

CHAPTER 2

Administration

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

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 Meetings
- Sec. 2-2-70 Posting of meeting notice
- Sec. 2-2-80 Rules of procedure
- Sec. 2-2-90 Undesirable Plant Management Advisory Commission designated

Article 3 Officers and Employees

- Sec. 2-3-10 Appointed officers
- Sec. 2-3-20 Powers and duties of officers
- Sec. 2-3-30 Code Enforcement Officer: powers: certification not required
- Sec. 2-3-40 Town Clerk: appointment
- Sec. 2-3-50 Town Clerk: powers and duties
- Sec. 2-3-60 Town Clerk: oath
- Sec. 2-3-70 Town Clerk: compensation
- Sec. 2-3-80 Town Clerk: removal
- Sec. 2-3-90 Town Treasurer: appointment
- Sec. 2-3-100 Town Treasurer: powers and duties
- Sec. 2-3-110 Town Treasurer: oath of office: bond
- Sec. 2-3-120 Town Treasurer: compensation
- Sec. 2-3-130 Town Treasurer: removal
- Sec. 2-3-140 Town Attorney: appointment
- Sec. 2-3-150 Town Attorney: powers and duties
- Sec. 2-3-160 Town Attorney: oath of office
- Sec. 2-3-170 Town Attorney: compensation
- Sec. 2-3-180 Town Attorney: removal

Article 4 Municipal Court

- Division 1 General Provisions*
- Sec. 2-4-10 Creation of Municipal Court
- Sec. 2-4-20 Original jurisdiction
- Sec. 2-4-30 Appointment of Municipal Judge
- Sec. 2-4-40 Compensation of Judge
- Sec. 2-4-50 Oath of office
- Sec. 2-4-60 Rules of procedure
- Sec. 2-4-70 Court costs
- Sec. 2-4-80 Transcripts
- Sec. 2-4-90 Trials

Article 4 Municipal Court (Cont'd)

Division 2 Traffic Infractions

Sec. 2-4-110 General

Sec. 2-4-120 Definitions

Sec. 2-4-130 Scope and purpose

Sec. 2-4-140 Application

Sec. 2-4-150 Fines

Sec. 2-4-160 No jury trial for traffic infractions

Sec. 2-4-170 Commencement of action

Sec. 2-4-180 Payment before appearance

ARTICLE 1

Elections

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 or Intergovernmental Agreement determine to follow all or part of the provisions of the Uniform Election Code of 1992 for any election. (Ord. 1 §1, 2012)

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. 1 §1, 2012)

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. 1 §1, 2012)

ARTICLE 2

Mayor and Board of Trustees

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

(a) Terms.

(1) At the April 2004 election, the candidate elected as Mayor, and the candidates elected to be members of the Board of Trustees receiving the largest number of votes in each ward shall serve for a term of four (4) years; the Board of Trustee candidates receiving the second largest number of votes in each ward at this election shall serve for a term of two (2) years.

(2) At the next election in April 2006 for three (3) expired Board of Trustee seats, those candidates elected shall serve for a term of four (4) years.

(3) At subsequent municipal elections after April 2006, candidates elected for all expired Board of Trustee and Mayoral seats shall serve for a term of four (4) years.

(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 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 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 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 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. 1 §1, 2000; Ord. 7 §§1—3, 2003; Ord. 1 §1, 2012)

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 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 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. (Ord. 1 §1, 2012)

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. 1 §1, 2012)

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. 1 §1, 2012)

Sec. 2-2-50. Compensation.

(a) Effective for those individuals elected to the offices of Mayor and Board of Trustees on April 4, 2000, and at subsequent elections, the Mayor and Board of Trustees shall receive compensation at the rate of one hundred dollars (\$100.00) per month. (Ord. 4 §§1, 2, 1999; Ord. 1 §1, 2012)

(b) Nothing in this Chapter shall be construed to prevent the Board of Trustees from determining to conduct special meetings or workshops and/or study sessions on any other day, as determined by the Board of Trustees. (Ord. 2 §1, 2002; Ord. 1 §1, 2012)

Sec. 2-2-60. Meetings.

