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Article 1

BOARD OF TRUSTEES

Sec. 2-1. Four-year terms for trustees.

At the April 1978, 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 trustees 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. (Ord. 109 Sec. 1, 1976)

Sec. 2-2. Vacancies.

The board of trustees shall have the power, by appointment, to fill all vacancies in the board or in any other elected office, and the person so appointed shall hold office until the next regular election and until his or her successor is elected and qualified. If the term of the person creating the vacancy was to extend beyond the next regular election, the person elected to fill the vacancy shall be elected for the unexpired term. Where a vacancy or vacancies exist in the office of trustee and a successor or successors are to be elected at the next election to fill the unexpired term or terms, the three (3) candidates for trustee receiving the highest number of votes shall be elected to four (4) year terms and the candidate or candidates receiving the next highest number of votes, in descending order, shall be elected to fill the unexpired term or terms. (Ord. 109, 1976)

Sec. 2-3. Meetings.

(a) The board of trustees of the town shall meet in regular session on the first and third Wednesdays of each month at 7:00 p.m., at the town hall, unless another day and time is provided by resolution of the board. If the day set for a regular meeting falls on a recognized holiday, said regular meeting shall be held at 7:00 p.m. on the next regular business day.

(b) Special meetings may be called by the mayor or, in his or her absence, by the town clerk, by written notice of such meeting, personally served to each member of the board of trustees or left at his or her usual place of residence at least twenty-four (24) hours in advance of such meeting. (Ord. B of T-1-86 Sec. 1, 1986; Ord. 90-2 Sec. 1, 1990; Ord. 99-8 Sec. 1, 1999; Ord. 02-16 Sec. 1, 2002)

Sec. 2-4. Quorum.

Four (4) members of the board of trustees shall be a quorum for the transaction of business. No business shall be transacted except when a quorum is present, but a smaller number may adjourn the meeting to another time. (Ord. 90-2 Sec. 1, 1990)

Sec. 2-5. Order of business.

The order of business of a meeting shall be as follows:

First: The reading of the minutes of the preceding meeting.

Second: The approval or amendment of the minutes of the preceding meeting.

Third: The report of committees or any other old business;

Fourth: A consideration of new business. (Ord. 90-2 Sec. 1, 1990)

Sec. 2-6. Motion required--Roll call vote.

Every ordinance, resolution or other subject coming before the board for its action shall be introduced by motion, seconded and, after consideration, a vote shall be taken thereon for its determination by the board. (Ord. 90-2 Sec. 1, 1990)

Sec. 2-7. Adoption of ordinances.

No ordinance shall be passed finally on the date it is introduced, except in cases of special emergency for the immediate preservation of public health or safety, and then only by the affirmative vote of three-fourths (¾) of the members of the board of trustees. In all other cases an ordinance shall be introduced and read at one (1) regular meeting of the board, and if the ordinance is passed on first reading, the ordinance shall be read by title only and again voted upon at the next regular meeting of the board. If the ordinance receives the required vote on its second reading, it shall be duly adopted. (Ord. 90-2 Sec. 1, 1990)

Sec. 2-8. Vote required.

All ordinances, all resolutions or orders for the appropriation of money, all resolutions or orders to enter into contracts, and all appointments of officers shall require for their passage or adoption the concurrence of a

majority of all the elected members of the board of trustees. In all other matters a majority of the votes cast is sufficient for passage. (Ord. 90-2 Sec. 1, 1990)

Sec. 2-9. Publication of ordinances.

All ordinances, as soon as may be after their passage, shall be recorded in a book kept for that purpose and authenticated by the signature of the mayor and clerk. All ordinances of a general or permanent nature, and those imposing any fine or forfeiture, shall be published in a newspaper published within the town. Such ordinances shall not take effect until thirty (30) days after such publication, except for ordinances calling for special elections or necessary for the immediate preservation of the public peace, health and safety and containing the reasons making the same necessary in a separate section. The excepted ordinances shall take effect upon their final passage, adoption and the approval and signature of the mayor, if they are adopted by an affirmative vote of three-fourths (¾) of the members of the board of trustees. (Ord. 90-2 Sec. 1, 1990)

Sec. 2-10. Adoption of codes by reference.

Codes may be adopted by reference, as provided by state law. (Ord. 90-2 Sec. 1, 1990)

Sec. 2-11. Write-in candidates.

(a) The town shall count write-in votes for any municipal office subject to Subsection (b) below.

(b) No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed by the person whose name is written in prior to twenty (20) days before the day of the municipal election. The affidavit of intent shall indicate that the person desiring the office is qualified to assume the duties of that office if elected.

(c) If the only matter before the voters is the election of persons to office, and if, at the close of business on the nineteenth (19th) day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent pursuant to subsection (b) above, the town clerk, if instructed by resolution of the board of trustees either before or after such day, shall cancel the election. If there are any candidates, the board of trustees shall by resolution declare the candidates elected. Upon such declaration, the candidates shall be deemed elected. Notice of such cancellation shall be published, if possible, to inform the electors of the town, and notice of such cancellation shall be posted at each polling place and in not less than one (1) other public place in the town. (Ord. 90-13 Sec. 1, 1990; Ord. 92-2 Sec. 1, 1992; Ord. 02-05 Sec. 1, 2002)

Sec. 2-12. Term limits.

