

TITLE 1
ADMINISTRATIVE

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CHAPTER 1
OFFICIAL TOWN CODE

SECTION:

- 1-1-1: Title
- 1-1-2: Acceptance
- 1-1-3: Amendments
- 1-1-4: Code Alterations

1-1-1: **TITLE:** Upon the adoption by the board of trustees, this code is hereby declared to be and shall hereafter constitute the official code of the town. This code of ordinances shall be known and cited as the *FLAGLER TOWN CODE*, and it is hereby published by authority of the board of trustees and shall be kept up to date as provided in section 1-1-3 of this chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this code by title in any legal document. (1992 Code)

1-1-2: **ACCEPTANCE:** This code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this state as the ordinances of the town of general and permanent effect, except the excluded ordinances enumerated in section 1-2-1 of this title. (1992 Code)

1-1-3: **AMENDMENTS:** Any ordinance amending this code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers, and the said ordinance material shall be prepared for insertion in its proper place in each

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copy of this code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of this code. (1992 Code)

1-1-4: **CODE ALTERATIONS:** It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the town board. The town clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the clerk. Any person having in his custody an official copy of this code shall make every effort to maintain said code in an up to date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the town clerk. Said code books, while in actual possession of officials and other interested persons, shall be and remain the property of the town and shall be returned to the office of the clerk when directed to do so by order of the town board. (1992 Code)

CHAPTER 2

SAVING CLAUSE

SECTION:

- 1-2-1: Repeal Of General Ordinances
- 1-2-2: Public Utility Ordinances
- 1-2-3: Court Proceedings
- 1-2-4: Severability Clause

1-2-1: **REPEAL OF GENERAL ORDINANCES:** All general ordinances of the town passed prior to the adoption of this code are hereby repealed, except such as are included in this code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the town; and all special ordinances. (1992 Code)

1-2-2: **PUBLIC UTILITY ORDINANCES:** No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this code or by virtue of the preceding section, excepting as this code may contain provisions for such matters; in which case, this code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (1992 Code)

1-2-3: **COURT PROCEEDINGS:** No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the town herein repealed and the provisions of all general ordinances contained in this code shall be deemed to be continuing provisions and not a new enactment of the same provision, nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the town under any ordinance or provision thereof in force at the time of the adoption of this code. (1992 Code)

1-2-4: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this code, or any part thereof. The town board of trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (1992 Code)

CHAPTER 3
DEFINITIONS

SECTION:

- 1-3-1: Construction Of Words
- 1-3-2: Definitions, General
- 1-3-3: Catchlines

1-3-1: **CONSTRUCTION OF WORDS:** Whenever any word in any section of this code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto.

The word "ordinance" contained in the ordinances of the town has been changed in the content of this code to "title", "chapter", "section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the town's ordinances is not meant to amend passage and effective dates of such original ordinances. (1992 Code)

1-3-2: **DEFINITIONS, GENERAL:** Whenever the following words or terms are used in this code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

AGENT: A person acting on behalf of another with authority conferred either expressly or impliedly to do so.

BOARD:	Unless otherwise indicated, the board of trustees of the town. Sometimes referred to as town council.
CODE:	The town code of Flagler, Colorado, and amendments thereto.
COUNTY:	The county of Kit Carson, state of Colorado.
EMPLOYEES:	Whenever reference is made in this code to a town employee by title only, this shall be construed as though followed by the words, "of the town of Flagler".
FEE:	A sum of money charged by the town for the carrying on of a business, profession or occupation.
LICENSE:	The permission granted for the carrying on of a business, profession or occupation.
MAYOR:	Mayor of the town of Flagler.
MISDEMEANOR:	Any offense other than a felony, as classified in Colorado Revised Statutes section 18-1-106.
NUISANCE:	Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the town, or any activity which by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within the community.
OCCUPANT:	As applied to a building or land, shall include any person who occupies the whole or any part of such building or land whether alone or with others.
OFFENSE:	Any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.