(a) The Board of Trustees may meet in regular session on the first and/or third Thursday of each month at 6:30 p.m. at South Metro Fire Protection District Station #42, 7320 South Parker Road, Foxfield, Colorado 80016, unless another day and time is provided by the Board of Trustees.

(b) Nothing in this Chapter shall be construed to prevent the Board of Trustees from determining to conduct special meetings or workshops and/or study sessions on any other day, as determined by the Board of Trustees. (Ord. 2 §1, 2002; Ord. 1 §1, 2012)

Sec. 2-2-70. Posting of meeting notice.

The time, place and agenda of regular monthly meetings of the Board of Trustees shall be posted at a location within the Town, to be designated annually by the Board of Trustees. Notice of all meetings shall be posted at least twenty-four (24) hours prior to such meeting. (Ord. 7 §4, 2009; Ord. 1 §1, 2012)

Sec. 2-2-80. Rules of procedure.

The rules contained in *Robert's Rules of Order* shall serve as a guide to all Board of Trustees meetings, to the extent they are applicable, and consistent with the rules of order adopted by ordinance. (Ord. 7 §6, 2009; Ord. 1 §1, 2012)

Sec. 2-2-90. Undesirable Plant Management Advisory Commission designated.

The Board of Trustees is appointed to act as the Undesirable Plant Management Advisory Commission for the Town and shall have the duties and responsibilities as provided by state statutes. (Ord. 1 §1, 2012)

ARTICLE 3

Officers and Employees

Sec. 2-3-10. Appointed officers.

(a) The following officers of the Town shall be appointed by a majority vote of all the members of the Board of Trustees:

- (1) Town Attorney;
- (2) Town Clerk; and
- (3) Town Treasurer.

(b) Said officers shall hold their respective offices until their successors are duly appointed and qualified. Vacancies shall be filled by appointment of the Board of Trustees. (Ord. 1 §1, 2012)

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

Appointed officers of the Town shall have such powers and perform such duties as are now or hereafter may be prescribed by state law and the ordinances of the Town, shall further perform any additional duties required by the Board of Trustees, and shall be subject to the control and orders of the Board of Trustees. (Ord. 1 §1, 2012)

Sec. 2-3-30. Code Enforcement Officer; powers; certification not required.

(a) The Town determines that it is necessary to hire a Code Enforcement Officer to enforce the ordinances of the Town pursuant to Sections 31-4-304 and 31-15-401, C.R.S.

(b) The Code Enforcement Officer shall be empowered as a designee and representative of the Mayor pursuant to the ordinances of the Town to issue citations or summonses and complaints enforcing Town ordinances.

(c) It shall not be a requirement by the Town that the Code Enforcement Officer be certified pursuant to the requirements of Part 3 of Article 31 of Title 24, C.R.S. (Ord. 6 §§1—3, 1996; Ord. 1 §1, 2012)

Sec. 2-3-40. Town Clerk; appointment.

(a) The Town Clerk shall be appointed by the Board of Trustees not later than the second regular meeting of the Board of Trustees after each regular municipal election.

(b) Unless the Town Clerk shall sooner resign or be removed from office, the Town Clerk shall hold office until his successor is duly appointed and has complied with Section 31-4-401, C.R.S., but in no event beyond thirty (30) days after compliance with Section 31-4-401, C.R.S., by members of the succeeding Board of Trustees.

(c) Any vacancy in the office of the Town Clerk shall be filled by appointment by the Board of Trustees for the unexpired term of office created by the vacancy.

(d) One (1) person may simultaneously serve as Town Clerk and Town Treasurer.

(e) The Board of Trustees may make an interim appointment in order to temporarily fill a vacancy in the office of the Town Clerk pending a regular appointment under paragraph (c) above. (Ord. 6 §1, 2010; Ord. 1 §1, 2012)

Sec. 2-3-50. Town Clerk; powers and duties.