(a) Legislative findings. The Board of trustees hereby makes the following legislative findings:

(1) Article XVIII, Section 11 of the Colorado Constitution provides that no elected official shall serve more than two (2) consecutive four-year terms in office, yet the constitutional provision does not specify whether the term limitations apply to the elected official, or the particular office to which the elected official has been elected.

(2) The Board of trustees finds that it is consistent with the stated intent of Article XVIII, Section 11 of the Colorado Constitution that the term limitation apply to the specific office to which the elected official has been elected, rather than apply to the particular elected official who may be elected to more than two (2) consecutive terms of office, whose terms include the election to more than one (1) office.

(b) Interpretation of term limits. The board of trustees therefore determines that Article XVIII, Section 11 of the Colorado Constitution prohibits a member of the Board of trustees from serving more than two (2) consecutive four (4) year terms in office as a member of the board of trustees not including the mayor, and that Article XVIII, Section 11 of the Colorado Constitution also prohibits the person holding office as mayor from serving more than two (2) consecutive four (4) year terms as mayor.

(c) No waiver. Nothing in this Section is intended to preclude the ability of the town to provide the registered electors of the town with the opportunity to lengthen, shorten or eliminate the term limitations as specifically contemplated by subsection (2) of Article XVIII, Section 11 of the Colorado Constitution. (Ord. 04-03 Sec. 1, 2004)

Secs. 2-13—2-19. Reserved.

Article 2

STANDING COMMITTEES

Sec. 2-20. Matters referred to committees.

Any question pending before the board may be referred to a regular standing committee of the board, or to a special committee of the board for its consideration and report. When a question has been referred to a committee, such committee shall report thereon with its recommendation at the next meeting. (Ord. 90-2 Sec. 1, 1990)

Secs. 2-21—2-29. Reserved.

Article 3

MAYOR

Sec. 2-30. Mayor and mayor pro tem.

(a) Beginning with the regular municipal election in April 2002, a mayor shall be elected to serve a four (4) year term. The mayor shall be considered a member of the board of trustees.

(b) At its first meeting following each biennial election, the board shall choose one (1) of the trustees as mayor pro tem who, in the absence of the mayor from any meeting of the board, or during the mayor's absence from the town or his or her inability to act, shall perform his or her duties.

(c) The mayor or, in his or her absence, the mayor pro tem, shall preside at all meetings of the board of trustees and shall have the same voting powers as any member of said board. In the absence of the mayor and mayor pro tem and the presence of a quorum of the board, a majority of such quorum may choose one (1) of the members of the quorum to preside at such meeting as the temporary alternate mayor pro tem for such meeting. (Ord. 90-2 Sec. 1, 1990; Ord. 00-7 Sec. 1, 2000)

Secs. 2-31—2-39. Reserved.

Article 4

CLERK

Sec. 2-40. Clerk and clerk pro tem.

The board of trustees, not later than its second regular meeting after each biennial election, shall appoint a qualified person as town clerk. In case of a vacancy in the office of clerk, the board shall appoint a clerk for the unexpired term. The board shall also choose a clerk pro tem to perform the duties of the clerk during his or her absence or inability to act. (Ord. 90-2 Sec. 1, 1990)

Sec. 2-41. Duty to keep records.

The town clerk shall attend 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. The clerk shall be the custodian of all the town's records, and such records shall be open at all reasonable times for inspection by electors of the town. (Ord. 90-2 Sec. 1, 1990)

Sec. 2-42. Other duties.

The town clerk shall perform such other duties as the board of trustees may prescribe. (Ord. 90-2 Sec. 1, 1990)

Secs. 2-43—2-49. Reserved.

Article 5

TREASURER

Sec. 2-50. Town treasurer--appointment.

The board of trustees, not later than its second regular meeting after each biennial election, shall appoint a qualified person as town treasurer. In case of a vacancy in the office of treasurer, the board shall appoint a treasurer for the unexpired term. In the case of the absence of the treasurer, or inability to act, the board may appoint a temporary treasurer pro tem to carry out the duties of the treasurer. (Ord. 90-2 Sec. 1, 1990)

Sec. 2-51. Duty to keep records and render accounts.

The treasurer shall receive all moneys belonging to the town and give receipts therefor; shall keep the books and accounts of the town in such manner as may be prescribed by the board; shall keep a separate account of each fund or appropriation and the debts and credits belonging thereto; and shall report to the board of trustees, as often as it requires, the state of the treasury at the date of such account and the balance of money in the

treasury. The treasurer shall also accompany such statement of accounts with a statement of all moneys received in the treasury, and on what account, during the preceding month, together with all warrants redeemed and paid by the treasurer, and such warrants and their supporting vouchers shall be delivered and filed in the clerk's office upon every day of such statement. All books and accounts of the treasurer shall always be subject to inspection of any member of the board. (Ord. 90-2 Sec. 1, 1990)

Sec. 2-52 Other duties.

The treasurer shall perform all other duties, keep all records, and make all reports that are required by other provisions of this code or by the laws of the state. (Ord. 90-2 Sec. 1, 1990)

Secs. 2-53—2-59. Reserved.

Article 6

TOWN ATTORNEY

Sec. 2-60. Town attorney--Appointment.

