisdiction; fines.](#)

[Sec. 2-4-30. Surcharge.](#)

[Sec. 2-4-40. Appointment of Municipal Judge.](#)

[Sec. 2-4-50. Compensation of Municipal Judge.](#)



[Sec. 2-4-60. Oath of office.](#)

[Sec. 2-4-70. Court Clerk.](#)

[Sec. 2-4-80. Sessions generally.](#)

[Sec. 2-4-90. Rules of procedure.](#)

[Sec. 2-4-100. Contempt power.](#)

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

A qualified Municipal Court of record in and for the Town is hereby created and established pursuant to and governed by the provisions of state law.

(Ord. 1-78, 1978; Ord. 2011-18 §1)

**Sec. 2-4-20. Original jurisdiction; fines.**

The Municipal Court shall have original jurisdiction of all cases arising under the provisions of this Code and ordinances of the Town, with full power to punish violators thereof by the imposition of such fines and penalties as are prescribed in Section 1-4-20 of this Code or by ordinance.

(Ord. 2011-18 §1)

**Sec. 2-4-30. Surcharge.**

- (a) There is hereby created a fuel surcharge as set forth in the Annual Fee Resolution adopted by the Board of Trustees, which shall be imposed as an additional court cost on every fine assessed by the Town for violations of the Town's ordinances relating to moving traffic violations.
- (b) There is hereby created a police training and equipment surcharge upon all persons convicted of, or pleading guilty or no contest to, a violation of any ordinance of the Town. Said surcharge shall be as set forth in the Annual Fee Resolution and shall not be suspended or waived by the Municipal Court.

(Ord. 1995-3; Ord. 2008-6; Ord. 2011-18 §1)

**Sec. 2-4-40. Appointment of Municipal Judge.**

The Municipal Court shall be presided over by a Municipal Judge, appointed by resolution of the Board of Trustees. Additional judges as may be needed to transact the business of the Court may be appointed by the Board of Trustees for such terms as necessary.

(Ord. 1976-1 §4; Ord. 2011-18 §1)

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

The compensation of the Municipal Judge shall be an annual salary in an amount set forth in the Annual Fee Resolution adopted by the Board of Trustees, and shall be payable monthly.

(Ord. 1992-5 §2; Ord. 2011-18 §1)

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

Before entering upon the duties of his or her office, the Municipal Judge shall take an oath or affirmation that he or she will support the Constitution of the United States, the Constitution of the State and the laws of the Town, and will faithfully perform the duties of his or her office.

(Ord. 2011-18 §1)

**Sec. 2-4-70. Court Clerk.**

The Municipal Judge may appoint a Municipal Court Clerk who shall have such duties as may be delegated by law, court rule or the Municipal Judge. The fixed annual salary of the Municipal Court Clerk shall be as set forth in the Annual Fee Resolution adopted by the Board of Trustees and shall be payable in equal monthly installments. The Municipal Judge may also act as Municipal Court Clerk in accordance with state statutes.

(Ord. 1992-5 §3; Ord. 2011-18 §1)

**Sec. 2-4-80. Sessions generally.**

- (a) There shall be regular sessions of the Municipal Court for the trial of cases as may be fixed by the Municipal Judge. The Municipal Judge may hold special sessions of court at any time, including Sundays, holidays and evenings. All sessions shall be open to the public.
- (b) Where the nature of the case is such that it would be in the best interest of justice to exclude persons not directly connected with the proceedings, the Municipal Judge may order that the courtroom be cleared.

(Ord. 2011-18 §1)

**Sec. 2-4-90. Rules of procedure.**

In addition to other powers, the Municipal Judge shall have full power and authority to make and adopt rules and regulations for conducting the business of the Municipal Court, consistent with the Municipal Court Rules of Procedure promulgated by the Colorado Supreme Court.

(Ord. 1976-1 §6; Ord. 2011-18 §1)

**Sec. 2-4-100. Contempt power.**

- (a) 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 one thousand dollars (\$1,000.00) or imprisonment not to exceed a term of one (1) year, or both such fine and imprisonment.
- (b) 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 by jury.

(Ord. 2011-18 §1)

## **ARTICLE 5 Police Department**

[Sec. 2-5-10. Creation; composition.](#)

[Sec. 2-5-20. Departmental regulations.](#)

[Sec. 2-5-30. Chief of Police; appointment and duties.](#)

[Sec. 2-5-40. Duties of police officers.](#)

[Sec. 2-5-50. Oath of officers.](#)

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

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

(Ord. 2011-18 §1)

### **Sec. 2-5-20. Departmental regulations.**

The Police Department shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be adopted by the Board of Trustees.