In addition to the duties imposed by state law, the Town Clerk shall perform the following duties:

(1) Coordinate, plan and prepare agendas and information packets for Town meetings; post notices; attend and record minutes of Town meetings.

(2) Coordinate functions of the Town Clerk's Office pursuant to the provisions of the state statutes and this Code, which may include complex administrative, clerical and secretarial functions.

(3) Act as custodian of all official Town ordinances, resolutions, proclamations and archival records.

(4) Maintain custody of and administer the official Town seal.

(5) Supervise the entire Town election process and function as the Deputy County Clerk for voter registration.

(6) Maintain the Municipal Code book and oversee annual codification.

(7) Write resolutions, proclamations, public notices, letters, flyers, newsletters and memorandums for the Mayor, Board of Trustees and Town Administrator as needed.

(8) Other duties and responsibilities as may be assigned by the Board of Trustees or Town Administrator at any time. (Ord. 6 §2, 2010; Ord. 1 §1, 2012)

Sec. 2-3-60. Town Clerk; oath.

(a) The Town Clerk, before entering upon his duties, shall take an oath before an officer qualified by law to administer such oath, that he will support the Constitution and laws of the United States and the State of Colorado 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 Foxfield, and that I will faithfully perform all the duties of the office or Town Clerk, upon which I am about to enter.

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

(b) No bond shall be required of the Town Clerk. (Ord. 6 §3, 2010; Ord. 1 §1, 2012)

Sec. 2-3-70. Town Clerk; compensation.

The Town Clerk shall receive compensation for services rendered in an amount to be determined by the Board of Trustees. (Ord. 6 §4, 2010; Ord. 1 §1, 2012)

Sec. 2-3-80. Town Clerk; removal.

The Town Clerk may be removed from office in accordance with state law. (Ord. 6 §5, 2010; Ord. 1 §1, 2012)

Sec. 2-3-90. Town Treasurer; appointment.

(a) The Town Treasurer shall be appointed by the Board of Trustees not later than the second regular meeting of the Board of Trustees after each regular municipal election.

(b) Unless the Town Treasurer shall sooner resign or be removed from office, the Town Treasurer shall hold office until his successor is duly appointed and has complied with Section 31-4-401, C.R.S., but in no event beyond thirty (30) days after compliance with Section 31-4-401, C.R.S., by members of the succeeding Board of Trustees.

(c) Any vacancy in the office of the Town Treasurer shall be filled by appointment by the Board of Trustees for the unexpired term of office created by the vacancy.

(d) One (1) person may simultaneously serve as Town Clerk and Town Treasurer.

(e) The Board of Trustees may make an interim appointment in order to temporarily fill a vacancy in the office of the Town Treasurer pending a regular appointment under paragraph (c) above. (Ord. 7 §1, 2010; Ord. 1 §1, 2012)

Sec. 2-3-100. Town Treasurer; powers and duties.

In addition to the duties imposed by state law, the Town Treasurer shall perform the following duties:

(1) Receive all monies belonging to the Town and give receipt therefor.

(2) Maintain and account for all monies received in such funds as may be provided by law and by the Board of Trustees and keep an accurate account of all monies received and expended by the Town.

(3) Pay such sums from the treasury of the Town as may be approved by the Board of Trustees.

(4) Other duties and responsibilities as may be assigned by the Board of Trustees or Town Administrator at any time. (Ord. 7 §2, 2010; Ord. 1 §1, 2012)

Sec. 2-3-110. Town Treasurer; oath of office; bond.

(a) The Town Treasurer, before entering upon his duties, shall take an oath before an officer qualified by law to administer such oath, that he will support the Constitution and laws of the United States and of the State of Colorado 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 Foxfield, and that I will faithfully perform all the duties of the office of Town Treasurer, upon which I am about to enter.