The board of trustees, not later than its second regular meeting after each biennial election, shall appoint a qualified attorney at law as the town attorney and shall fix the compensation therefor. In case of a vacancy in the office of town attorney, the board shall appoint a town attorney for the unexpired term. The board of trustees may also appoint such assistant town attorneys or other attorneys as it deems necessary. (Ord. 90-2 Sec. 1, 1990)

Sec. 2-61. Duties.

It shall be the duty of the town attorney or an assistant town attorney to attend meetings of the board of trustees when so directed by the mayor, to draw all ordinances, contracts and other instruments when requested to do so, to prosecute or defend all suits brought by or against the town, and to render such legal service to the board of trustees and other town officers as they may require. (Ord. 90-2 Sec. 1, 1990)

Secs. 2-62—2-69. Reserved.

Article 7

TOWN ADMINISTRATOR

**Sec. 2-70. Town administrator--
Employment.**

(a) The board of trustees may determine to employ the services of a qualified person to serve as town administrator, and to perform the function and duties of the town administrator as set forth in Section 2-72 of this Chapter 2;

(b) Notwithstanding anything to the contrary contained herein, the town administrator shall not be deemed an appointed official pursuant to Section 31-4-307, C.R.S., as amended, and thus the provisions of Section 31-4-307, C.R.S., as amended, regarding removal for cause are expressly inapplicable to the town administrator;

(c) The town administrator shall be selected by the board of trustees and shall serve at the pleasure of the board of trustees for an indefinite period;

(d) The town administrator shall be a contract employee, and the terms of his or her employment shall be governed entirely by his or her contract with the board of trustees; as a contract employee, the town administrator is expressly not subject to the provisions of the Town of Hudson Personnel Policy Manual; and

(e) The salary of the town administrator shall be fixed by the board of trustees, pursuant to resolution. (Ord. 90-2 Sec. 1, 1990; Ord. 98-6 Sec. 1, 1998)

Sec. 2-71. Oath.

Before entering upon the duties of his or her office, the town administrator shall take an oath to faithfully discharge his or her duties as the town administrator. (Ord. 90-2 Sec. 1, 1990)

Sec. 2-72. Functions and duties.

The functions and duties of the town administrator are as follows:

- (1) To be responsible to the board of trustees for the efficient administration of all departments of the town government;
- (2) To supervise the enforcement of all laws and ordinances;
- (3) To recommend an annual budget to the board, to administer the budget as finally adopted, and to keep the board fully advised at all times of the financial condition of the town;

(4) To recommend to the board for adoption such measures as he or she may deem necessary;

(5) To perform such other duties as may be prescribed by ordinance or by direction of the board. (Ord. 90-2 Sec. 1, 1990)

Sec. 2-73. Duty to propose administrative organization.

The town administrator shall propose an administrative organization plan of the town which shall be presented to the board of trustees for approval. When the plan is approved by the board, it shall become the administrative organization plan of the town, and all town administrative procedures and functions shall be carried on in accordance with such plan. (Ord. 90-2 Sec. 1, 1990)

Secs. 2-74—2-79. Reserved.

Article 8

OFFICERS GENERALLY

Sec. 2-80. Appointed officers.

The board of trustees, not later than the second regular meeting after each biennial election, may appoint such other officers which the board deems necessary for the effective administration of the town, which officer(s) shall have the powers and duties and perform the functions as are hereinafter provided or shall be provided by the board of trustees. (Ord. 90-2 Sec. 1, 1990)

Sec. 2-81. Oaths and bonds of officers.

(a) All officers elected or appointed in the town shall take an oath or affirmation, administered by the municipal judge, clerk or other person who is designated by the board of trustees or who is authorized by law to administer oaths, to support the constitution of the United States, the state constitution and the laws of the town, and will faithfully perform their duties of office.

(b) The board of trustees shall require, from the treasurer and such other officers as it thinks proper, a bond, with proper penalty and surety, for the care and disposition of town funds in their hands and the faithful discharge of the duties of their offices. The board of trustees has the power to declare vacant the office of any person appointed or elected to any office who fails to take the oath of office or give bond when required within ten (10)

days after such person has been notified of appointment or election, and it shall proceed to appoint as in other cases of vacancy. (Ord. 90-2 Sec. 1, 1990)

Secs. 2-82—2-89. Reserved.

Article 9

RECALL PROCEDURE

Sec. 2-90. Recall of elected officers.

Every elected officer of the town may be recalled from office by the electors in the manner provided by state law. (Ord. 90-2 Sec. 1, 1990)

Secs. 2-91—2-99. Reserved.

Article 10

REMOVAL OF OFFICERS

Sec. 2-100. Removal of officers.

(a) Elected and appointed members of the board of trustees, including mayor of the town, may be removed from office for cause in the manner provided under this Code.

(b) By a majority vote of all members of the board of trustees, any member of the board or mayor of the town may be removed from office. No such removal shall be made without a charge in writing and without providing an opportunity of hearing being given unless the member of the board or mayor against whom the charge is made has moved out of the limits of the town.