(Ord. 2011-18 §1)

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

- (a) The Board of Trustees, upon the recommendation of the Town Administrator, shall appoint a Chief of Police who shall be the head of the Police Department. It shall be the duty of the Chief of Police to:
- (1) See that the ordinances of the Town and the laws of the State are duly enforced and the rules and regulations of the Police Department obeyed.
  - (2) Direct the operations of the Police Department, subject to the rules and regulations thereof.
  - (3) Render such accounts of the Police Department, his or her duties and receipts as may be required by the Board of Trustees, and keep the records of his or her office open to inspection by the Board of Trustees at any time.
  - (4) Perform such other duties as may be required by the Board of Trustees.
- (b) Before entering upon the duties of such office, the Chief of Police shall take and subscribe to an oath that he or she will support the Constitution of the United States, the Constitution and laws of the State and ordinances of the Town, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter.

(Ord. 2011-18 §1)

### **Sec. 2-5-40. Duties of police officers.**

All members of the Police Department shall have power and duties as follows:

## CHAPTER 2 Administration

- (1) They shall perform all duties required by the Chief of Police.
- (2) They shall be the enforcement officers of the Town and shall see that the provisions of the ordinances of the Town and the laws of the State are complied with.
- (3) They shall execute and return all writs and processes to them directed by the Municipal Judge in any case arising under a Town ordinance, and they may serve the same in any part of the County.

(Ord. 2011-18 §1)

### **Sec. 2-5-50. Oath of officers.**

Before entering upon the duties of his or her office, each police officer shall take and subscribe an oath that he or she will support the Constitution of the United States, the Constitution and laws of the State and the ordinances of the Town, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter.

(Ord. 2011-18 §1)

## **ARTICLE 6 Planning and Zoning Commission**

[Sec. 2-6-10. Creation.](#)

[Sec. 2-6-20. Purpose; duties.](#)

[Sec. 2-6-30. Membership.](#)

[Sec. 2-6-40. Officers; quorum.](#)

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

### **Sec. 2-6-10. Creation.**

Pursuant to state law, there is hereby created a Planning and Zoning Commission for the Town.

(Ord. 2011-18 §1)

### **Sec. 2-6-20. Purpose; duties.**

The Planning and Zoning Commission is created for the following purposes:

- (1) To prepare and maintain, subject to periodic revision as necessary, a Master Plan, as described by state statutes, for the Town and its environs.
- (2) To implement the provisions of Chapters 16 and 17 of this Code, to prepare a zoning ordinance and zoning map for the Town, to perform all functions and powers referred to in said chapters where reference is made, and to consider such other matters as may properly come before it.
- (3) To study and recommend to the Board of Trustees amendments to the Zoning Regulations and to the Zoning Map of the Town.
- (4) To study and recommend appropriate zoning classifications for all annexations to the Town.
- (5) To exchange information with the various governmental agencies charged with planning and zoning responsibilities and with the Board of Adjustment.

## CHAPTER 2 Administration

- (6) To have all other duties and powers incidental to the above and any and all powers and duties as may be delegated to it, from time to time, by the Board of Trustees; however, nothing herein shall permit the Planning and Zoning Commission to make amendments or changes in the zoning of the Town, such powers expressly being reserved by the Board of Trustees.

(Ord. 2011-18 §1)

### **Sec. 2-6-30. Membership.**

- (a) The Planning and Zoning Commission shall consist of five (5) members. The Mayor and Board of Trustees shall act as and have the duties of the Planning and Zoning Commission. The term of the Mayor and each Trustee shall coincide with their terms as Mayor and Trustee.
- (b) Any member who is no longer a bona fide resident of the Town, no longer maintaining his or her primary place of residency within the Town, shall be removed from the Planning and Zoning Commission by the Board of Trustees.

(Ord. 2011-18 §1)

### **Sec. 2-6-40. Officers; quorum.**

- (a) The Chairman shall preside at all meetings and public hearings of the Planning and Zoning Commission, shall decide all points of order or procedure and shall certify plans and transit reports and recommendations of the Planning and Zoning Commission to the Board of Trustees.
- (b) A quorum shall consist of three (3) members.