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

(b) Before entering upon the duties of the office, the Town Treasurer shall furnish a surety bond in the amount of ten thousand dollars (\$10,000.00) to be approved by the Board of Trustees, conditioned upon the faithful performance of his duties as Town Treasurer and that, when he shall vacate such office, he will turn over and deliver to his successor all monies, books, papers, property or things belonging to the Town in his charge as Town Treasurer. The premium of said bond shall be paid by the Town. (Ord. 7 §3, 2010; Ord. 1 §1, 2012)

Sec. 2-3-120. Town Treasurer; compensation.

The Town Treasurer shall receive compensation for services rendered in an amount to be determined by the Board of Trustees. (Ord. 7 §4, 2010; Ord. 1 §1, 2012)

Sec. 2-3-130. Town Treasurer; removal.

The Town Treasurer may be removed from office in accordance with state law. (Ord. 7 §5, 2010; Ord. 1 §1, 2012)

Sec. 2-3-140. Town Attorney; appointment.

(a) The Town Attorney shall be appointed by the Board of Trustees not later than the second regular meeting of the Board of Trustees after each regular municipal election.

(b) Unless the Town Attorney shall sooner resign or be removed from office, the Town Attorney shall hold office until his successor is duly appointed and has complied with Section 31-4-401, C.R.S., but in no event beyond thirty (30) days after compliance with Section 31-4-401, C.R.S., by members of the succeeding Board of Trustees.

(c) Any vacancy in the office of the Town Attorney shall be filled by appointment by the Board of Trustees for the unexpired term of office created by the vacancy.

(d) The Board of Trustees may make an interim appointment in order to temporarily fill a vacancy in the office of the Town Attorney pending a regular appointment under Subsection (c) above. (Ord. 8 §1, 2010; Ord. 1 §1, 2012)

Sec. 2-3-150. Town Attorney; powers and duties.

In addition to the duties imposed by state law, the Town Attorney shall perform the following duties.

(1) The Town Attorney shall act as legal advisor to, and be the attorney and counsel for, the Board of Trustees and shall be responsible solely to the Board of Trustees. He shall render such services as may be requested from time to time by the Board of Trustees.

(2) He shall advise any officer or department head of the Town in matters relating to his official duties and shall file with the Town Clerk a copy of all written opinions given by him.

(3) He shall call to attention the Board of Trustees all matters of law, and changes or developments therein, affecting the Town.

(4) He shall perform such other duties as may be prescribed for him by the Board of Trustees. (Ord. 8 §2, 2010; Ord. 1 §1, 2012)

Sec. 2-3-160. Town Attorney; oath of office.

The Town Attorney, before entering upon his duties, shall take an oath before an officer qualified by law to administer such oath, that he will support the Constitution and laws of the United States and of the State of Colorado 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 Foxfield, and that I will faithfully perform all the duties of the office of Town Treasurer, upon which I am about to enter.

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

(Ord. 8 §3, 2010; Ord. 1 §1, 2012)

Sec. 2-3-170. Town Attorney; compensation.

The Town Attorney shall receive compensation for services rendered in an amount to be determined by the Board of Trustees. (Ord. 8 §4, 2010; Ord. 1 §1, 2012)

Sec. 2-3-180. Town Attorney; removal.

The Town Attorney may be removed from office in accordance with state law. (Ord. 8 §5, 2010; Ord. 1 §1, 2012)

ARTICLE 4

Municipal Court

Division 1 General Provisions

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

There is created and established a qualified Municipal Court of record in and for the Town, pursuant to and governed by the provisions of state law. (Ord. 5 §1, 1996; Ord. 1 §1, 2012)

Sec. 2-4-20. Original jurisdiction.

The Municipal Court shall have original jurisdiction of all cases arising under the provisions of this Code and the ordinances of the Town, with full power to punish violators thereof by the imposition of such fines and penalties as are prescribed in this Code or by ordinance. (Ord. 5 §2, 1996; Ord. 1 §1, 2012)

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

The Municipal Court shall be presided over by a Municipal Judge, appointed for a term of two (2) years by ordinance 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. 1 §1, 2012)

Sec. 2-4-40. Compensation of Judge.