(c) The term *for cause* shall include, but shall not be limited to, the following conduct: failure, neglect or refusal to subscribe to an oath of office; ceases to be qualified for the office; conviction of a felony; failure to attend three (3) consecutive regular meetings of the board of trustees without the board having first entered in its minutes an approval for the additional absence or absences except that such additional absence(s) shall be excused for temporary mental or physical disability or illness; willful or persistent failure to perform duties of office; under the influence of alcohol or other intoxicants; and violation of a fiduciary duty in the capacity as an elected or appointed member of the board or mayor.

(d) The board of trustees shall, by a majority vote, direct the Town Clerk to send a written charge, via registered mail, to the member of the board or mayor subject to removal. The written charge shall state the alleged conduct of the member of the board or mayor, and shall state the date, time and place at which the board of trustees will provide the individual subject to removal with an opportunity for a hearing. In no event shall the hearing be scheduled for a date more than sixty (60) days after which a majority of the board has directed the town clerk to issue the written charge. The hearing may take place at any regularly scheduled meeting of the board of trustees. The hearing shall be conducted by the mayor or mayor pro tem in the mayor's absence. The mayor shall read into the minutes the charges against the individual subject to removal, as well as generally describe the alleged conduct which substantiates the reasons of removal for cause. The individual subject to removal, or his or her representative, shall be provided an opportunity to respond to the allegation(s) and be permitted an opportunity to rebut same. The board of trustees shall conduct the hearing in any manner it

deems just and appropriate. At the conclusion of the hearing, the board may convene in executive session for deliberation. Any action for removal shall be made in open session and by a majority of the members of the board of trustees. Removal of any elected or appointed member of the board of trustees shall take immediate effect. (Ord. 90-2 Sec. 1, 1990; Ord. 94-4 Sec. 1, 1994)

Secs. 2-101—2-109. Reserved.

Article 11

MUNICIPAL COURT

Sec. 2-110. Creation of municipal court.

There is hereby created and established a municipal court in and for the town pursuant to and governed by the provisions of Article 10 of Title 13, C.R.S. (Ord. MC-1-87 Sec. 1, 1987)

Sec. 2-111. Original jurisdiction.

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 impositions of such fines and penalties as are prescribed by ordinance. (Ord. MC-1-87 Sec. 1, 1987)

Sec. 2-112. Sessions generally.

(a) There shall be regular sessions of the municipal court for the trial of cases as may be fixed by the presiding judge. The municipal judge may hold special sessions of court at any time, including Sundays, holidays and night court. 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. MC-1-87 Sec. 1, 1987)

Sec. 2-113. Rules of procedure.

The procedures of the municipal court shall be in accordance with the municipal court rules of procedure as promulgated by the state supreme court. In addition, the presiding judge shall have the 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 state supreme court. (Ord. MC-1-87 Sec. 1, 1987)

Sec. 2-114. Court costs.

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

(1) Ten dollars (\$10.00) upon the entry of a plea of guilty or no contest at the time of the arraignment or prior to the date of trial.

(2) Fifteen dollars (\$15.00) upon the entry of a plea of guilty or no contest on the date of trial to the court or upon a finding of guilty after a trial to the court.

(3) Forty-five dollars (\$45.00) plus all actual juror costs upon a finding of guilty after a trial to a jury or the entry of a plea of guilty or no contest prior to the commencement of a trial to a jury but after a jury has been summoned, unless the court has been notified of the prospective plea at least forty-eight (48) hours prior to the date of trial.

(4) 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.

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

(6) Thirty-five dollars (\$35.00) upon the entry of a plea of guilty or no contest on a deferred judgment and sentence at the time of the arraignment or prior to trial.

(b) In addition to any fines and costs assessed by the municipal judge, there shall be added and separately reported a surcharge of ten dollars (\$10.00) on any judgment imposed by the court, and upon any penalty assessment paid for a traffic violation. The moneys raised by such surcharge shall be used to establish and fund programs for victim and witness assistance services for the town as approved by the board of trustees. (Ord. 90-2 Sec. 1, 1990; Ord. 91-4 Sec. 1, 1991; Ord. 02-14 Sec. 1, 2002)

Sec. 2-115. Transcripts.

(a) Verbatim records of all proceedings and evidence at trials of all cases coming before the municipal court shall be kept by either electric devices or stenographic means.

(b) The court administrator of the municipal court shall require a transcript deposit for all appeals from the municipal court to the district court in and for the county, payable to the Hudson Municipal Court according to the following transcript deposit schedule:

(1) One hundred twenty-five dollars (\$125.00) as a transcript deposit for trial to the court; or

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

(c) The court administrator of the municipal court shall charge the transcript preparation fee and photocopy cost prescribed by the state supreme court. The transcript deposit shall be applied against the preparation cost of a transcript. If the preparation cost of the transcript is less than the transcript deposit, then the balance will be refunded by the court administrator. If the preparation cost of the transcript is more than the transcript deposit, then the court administrator shall require the requesting party to pay the additional cost for preparing the transcript.

(d) The court administrator shall provide for the waiver of the transcript deposit and transcript preparation cost in all instances of proven indigence. (Ord. MC-1-87 Sec. 1, 1987)

Sec. 2-116. Court clerk.

(a) The presiding judge shall appoint a person to serve as clerk of the municipal court whose duties shall be duties as delegated to him or her by law, court rule or the presiding municipal judge. The compensation of the court clerk shall be in such periodic installments and in such amounts as may be fixed by the board of trustees.