(Ord. 2011-18 §1)

### **Sec. 2-6-50. Meetings.**

- (a) Regular meetings of the Planning and Zoning Commission shall be held at least once each month at a time to be determined by the Planning and Zoning Commission.
- (b) Special meetings of the Planning and Zoning Commission may be called at such times and places, upon such request, and with such notice as required by state statutes and the ordinances of the Town, provided that such special meetings are preceded by a minimum of twenty-four (24) hours' advance notice posted on the east door of the Town Hall.
- (c) All meetings and records of the Planning and Zoning Commission shall be open to the public.

(Ord. 2011-18 §1)

## **ARTICLE 7 Utilities Board**

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

[Sec. 2-7-20. Membership.](#)

[Sec. 2-7-30. Enterprise.](#)

[Sec. 2-7-40. Powers.](#)

[Sec. 2-7-50. Compensation.](#)

[Sec. 2-7-60. Voting; quorum.](#)

[Sec. 2-7-70. Organization and rules.](#)

[Sec. 2-7-80. Town staff.](#)

**Sec. 2-7-10. Creation.**

There is hereby created the Town Utilities Board, which shall have the powers and duties set forth in this Article.

(Ord. 1993-1 §1; Ord. 2011-18 §1)

**Sec. 2-7-20. Membership.**

The Utilities Board shall consist of seven (7) members who shall be the members of the Board of Trustees.

(Ord. 1993-1 §2; Ord. 2011-18 §1)

**Sec. 2-7-30. Enterprise.**

The Utilities Board and the water and wastewater utilities overseen and managed by the Utilities Board shall be an enterprise within the meaning of Article X, Section 20 of the State Constitution.

(Ord. 1993-1 §3; Ord. 2011-18 §1)

**Sec. 2-7-40. Powers.**

The Utilities Board shall have the power to:

- (1) Assess, oversee, monitor and review the construction, operation and maintenance of the Town's water system and wastewater treatment system in accordance with the Town's ordinances and the approved Utilities Board budget.
- (2) Establish policy on extension of the Town's water, wastewater and utility services.
- (3) Review and approve applications for proposed extensions of the Town's water and wastewater systems, including but not limited to reviewing the adequacy of plans of developers for installation of water and wastewater facilities in newly developed areas.
- (4) Establish service policies relating to billing, collections, connection and disconnection of service, meter reading and calibration and related matters in relation to the Town's water and wastewater utilities.
- (5) Set connection charges, service charges, standby fees and establish other rates and charges applicable to the Town's water and wastewater utilities.
- (6) Review and approve or reject proposed expenditures of water and wastewater funds subject to the approved Town budget for each fiscal year.
- (7) Hear appeals of any order, requirement, decision or determination made by an administrative official regarding water and wastewater rates and fees, collection or disconnection. In situations where the assessment of interest, disconnection charges, reconnection charges or usage

## CHAPTER 2 Administration

charges would be inequitable, the Utilities Board may waive all or a portion of such interest or charges.

- (8) Borrow money, issue bonds or otherwise extend the credit of the Town's water and wastewater enterprise fund, by resolution without an election, for the purpose of purchasing, equipping, constructing, condemning, otherwise acquiring, extending or improving the Town's water or wastewater systems, provided that the bonds or other obligations shall be made payable solely from the net revenues derived from the operation of the water and wastewater systems.
- (9) Exercise all powers, in accordance with applicable laws, ordinances and statutes, necessary or convenient to the performance of the above-enumerated powers.

(Ord. 1993-1 §4; Ord. 2011-18 §1)

### **Sec. 2-7-50. Compensation.**

Utilities Board members shall receive no compensation but may be reimbursed for expenses incurred in the performance of their duties.

(Ord. 1993-1 §5; Ord. 2011-18 §1)

### **Sec. 2-7-60. Voting; quorum.**

Each member of the Utilities Board shall have one (1) vote. A quorum for the transaction of businesses by the Utilities Board shall consist of a majority of the members.

(Ord. 1993-1 §6; Ord. 2011-18 §1)

### **Sec. 2-7-70. Organization and rules.**

- (a) The Utilities Board shall elect a Chairman for a term of one (1) year, with eligibility for reelection.
- (b) The Utilities Board shall hold at least one (1) regular meeting in each month.
- (c) The Utilities Board shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.
- (d) The Utilities Board shall adopt rules for the transaction of business. Except as otherwise provided by ordinance, the proceedings and meetings of the Utilities Board shall be governed by such rules.

(Ord. 1993-1 §7; Ord. 2011-18 §1)

### **Sec. 2-7-80. Town staff.**

The Town's staff shall provide to the Utilities Board such assistance as the Utilities Board deems necessary.

(Ord. 1993-1 §8; Ord. 2011-18 §1)