OFFICERS:	Whenever reference is made in this code to a town officer by title only, this shall be construed as though followed by the words "of the town of Flagler".
OPERATOR:	The person who is in charge of any operation, business or profession.
OWNER:	As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.
PERSON:	Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.
PERSONAL PROPERTY:	Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.
RETAILER:	Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities directly to the consumer.
STATE:	The state of Colorado.
STREET:	Shall include alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.
TENANT:	As applied to a building or land, shall include any person who occupies the whole or any part of such buildings or land, whether alone or with others.
TOWN:	The town of Flagler, county of Kit Carson, state of Colorado.

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WHOLESALE AND
WHOLESALE DEALER:

Unless otherwise specifically defined, such terms shall be understood to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale.

WRITTEN, IN
WRITING:

May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark. (1992 Code)

1-3-3:

CATCHLINES: The catchlines of the several sections of this code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section thereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (1992 Code)

CHAPTER 4

GENERAL PENALTY

SECTION:

- 1-4-1: General Penalty
- 1-4-2: Application Of Provisions
- 1-4-3: Liability Of Officers

1-4-1: **GENERAL PENALTY¹:** Any person convicted of a violation of any section or provision of this code, where no other penalty is set forth, shall be punished by a fine not to exceed five hundred dollars (\$500.00). (1992 Code; amd. 2004 Code)

1-4-2: **APPLICATION OF PROVISIONS:** The penalty provided in this chapter shall be applicable to every section of this code the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this code where any duty is prescribed or obligation imposed, or where any action which is of a continuing nature is forbidden or is declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this code.

In all cases where the same offense is made punishable or is created by different clauses or sections of this code, the town attorney may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this code and there shall be no fine or

1. CRS 31-16-101.

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penalty specifically declared for such breach, the provisions of this chapter shall apply. (1992 Code)

1-4-3: **LIABILITY OF OFFICERS:** No provision of this code designating the duties of any officer or any employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the board of trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (1992 Code)

CHAPTER 5

MAYOR AND BOARD OF TRUSTEES

SECTION:

- 1-5-1: Elections; Terms Of Office; Vacancies
- 1-5-2: Powers Of Mayor
- 1-5-3: Meetings Of The Board
- 1-5-4: Public Participation At Board Meetings
- 1-5-5: Procedure For Additional Dialogue Between Board And Citizens

1-5-1: ELECTIONS; TERMS OF OFFICE; VACANCIES:**A. Election; Terms Of Office:**

1. Board Of Trustees: At the next regular election, six (6) trustees shall be elected. The three (3) candidates receiving the highest number of votes shall be elected for four (4) year terms, and the three (3) candidates for trustee receiving the next highest number of votes shall be elected for two (2) year terms. At the next subsequent regular election and at each regular election thereafter, three (3) trustees shall be elected to serve four (4) year terms.

2. Mayor: At the next regular election and at the regular election every four (4) years thereafter, a mayor shall be elected to serve a four (4) year term. (Ord. 107, 8-14-1978)

- B. Vacancies:** The board of trustees has the power, by appointment, to fill all vacancies in the board or any other office, and the person so appointed shall hold his office until the next regular election and until his successor is elected and has complied with state statute. The board also has the power to fill a vacancy in the board or in any other elective office of the town by ordering an election to fill the vacancy until the next regular election. If a vacancy in the board or in such other elective office is not filled by appointment or an election is not ordered within sixty (60) days after the vacancy

occurs, the board shall order an election, subject to the municipal election code, to be held as soon as practicable to fill the vacancy until the next regular election. (Ord. 107, 8-14-1978; amd. 2004 Code)

- C. **Removal Of Officers:** By a majority vote of all members of the board of trustees, the mayor, the clerk, the treasurer, any member of the board, or any other officer of the town may be removed from office. However, 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. Any charge for removal of an officer shall be based upon reasonable grounds to believe that such officer has been involved in official misconduct, such misconduct as affects the performance of the officer's duties. When any officer ceases to reside within the limits of the town, he may be removed from office pursuant to this code. A municipal judge may be removed during his or her term of office only for cause, as set forth in Colorado Revised Statutes 13-10-105(2). (2004 Code)

1-5-2: POWERS OF MAYOR:

- A. **Tie Vote:** The mayor shall not be entitled to vote on any matter before the board, except in the case of a tie vote.
- B. **Ordinances And Resolutions:**
1. Any ordinance adopted by the board and all resolutions authorizing the expenditure of money or the entering into of a contract shall be subject to disapproval by the mayor as provided by law and, accordingly, any such ordinance or resolution shall have the approval and signature of the mayor before they become valid except as provided herein.
 2. Any ordinance and all resolutions authorizing the expenditure of money or the entering into of a contract, after adoption by the board, shall be presented to the mayor within forty eight (48) hours after such adoption for his signature approving the same. If he disapproves, he shall return such ordinance or resolution to the board at its next regular meeting with his objections in writing, and the board shall cause such objections to be entered at large upon the record and shall proceed at the same or next subsequent meeting to consider the question: "Shall the ordinance or resolution, notwithstanding the mayor's objections, be passed?". If two-thirds

(²/₃) of the members elected to the board vote in the affirmative, such resolutions shall be valid and such ordinance shall become law the same as if it had been approved by the mayor. If the mayor fails to return to the next subsequent meeting of the board any resolution or ordinance presented to him for his approval, the same shall become a valid ordinance or resolution, as the case may be, in like manner as if it had been approved by the mayor.

3. This subsection B may be repealed only within sixty (60) days preceding any election of a mayor. (Ord. 116, 3-12-1984, eff. 4-3-1984)

1-5-3: **MEETINGS OF THE BOARD:** The regular meetings of the board of trustees shall be at those times as established by resolution of the board. The meeting times shall be published and posted in such a manner as to comply with state law and to give the citizens of the town adequate and legal notice of meetings. (Ord. 2, 4-9-1917; amd. 2004 Code)

1-5-4: **PUBLIC PARTICIPATION AT BOARD MEETINGS:**

A. Public Discussion Period: The board shall schedule a period of time during each public meeting for public participation. The length of time scheduled for public discussion shall be stated in the agenda posted prior to the meeting. The mayor of the town shall be the presiding officer at all board meetings and shall be responsible for maintaining proper order and decorum. Members of the public shall not be recognized by the mayor as the board conducts its official business except when the board declares an interim public discussion period on a particular agenda item.

B. Rules Concerning Public Participation:

1. Any written or printed material desired to be circulated at a board meeting by a member of the public must be submitted to the town clerk by the close of business on the Thursday preceding the board meeting. Such written or printed material shall then be included in the packet to be given to the board members for consideration.

2. Citizens of the town, employees of the town, individuals who have been requested to attend the meeting by the mayor, and non-residents of the town who have timely requested and received the permission of the board, or a member thereof, to address the board,

shall all be eligible to address the town board at a regular or special meeting.

3. A person wishing to speak, who is not listed on the agenda or addressing an agenda item, shall raise his or her hand during the public audience section and be recognized by the presiding officer. The person shall state his or her name and announce the subject on which he or she wishes to speak. If the board deems that the subject requires more discussion prior to taking action, such item may be continued to the next available regular meeting. No person shall speak for more than five (5) minutes unless the time limit is waived by the presiding officer. The speaking time may be shortened by the presiding officer if the length of the agenda or the number of requested speakers mandates a shortening of the time.

4. A person wishing to address the board concerning an agenda item shall also raise his or her hand and be recognized by the presiding officer prior to speaking. The person shall state his or her name and identify the agenda item or items which he or she wishes to address. While the identified person may address one or more agenda items, such person shall not speak for more than five (5) minutes on any particular agenda item unless such limit is waived by the presiding officer. The speaking time may be shortened by the presiding officer if the length of the agenda or the number of requested speakers mandates a shortening of the time.

5. Undue interruption, defamatory or abusive remarks, or other unreasonable interference with the orderly conduct of the board meeting will not be allowed. Any person who disturbs the good order of the meeting by undue interruption, defamatory or abusive remarks, or other disruptive action shall be requested to cease and desist from such action, and if such person persists in such action, shall be removed from the meeting by the sergeant at arms. Any personal approval or disapproval of action taken by the board during the meeting may be indicated during the hearing portion of the meeting, but it is requested that there be no applause or loud dissent voiced during the meeting.