(b) The clerk of the court shall give a performance bond, in the form approved by the board of trustees, in the sum of five thousand dollars (\$5,000.00) to the town. Such bond shall be conditioned upon the faithful performance of the court clerk's duties, and for the faithful accounting for and payment of all funds deposited with or received by the court. (Ord. MC-1-87 Sec. 1, 1987)

Sec. 2-117. Bench warrants.

(a) If a defendant fails to appear for arraignment or trial at the time or place required in the summons or other notice or otherwise fails to appear as required by statute, rule or ordinance or by the court, the court may issue a bench warrant directed to any law enforcement officer, commanding such officer to apprehend the defendant and bring the defendant forthwith before the court.

(b) Unless leave to be absent is granted by the court, the defendant shall appear at and remain present throughout his or her trial. (Ord. MC-1-87 Sec. 1, 1987; Ord. 90-2 Sec. 1, 1990)

Sec. 2-118. 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 and/or imprisonment as set forth in this code.

(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.

(c) Failure to appear at and to remain present during trial, as required by Section 2-117 of this code, shall be deemed a direct contempt. (Ord. MC-1-87 Sec. 1, 1987)

Sec. 2-119. 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, C.R.S., preserved the right to a jury 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 time tenders a jury fee of twenty-five dollars (\$25.00), unless the jury fee is waived by the municipal judge because of the indigence of the defendant.

(b) Trial to the Court. All other charges to which the defendant has pled not guilty, but for which the defendant has not perfected the right to a jury trial pursuant to Subsection (a) above, shall be tried to the court with the municipal judge as factfinder. (Ord. 90-14 Sec. 1, 1990; Ord. 05-09 Sec. 1, 2005)

Secs. 2-120—2-129. Reserved.

Article 12

MUNICIPAL JUDGE

Sec. 2-130. Presiding judge.

(a) The municipal court shall be presided over by a municipal judge.

(b) If more than one (1) municipal judge is appointed, the board of trustees shall designate a presiding municipal judge, who shall serve in this capacity during the term for which he or she was appointed. (Ord. MC-1-87 Sec. 1, 1987)

Sec. 2-131. Qualification.

In addition to any other qualifications, any municipal judge appointed under this article shall be admitted to and currently licensed to practice law in the state. (Ord. MC-1-87 Sec. 1, 1987)

Sec. 2-132. Appointment.

The municipal judge shall be appointed by the board of trustees. (Ord. MC-1-87 Sec. 1, 1987)

Sec. 2-133. Oath.

Before entering upon the duties of his or her office, a 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 ordinances of the town and will faithfully perform the duties of his or her office. (Ord. MC-1-87 Sec. 1, 1987)

Sec. 2-134. Term.

The municipal judge shall serve for a term of two (2) years and may be reappointed for subsequent terms. The initial appointment under this section shall expire on the date of the next election of the board of trustees. (Ord. MC-1-87 Sec. 1, 1987)

Sec. 2-135. Vacancy.

Any vacancy occurring in the office of the municipal judge shall be filled by appointment of the board of trustees for the remainder of the unexpired term. (Ord. MC-1-87 Sec. 1, 1987)

Sec. 2-136. Assistant judges.

(a) The board of trustees may appoint, in writing, such additional municipal judges or assistant judges as may be necessary to act in case of temporary absence, sickness, disqualification or other inability of the presiding municipal judge to act.

(b) Such person so appointed shall receive, as compensation for his or her services, a portion of the moneys allocated as compensation for the presiding municipal judge. The portion of money allocated shall be determined by agreement between the presiding municipal judge and the assistant municipal judge and with the approval of the board of trustees. (Ord. MC-1-87 Sec. 1, 1987)

Sec. 2-137. Compensation.

The salary of the presiding municipal judge and additional judges shall be payable in such periodic installments and in such amounts as may be fixed by the board of trustees. (Ord. MC-1-87 Sec. 1, 1987)

Secs. 2-138—2-149. Reserved.

Article 13

SOCIAL SECURITY COVERAGE

Sec. 2-150. Social security coverage.

(a) The town is hereby authorized to execute and deliver to the state Department of Employment Security a plan or plans and agreement, required under Section 5 of said enabling act and the Social Security Act, to extend coverage to employees and officers of the town and do all other necessary things to effectuate coverage of employees and officers under the Old-Age and Survivors' Insurance System.

(b) The clerk is hereby authorized to establish a system of payroll deductions to be matched by payments by the town to be paid into the contribution fund of the state through the Department of Employment Security, and to make charges of this tax to the fund or funds from which wage or salary payments are issued to employees of the town. Such payments shall be made in accordance with the provisions of Sections 1400 and 1410 of the Federal Insurance Contribution Act on all services which constitute employment within the meaning of that act. Payments made to the Department of Employment Security shall be due and payable on or before the 18th day of the month immediately following the completed calendar quarter, and such payments which are delinquent shall bear interest at the rate of one-half of one percent ($\frac{1}{2}$ of 1%) per month until such time as payments are made.

(c) 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 Section (5)(c)(1) of the enabling act and in accordance with the plan or plans and agreement. Authority is given to the mayor and the clerk of the town to enter into an agreement with the Department of Employment Security, which agreement shall be in accordance with House Bill No. 291 and with paragraph 218 of the Social Security Act. Such plan and agreement shall provide that the participation of the town shall be in effect as of January 1, 1955. (Ord. 50, 1955).