The compensation of the Municipal Judge shall be an annual salary in an amount set by ordinance of the Board of Trustees, and shall be payable monthly. (Ord. 1 §1, 2012)

Sec. 2-4-50. Oath of office.

Before entering upon the duties of his office, the Municipal Judge shall take an oath or affirmation that he 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 office. (Ord. 1 §1, 2012)

Sec. 2-4-60. Rules of procedure.

The procedures of the Municipal Court shall be in accordance with the Municipal Court Rules of Procedure as promulgated by the Colorado Supreme Court. 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 Municipal Court Rules of Procedure. (Ord. 5 §3, 1996; Ord. 1 §1, 2012)

Sec. 2-4-70. Court costs.

(a) Whenever the presiding judge imposes any fine for any violation of a municipal ordinance, in addition to any such fine or any other sentence, the Municipal Judge may also impose the following costs:

(1) Twenty-five dollars (\$25.00) upon the entry of a plea of guilty or no contest, or the finding of guilt by the Municipal Court.

(2) Twenty-five dollars (\$25.00) upon the issuance of a bench warrant for failing to appear in Court, failing to pay fines and costs, or failing to comply with any order of the Court.

(3) Five dollars (\$5.00) for each subpoenaed Town witness who appears at a trial upon a finding of guilty by the Court or by the jury, or upon the entry of a plea of guilty or no contest on the date of trial.

(b) For all appeals from decisions in the Municipal Court to the Arapahoe County District Court, the Municipal Judge as ex-officio Clerk or the Municipal Court Clerk shall require a transcript deposit according to the following schedule:

(1) One hundred fifty dollars (\$150.00) transcript deposit for a trial to the Court; and

(2) Two hundred dollars (\$200.00) transcript deposit for a trial to a jury.

(c) The Municipal Judge as ex-officio Clerk or the Municipal Court Clerk shall charge the transcript preparation fee and photocopy cost prescribed by the Supreme Court of Colorado. The transcript deposit shall be applied against the preparation cost of a transcript. If the preparation cost of a transcript is less than the transcript deposit, then the balance will be refunded to the requesting party by the Municipal Court Clerk. If the preparation cost of the transcript is more than the transcript deposit, the Municipal Judge as ex-officio Clerk or the Municipal Court Clerk shall require the requesting party to pay the additional cost to prepare the transcript. The Municipal Judge may waive the transcript deposit and transcript preparation cost in all instances of proven indigence. (Ord. 9 §1, 2006; Ord. 2 §1, 2011; Ord. 1 §1, 2012)

Sec. 2-4-80. Transcripts.

Verbatim records of all proceedings and evidence at trials of all cases coming before the Municipal Court shall be kept by either electronic devices or stenographic means. (Ord. 9 §2, 2006; Ord. 1 §1, 2012)

Sec. 2-4-90. Trials.

(a) Trial by jury. A defendant shall be entitled to a jury trial if:

(1) The defendant is charged with an offense for which Section 16-10-101, et seq., C.R.S., preserves the right to a jury by trial; and

(2) Within twenty (20) days after arraignment or entry of a plea, the defendant files with the Municipal Court a written jury demand and at the same time tenders a jury fee of forty-five

dollars (\$45.00), unless the jury fee is waived by the Judge because of the indigence of the defendant.

(b) Jury membership. The jury shall consist of three (3) jurors unless a greater number, not to exceed six (6), is requested by the defendant in a written jury demand. Jurors shall be selected from a jury list as provided for courts of record, and shall be paid the sum of:

(1) Six dollars (\$6.00) per day for actual jury service; or

(2) Three dollars (\$3.00) for each day of service on the jury panel alone. (Ord. 9 §2, 2006; Ord. 1 §1, 2012)

*Division 2
Traffic Infractions*

Sec. 2-4-110. General.