6. All charges, complaints or challenges relating to the actions of a board member, town officer, or town employee are to be presented to the town clerk, in writing, and signed by the complainant. Such complaints shall be investigated by the town marshal or town manager, as appropriate. (Ord. 136, 7-13-1998)

1-5-5: **PROCEDURE FOR ADDITIONAL DIALOGUE BETWEEN
BOARD AND CITIZENS:**

- A. Purpose: The purpose of this section is to establish an additional procedure and time to allow residents meaningful contact with elected town board members. In addition to contact by telephone and at regular and special town board meetings, the board wishes to establish a procedure by which residents may meet periodically, by appointment, with two (2) board members to discuss general town policy or general town matters. By establishing a means for such contact, the board wishes to create a situation in which employees may more efficiently perform their duties and board members avoid potential problems by discouraging certain contact between persons and employees at the employees' homes during the nonworking hours of such employees, and by discouraging contact between persons and town board members at the board members' homes and places of employment and business.

This section is not intended to discourage persons from contacting town board members in reference to emergency situations or day to day matters, including the reporting of loss of town services, billing questions, matters involving law or ordinance enforcement reporting, and other general administrative matters. Further, this section is not intended to apply to contacts between persons and town board members and town employees which take place, during or after business hours, by telephone.

B. Procedure For Discussion By Appointment:

1. Town residents are encouraged to continue to attend all regular and special board meetings and to continue to contact board members by telephone during reasonable hours to discuss matters of importance to the residents. Any person desiring to discuss town policy, or to register complaints, ask questions, or otherwise discuss general town matters with town board members and who do not wish to have such contact by telephone, during town board meetings, or during other scheduled public events, or who wish to have contact with board members in addition to that set forth above, may contact either the town manager or town clerk and request to have an appointment with two (2) board members. Such request shall include a written listing of the issue or issues to be discussed. Such meeting shall be set promptly at a time convenient for the town resident or residents and board members.

2. Any meeting scheduled pursuant to this section shall be held at the Flagler town hall located at 311 Main Avenue, Flagler, Colorado. The length of the meeting shall be such time as is reasonably required to hear the resident's questions and concerns and to discuss the matter thoroughly. The meeting shall be terminated by the board members when the board members determine that the issue has been thoroughly discussed or if the discussion has become repetitive, abusive, or overly argumentative. Meetings with any particular person may not exceed one time per month without good cause being shown by the requesting person. Such meetings shall be informal and no policy may be adopted or changed nor may any other action be taken at such informal meetings. The meetings are strictly for informal discussion.

- C. Town Policy Concerning Home Or Business/Employment Contact: Any person who contacts, in person, a town board member at his or her personal residence or place of business or employment and who attempts to discuss general town policy or general town matters, or any person who personally contacts a town employee at his or her residence, after such employee's working hours, to discuss general town policy or general town matters, shall be advised of the above described meeting policy and may be requested to leave the property or premises. Failure to leave the property or premises after being requested to do so by the town board member or town employee may result in the bringing of trespass charges or other relevant charges against the person. (Ord. 135, 5-11-1998)

CHAPTER 6

TOWN OFFICERS AND EMPLOYEES

SECTION:

- 1-6-1: Bonds Of Officers
- 1-6-2: Compensation
- 1-6-3: Appointment Of Town Officers
- 1-6-4: Federal Social Security Act

1-6-1: **BONDS OF OFFICERS:** The following named officers shall give bond to the town according to the ordinance of the town in the following sums:

Town marshal	\$5,000.00
Town clerk/treasurer	5,000.00

(Ord. 1, 4-9-1917; amd. 1992 Code; 2004 Code)

1-6-2: **COMPENSATION:** The following officers and employees hereinafter named shall receive the following compensation to be paid monthly:

- A. Town Marshal: The town marshal shall receive all fees due him by virtue of any proceeding under ordinances of the town.
- B. Town Clerk: The town clerk shall receive overtime wages for a meeting if the meeting causes her to accumulate over forty (40) hours in a regular work week. (Ord. 1, 4-9-1917; amd. 1992 Code)