Sec. 2-151. Damages--Reimbursement.

(a) For purposes of this section, *employee* shall include any elected town official or any other person working as a salaried or hourly employee of the town.

(b) When a claim for damages is made against a town employee arising out of an injury sustained from an act or omission of any employee which occurs during the course of the employee's work with the town, the town attorney shall, to the extent permitted by law, assist in the defense of the employee in any civil court action that may result.

(c) In all civil actions where the town has assumed the defense of any employee pursuant to Section 2-151(b) above, the town shall be liable for and pay on behalf of the employee any assessment of damages made against the employee to the extent that the injury sustained from the act or omission of such employee occurred during the course of the employee's work for the town and was not the result of willful and wanton acts of such employee. The town shall not be liable for punitive or exemplary damages assessed against such employee. (Ord. R-1-88 Sec. 1, 1988; Ord. 90-2 Sec. 1, 1990)

Secs. 2-152—2-159. Reserved.

Article 14

PUBLIC LIBRARY

Sec. 2-160. Established.

There is hereby created and established a free public library in and for the town. (Ord. 81-5 Sec. 1, 1981)

Sec. 2-161. Library board appointment.

The mayor shall, with the approval of the board of trustees, appoint no less than five (5) and no more than seven (7) persons from the citizens at large who shall constitute the library board of trustees, and the chairperson of said board shall be elected by said board from its members. The first appointments of such board of trustees shall be for terms of one (1), two (2), three (3), four (4) and five (5) years respectively if there are five (5) trustees; one (1) for each of such terms except the five (5) year terms for which two (2) shall be appointed if there are six (6) trustees; and one (1) for each of such terms except the four (4) year and five (5) year terms for each of which two (2) shall be appointed if there are seven (7) trustees. Thereafter a trustee shall be appointed annually to serve for five (5) years.

(b) Vacancies shall be filled for the remainder of the unexpired term as soon as possible in the manner in which trustees are regularly chosen. (Ord. L 1-86 Sec. 2, 1986)

Sec. 2-162. Library board responsibilities.

The library board of trustees shall:

(1) Adopt such bylaws, rules and regulations for its own guidance and for the government of the library as it deems expedient;

(2) Have supervision, care and custody of all property of the library, including rooms or buildings constructed, leased or set apart therefore;

(3) Employ a librarian and, upon his or her recommendation, employ such other employees as may be necessary, prescribe their duties, and fix their compensation;

(4) Submit annually a budget as required by law and certify to the legislative body of the governmental unit which the library serves the sums necessary to maintain and operate the library during the ensuing year;

(5) Have exclusive control of the disbursement of the finances of the library;

(6) Accept such gifts of money or property for library purposes as it deems expedient;

(7) Hold and acquire land by gift, lease or purchase for library purposes;

(8) Sell, assign, transfer or convey any property of the library, whether real or personal, which may not be needed within the foreseeable future for any purpose authorized by law, upon such terms and conditions as it may approve, and lease any such property pending;

(9) Borrow funds for library purposes by means of a contractual short-term loan;

(10) Authorize the bonding of persons entrusted with the library funds;

(11) Hold title to property given to or for the use or benefit of the library. (Ord. 81-5 Sec. 3, 1981)

Sec. 2-163. Library revenue.

Beginning with the tax levy for 1952, a levy not exceeding one mill shall be levied annually for the support and maintenance of the library of the town. (Ord. 81-5 Sec. 4, 1981)

Sec. 2-164. Library violations.

Any person who willfully retains any book, newspaper, magazine, pamphlet, manuscript or other property belonging to any public library, reading room or other educational institution for thirty (30) days after notice in writing to return the same, given after the expiration of the time that by the rules of such institution such article or other property may be kept, is guilty of a violation of this code. (Ord. 81-5 Sec. 5, 1981)

Secs. 2-165—2-179. Reserved.

Article 15

Secs. 2-180—2-189. Reserved.

Article 16

HUDSON SANITATION BOARD

Sec. 2-190. Creation; membership.

There is hereby created a Hudson Sanitation Board (the "board"). The board shall consist of five (5) members, all of whom are to be appointed by the Town. The initial membership of the board shall consist of the former board of directors of the Hudson Sanitation District. (Ord. 96-6 Sec. 1, 1996)

Sec. 2-191. Term of office.

The term of office for members of the board shall be two (2) years. (Ord. 96-6 Sec. 1, 1996)

Sec. 2-192. Membership qualifications.

All members of the board shall be bona fide residents of the town, or receive sanitation services from the town. (Ord. 96-6 Sec. 1, 1996)

Sec. 2-193. Meetings.

(a) Meetings shall be held on at least a monthly basis, at a date and a time to be mutually agreed upon by the board of trustees and the sanitation board.

(b) A quorum shall consist of at least three (3) members of the board. (Ord. 96-6 Sec. 1, 1996)

Sec. 2-194. Purpose and objective.

The purpose and objective for which the board is established is to advise the board of trustees regarding the town's duty to provide sanitary sewer services pursuant to the

"agreement for assumption of services, disposition of assets and plan for dissolution," entered into between the Hudson Sanitation District and the town. (Ord. 96-6 Sec. 1, 1996)

Sec. 2-195. Duties and authority.