Notwithstanding any provisions of the law to the contrary, all violations of the Model Traffic Code as the same may be adopted from time to time by the Town, except for any violation specifically identified as a misdemeanor traffic violation by said Model Traffic Code, shall be classified as a Traffic Infraction and shall constitute a civil and not a criminal matter. (Ord. 9 §3, 2006; Ord. 1 §1, 2012)

Sec. 2-4-120. Definitions.

The following words, terms and phrases when used in this Section shall have the following meanings:

Charging document shall mean the document commencing or initiating a Traffic Infraction matter or other offense, whether denoted as a complaint, summons and complaint, citation, penalty assessment notice or other document charging the person with the commission of one (1) or more Traffic Infractions or other offenses.

Clerk of the Court shall mean the Town employee or the Town employee's designee assigned to the duties of supervision and management of the Municipal Court functions.

Defendant shall mean any person charged with the commission of a Traffic Infraction or other offense.

Judgment shall mean a finding by the Court of guilt or liability against any person for the commission of a Traffic Infraction or other offense.

Penalty shall mean a fine imposed pursuant to the Ordinances of the Town for a violation of a Traffic Infraction.

Traffic Infraction shall mean a violation of any provision of the Model Traffic Code, as may be adopted by the Town, except when said Model Traffic Code specifically designates offenses as misdemeanor traffic offenses. Any person against whom judgment is entered for a

Traffic Infraction hereunder shall be subject to the penalty of a fine and shall not be subject to imprisonment on account of such judgment. A Traffic Infraction shall constitute a civil matter and not a criminal violation. (Ord. 9 §3, 2006; Ord. 1 §1, 2012)

Sec. 2-4-130. Scope and purpose.

This Division is promulgated to govern practice and procedures for the handling of Traffic Infractions as described herein and in accordance with Section 42-4-1701, et seq., C.R.S. The purpose is to provide orderly, expeditious and fair disposition of such Traffic Infractions. (Ord. 9 §3, 2006; Ord. 1 §1, 2012)

Sec. 2-4-140. Application.

The provisions of this Division apply to actions in which only the commission of Traffic Infractions are charged. In any action in which the commission of a Traffic Infraction and any other offense are charged, the action shall be treated as one proceeding governed by the rules, ordinances and statutes applicable to the alleged offense. (Ord. 9 §3, 2006; Ord. 1 §1, 2012)

Sec. 2-4-150. Fines.

Fines for Traffic Infractions. The Board of Trustees shall have the authority to set fines for Traffic Infractions by adopting a fine schedule by resolution. Such fines shall fall within the ranges established by this Section or other applicable provision of law. The Municipal Court shall have the ability to waive, in part or in whole, fines based on appropriate plea agreements. (Ord. 9 §3, 2006; Ord. 1 §1, 2012)

Sec. 2-4-160. No jury trial for traffic infractions.

A defendant brought to trial solely upon a Traffic Infraction shall have no right to a trial by jury as contemplated by Section 13-10-14, C.R.S., or Rule 223 of the Colorado Municipal Court Rules of Procedure, and a trial of a Traffic Infraction shall be to the Court. No defendant found civilly liable for a Traffic Infraction shall be punished by imprisonment for the infraction. (Ord. 9 §3, 2006; Ord. 1 §1, 2012)

Sec. 2-4-170. Commencement of action.

Any action under these rules is commenced by the tender or service of a charging document upon a defendant, and by the filing of a charging document with the Municipal Court. (Ord. 9 §3, 2006; Ord. 1 §1, 2012)

Sec. 2-4-180. Payment before appearance.

(a) The Clerk of the Court shall accept payment of a penalty assessment notice by a defendant without an appearance before the Court if payment is made within the period following the issuance of the charging document and ending at the time scheduled for the first hearing, provided that the Clerk of the Court has a copy of the charging document.

(b) At the time of payment, the defendant shall sign a waiver of rights and acknowledgement of guilt or liability or tender a no contest plea upon a form approved by the Municipal Judge.

(c) This procedure shall constitute an entry and satisfaction of judgment. (Ord. 9 §3, 2006; Ord. 1 §1, 2012)