1-6-3: **APPOINTMENT OF TOWN OFFICERS:** The board of trustees shall appoint a clerk, treasurer, town attorney, and such other officers, including a town administrator, manager, and building inspector, code enforcement officer, or other officers as it may deem necessary for the good government of the town. The appointments shall be

made, or renewed, on the first regular meeting following a regular municipal election. The duties of those officers required to be appointed by state statute, shall include the following:

- A. Town Clerk/Treasurer: The clerk/treasurer, who may be the same person, shall attend all meetings of the board of trustees and make a true and accurate record of all the proceedings, rules, and ordinances made and passed by the board of trustees. The board of trustees may supplement the clerk/treasurer's duties by written job description.
- B. Town Marshal: The town marshal shall have the same power that sheriffs have by law, coextensive with the county in cases of violation of town ordinances, for offenses committed within the limits of the town. The board of trustees may supplement the marshal's duties by written job description.
- C. Town Attorney: The town attorney shall attend town meetings when requested by the board of trustees, shall keep the board of trustees and other appointed officers informed as to changes in the law, and shall render such legal advice and services as requested by the board of trustees.
- D. Other Appointed Officers: The board of trustees shall adopt a job description for any appointed town officers not described or required by state statute. (2004 Code)

1-6-4: FEDERAL SOCIAL SECURITY ACT:

- A. Coverage: The town is hereby authorized to execute and deliver to the department of employment security, state of Colorado, a plan and agreement necessary to extend coverage of the federal old age and survivors' insurance system to the employees of the town, which plan and agreement is required in section 5 of house bill no. 291, 38th general assembly, being the enabling act, and the federal social security act, as amended, and to do all other necessary things to effectuate said coverage.
- B. Payroll Deduction: The town clerk is hereby authorized to establish a system of payroll deduction under which contributions of town employees, whose services are covered by the said plan and agreement, are deducted from wages and salaries, charged to the fund or funds from which wage and salary payments are issued to

town employees, and paid into the contribution fund in accordance with the provisions of the said enabling act.

- C. Appropriation For Participation: Appropriation is hereby made from the proper fund or funds of the town in the necessary amount to pay into the contribution fund as provided in the said enabling act and in accordance with the plan and agreement.
- D. Authority To Enter Into Agreement: Authority is hereby given to the mayor and the town clerk to enter into an agreement with the department of employment security, state of Colorado, which agreement shall be in accordance with the said house bill no. 291 and with paragraph 218 of the social security act. Such plan and agreement shall provide that the participation of the town shall be in effect as of January 1, 1951. (Ord. 68A, 10-8-1951)

CHAPTER 7

MUNICIPAL ELECTIONS

SECTION:

- 1-7-1: Write In Candidates
1-7-2: Cancellation Of Election

1-7-1: **WRITE IN CANDIDATES¹:** No write in vote for any municipal office at any municipal elections of the town of Flagler shall be counted unless an affidavit of intent has been filed with the town clerk by a 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. 121, 2-14-2000)

1-7-2: **CANCELLATION OF ELECTION²:** If, at any municipal election of the town of Flagler, 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, the town clerk shall certify such fact to the board of trustees of the town of Flagler, and the board shall hold a meeting and may cancel the election and by resolution declare the candidates elected.

In the event an election is canceled as herein provided, notice of such cancellation shall be posted at each polling place and in not less than one other public place and, if possible, shall be published, in order to inform the electors of the town of such cancellation. (Ord. 121, 2-14-2000)

1. CRS 31-10-306.

2. CRS 31-20-507.

CHAPTER 8
MUNICIPAL FINANCES

SECTION:

- 1-8-1: Purchases And Sales
1-8-2: Fiscal Year

1-8-1: PURCHASES AND SALES:

A. Purchasing Procedure:

1. No purchase of materials, equipment or supplies for the town, or any of its agencies or departments, shall be made, or contract for such purchase entered into, by the board of trustees, where purchase or contract calls for an expenditure of more than five hundred dollars (\$500.00), until a report shall be made as to the necessity or advisability thereof.