The board shall have the following duties and authority:

(1) To be an advisory board to the board of trustees;

(2) To assist and advise the board of trustees in the formulation of plans and policies to provide quality sanitary sewer services;

(3) To assist and advise the board of trustees in the budget review process for issues relating to the town's providing of sanitary sewer services. (Ord. 96-6 Sec. 1, 1996)

Sec. 2-196. Rules and regulations.

The board of trustees hereby adopts by this reference the rules and regulations of the Hudson Sanitation District. These rules and regulations shall guide the board of trustees and the sanitation board in the decision-making process related to the providing of sanitary sewer services by the town. (Ord. 96-6 Sec. 1, 1996)

Sec. 2-197. Miscellaneous.

(a) Under no circumstances is any sanitation board member to take any action or make any statement committing the board as a whole, unless given authority to do so by a majority vote of the board.

(b) All official actions of the board or recommendations to the board of trustees shall be forwarded in writing directly to the board of trustees with a copy to the mayor.

(c) In accordance with all town ordinances and policies, all matters of town policy must be reviewed by and approved by the board of trustees. (Ord. 96-6 Sec. 1, 1996)

Secs. 2-198—2-210. Reserved.

Article 17

Town of Hudson Cemetery

Sec. 2-211. Definitions.

For the purpose of this article, the following words shall have the following meanings:

(1) *Block* shall mean a portion of the Hudson Cemetery so designated on the Official Hudson Cemetery Map that contains a various number of plots.

(2) *Board* shall mean the board of directors of the Hudson Cemetery, created pursuant to the provisions set forth below.

(3) *Cemetery* shall mean the Hudson Cemetery, also known as the Mountain View Cemetery.

(4) *Certificate of ownership* shall mean the document issued to the purchaser of a burial space that entitles the holder the right to have someone interred in that burial space according to terms set forth in the certificate.

(5) *Lot* shall mean an area in a block of the Hudson Cemetery so designated on the Official Hudson Cemetery Map, which customarily measures sixteen (16) feet by twenty (20) feet and contains eight (8) grave plots. Some lots have different dimensions and numbers of grave plots.

(6) *Official Hudson Cemetery Map* shall mean the map of the cemetery on file with the board of directors from which the location of blocks, lots and grave plots within the Hudson Cemetery are determined.

(7) *Plot* shall mean a portion of a lot normally measuring four (4) feet by ten (10) feet.

(8) *Town* shall mean the Town of Hudson, Colorado. (Ord. 00-5 Sec. 1, 2000)

Sec. 2-212. Creation; membership; term; qualifications.

(a) Creation. There is hereby created a board of directors of the Hudson Cemetery (the "board"). The board shall consist of seven (7) members, all of whom shall be appointed by the board of trustees of the town.

(b) Members of the board shall be appointed for a term of three (3) years.

(c) No fewer than four (4) members of the board shall be bona fide residents of the town. All members shall serve without compensation.

(d) Members of the board may hold other municipal offices. (Ord. 00-5 Sec. 1, 2000)

Sec. 2-213. Meetings.

(a) Meetings shall be held on at least a semiannual basis, at a time agreed upon by the members of the board.

(b) A quorum shall consist of at least four (4) members of the board. (Ord. 00-5 Sec. 1, 2000)

Sec. 2-214. Vacancies and removal.

(a) A vacancy on the board shall exist upon the resignation, death or removal of any member, or upon the termination of the term of any member of the board.

(b) Any vacancy on the board shall be filled in the manner provided by Section 2-212 above.

(c) Citizen members of the board may be removed by the board of trustees, after public hearing, for inefficiency, neglect of duty or malfeasance of office. Such public hearing shall be held only after the filing by the mayor or trustee of written charges and upon proper notice. (Ord. 00-5 Sec. 1, 2000)

Sec. 2-215. Organization and rules.

(a) The board shall select its chairman from among the members for a term of one (1) year.

(b) The board shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record.

(c) The board shall adopt rules for the transaction of business. Except as otherwise provided by ordinance, the proceedings and meetings of the board shall be governed by such rules. (Ord. 00-5 Sec. 1, 2000)

Sec. 2-216. Duties and authority.

(a) The board shall have the following duties and authority:

(1) To be an advisory board of the board of trustees;

(2) To assist and advise the board of trustees in the formulation of plans and policies to manage and maintain the records and the grounds of the Hudson Cemetery;

(3) To recommend regulations for the operation of the Hudson Cemetery, including, but not limited to, a method for determining the purchase price of lots and grave plots, regulations as to the size and type of monuments which will be allowed on each gravesite, and necessary documentation to be used for the sale and purchase of lots and grave plots; and

(4) To assist and advise the board of trustees in the budget review process for issues relating to the Hudson Cemetery.

(b) In assisting and advising the board of trustees, the board shall follow the following guidelines:

(1) The Official Hudson Cemetery Map, an undated map with the notation "Burial Park, Hudson Colorado," shall be the official map of the cemetery, which shall presumptively identify the blocks, lots and grave plots within the cemetery;

(2) The active burial list dated June 15, 1999 shall be the presumptive list of lots that are currently available for use to the family indicated on the active burial list; and

(3) The "Complete List of Lots and Blocks in the Hudson Cemetery," without date, shall be the presumptive guide for determination of the right to use lots within the Hudson Cemetery, based on the guidelines set forth in Section 2-217 for the issuance of burial certificates.

(c) The board shall have the authority to accept and use gifts for the exercise of its functions. (Ord. 00-5 Sec. 1, 2000)

Sec. 2-217. Determination of legitimate preexisting claims to burial spaces.

The board will use the following criteria for determining the validity of a claim to a burial lot existing prior to the town's acquisition of the cemetery, and will make recommendations regarding preexisting claims based on the following criteria:

- (1) Whether the claimant possesses a burial certificate from the previous owners of the Hudson Cemetery;
- (2) Whether the claimant possesses a burial map claim with a family name in the specific lot on the original burial map;
- (3) Whether the lot was an undocumented gift to friends of the previous owners of the Hudson Cemetery. The board is specifically vested with the authority to distinguish between a complete lot given to a family and a single grave plot given to an individual, and determine that the latter does not give the family a claim to all plots in the lot; and
- (4) Whether the claimant can show a well defined history of continuous family burials in the lot. (Ord. 00-5 Sec. 1, 2000)

Sec. 2-218. Sale of lots and plots.

(a) Ownership of the cemetery. The board of trustees of the town shall retain ultimate control and ownership of the real and attached personal property in and of the cemetery.

(b) Sale of lots and plots. The board shall have the power to contract for the sale of lots and grave plots, and shall issue a certificate of ownership to the purchaser of a lot or grave plot. A record of the certificates of ownership issued, as well as all records related to the Hudson Cemetery, shall be maintained with the town clerk in a book to be provided for that purpose.

(c) Certificate of ownership. The certificate of ownership shall contain a description of the lot(s) or grave plot(s) purchased, the purchase price, the date of purchase and the name and address of the owner. The certificate will be signed by the mayor, and attested to by the town clerk, following a recommendation. The certificate of ownership shall state:

- (1) This certificate of ownership in no way conveys title to real estate. The certificate provides the owner with the right to be interred at the burial space identified in the certificate.
- (2) The ownership of the right to interment is not transferable without the approval of the town clerk and the reissuance of the new certificate to the new owner; except that the transfer of ownership may be effected by last will and testament or intestacy.
- (3) All changes in address and ownership shall be reported to the town clerk.

(4) Prior to the sale of any burial space, the owner must remove all markers and monuments at the owner's expense.

(5) Interment cannot be completed until all permits required by law have been furnished to the town clerk. (Ord. 00-5 Sec. 1, 2000)

Sec. 2-219. Maintenance of the cemetery.

Neither the town, the board of trustees, nor the board of directors has the duty to maintain the cemetery. (Ord. 00-5 Sec. 1, 2000)

Sec. 2-220. Police power.

The town is hereby vested with the police power over the land, the sold and unsold lots, and the alleys, streets and byways for the purposes stated herein, including, but not limited to, protecting the cemetery and personal property therein from damage and vandalism. The police power of the town further includes the power to adopt and enforce ordinances, including amendments to this article, necessary to the health, safety and welfare of the public. (Ord. 00-5 Sec. 1, 2000)

Sec. 2-221. Damage or vandalism prohibited.

(a) It is a misdemeanor for any person or persons, in any way at any time, to disturb or injure any portion of the cemetery, any lot, any decoration, monument or other type of fixed or unfixed remembrance placed upon such lots or within such cemetery regardless of the ownership of the lots, land or any type of property therein. Conviction of this offense is punishable by a fine of not more than nine hundred ninety-nine dollars (\$999.00) or by imprisonment in jail up to one (1) year, or both such fine and imprisonment.

(b) In the context of this chapter, *disturb* means an act that desecrates a grave, scatters,

mars or moves the ground or earth, or any monument or decoration, or removes with intent to destroy or injure; however, this section will not apply to the necessary acts of maintenance of the lots, streets, alleys or byways. (Ord. 00-5 Sec. 1, 2000)

Sec. 2-222. Littering prohibited.

It is a misdemeanor to leave litter upon the cemetery of a kind that is trash. Conviction of this offense is punishable by a fine of not more than nine hundred ninety-nine dollars (\$999.00) or by imprisonment in jail up to one (1) year, or both such fine and imprisonment. (Ord. 00-5 Sec. 1, 2000)

Sec. 2-223. Alcoholic beverages prohibited.

It is a misdemeanor to consume any alcoholic beverages on the premises of the cemetery. Conviction of this offense is punishable by a fine of not more than nine hundred ninety-nine dollars (\$999.00) or by imprisonment in jail up to one (1) year, or both such fine and imprisonment. (Ord. 00-5 Sec. 1, 2000)

Sec. 2-224. Entry after hours prohibited.

It is a misdemeanor to enter or remain on the grounds of the cemetery without the written permission of the mayor or the mayor's designee. Conviction of this offense is punishable by a fine of not more than nine hundred ninety-nine dollars (\$999.00) or by imprisonment in jail up to one (1) year, or both such fine and imprisonment. (Ord. 00-5 Sec. 1, 2000)

Secs. 2-225—2-239. Reserved.