2. Purchases of materials, equipment or supplies for the town, or any of its agencies or departments, where purchase price does not exceed five hundred dollars (\$500.00) shall be approved by the board of trustees and payments made therefor.

B. Illegal Purchases: No officer, agent, employee or other person, whomsoever, shall have power or authority to purchase materials, equipment or supplies for the town, its agencies or departments, or contract therefor in the name of or in behalf of the town, except as in this section provided, and all purchases not made in accordance herewith are hereby declared absolutely illegal, void and not binding on the town.

C. Sales: All sales of equipment, materials or supplies by the town shall be under the charge and supervision of the board of trustees in like manner as is above provided with reference to purchases. (Ord. 27, 1-30-1922; amd. 1992 Code)

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1-8-2

1-8-2: **FISCAL YEAR:** The fiscal year of the town shall commence on January 1 of each year. (Ord. 13, 11-1-1917)

CHAPTER 9
MUNICIPAL COURT

SECTION:

- 1-9-1: Created
- 1-9-2: Jurisdiction, Powers; Procedures
- 1-9-3: Judges
- 1-9-4: Court Clerk
- 1-9-5: Assessment Of Court Costs

1-9-1: **CREATED:** A municipal court in and for the town is hereby created and established as provided by Colorado Revised Statutes, section 13-10-104, as amended. (Ord. 96, 2-11-1971)

1-9-2: **JURISDICTION, POWERS; PROCEDURES:** The municipal court shall have such jurisdiction as is conferred upon it by law and shall hear and try all alleged violations of ordinance provisions of the town. The procedures of the municipal court shall be in accordance with rules promulgated by the Colorado supreme court. (Ord. 96, 2-11-1971)

1-9-3: **JUDGES:**

- A. Appointment: The municipal court shall be presided over by a municipal judge appointed for a term of two (2) years by resolution of the board of trustees. Additional or assistant judges may be appointed as may be necessary to act in case of the temporary absence, sickness, disqualification or other inability of the presiding municipal judge to act, and in such case, appointment shall be made by resolution of the board of trustees for a term of two (2) years and the resolution shall designate the municipal judge as presiding judge.
- B. Salary: The salary of the municipal judge and of any additional or assistant judge or judges shall be paid on such basis and in an amount provided by resolution of the board of trustees.

- C. Oath: Before assuming the duties of his office, a municipal judge shall make an oath or affirmation that he will support the constitution of the United States and of the state of Colorado and will faithfully perform the duties of his office.
- D. Rule Making Power: In addition to other powers, a municipal judge shall have authority to adopt and issue local rules of procedure consistent with any rules of procedure adopted by the Colorado supreme court and as approved by the board of trustees. (Ord. 96, 2-11-1971; amd. 1992 Code)

1-9-4: **COURT CLERK:**

- A. Office Established: The position of clerk of the municipal court is hereby established. The municipal judge or presiding municipal judge may serve as ex officio clerk, or may appoint a person to serve as such clerk. The clerk shall have such duties as are delegated to him by law, rule of court and by the municipal judge or presiding municipal judge.
- B. Salary: The salary of the municipal court clerk shall be paid on such basis and in an amount provided by resolution of the board of trustees.
- C. Bond: The municipal court clerk and the municipal judge, if he serves as ex officio clerk, shall give a performance bond in the sum of one thousand dollars (\$1,000.00) to the town, and said bond shall be approved by the board of trustees and conditioned upon the municipal court clerk's faithful performance of his duties and the faithful accounting of all funds received by the court.
- D. Reports: The municipal court clerk shall file monthly reports with the town clerk of all funds collected by him as clerk of the court, and on the last day of each month he shall pay to the proper official all such funds in his hands. (Ord. 96, 2-11-1971; amd. 1992 Code)

1-9-5: **ASSESSMENT OF COURT COSTS:** The municipal judge shall maintain a schedule with a listing of the fines and costs that will be assessed against any defendant who pleads guilty or nolo contendere or who enters into a plea agreement, or who, after trial, is found guilty of an ordinance violation of the town of Flagler. The schedule will be in accordance with any prevailing state law concerning costs and assessment of fines. (2004 Code)