

ORDINANCE NO.

16-01
Series of 2016

TITLE: AN EMERGENCY ORDINANCE AMENDING THE HUDSON MUNICIPAL CODE BY CREATING THE DEPARTMENT OF PUBLIC SAFETY

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF HUDSON, COLORADO, THAT:

WHEREAS, the Town of Hudson has previously determined through the budget process to hire a Town Marshal consistent with C.R.S. § 31-4-306;

WHEREAS, the Board of Trustees now recognizes based on the needs of the Town that there is an immediate need to be able to create a Department of Public Safety which includes deputy marshals in addition to the Town Marshal, and do so expeditiously; and

WHEREAS, the adoption of this Ordinance is necessary as an emergency for the immediate preservation of the public health, safety and welfare of the Town based on the current need within the Town for the Department of Public Safety.

Section 1. The Town of Hudson Municipal Code is hereby amended by the addition thereto of a new Article 18 of Chapter 2 entitled Department of Public Safety, to read as follows:

ARTICLE 18

Department of Public Safety

Sec. 2-240. Creation; composition.

There is hereby created a Department of Public Safety which shall consist of one (1) Town Marshal, and as many deputy marshals as may from time to time be deemed necessary for the safety and good order of the Town.

Sec. 2-241. Departmental rules and regulations.

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

Sec. 2-242. Town Marshal; appointment; powers and duties.

(a) The Town shall employ a Town Marshal, who shall be the head of the Department of Public Safety. It shall be the duty of the Town Marshal to:

(1) See that the ordinances of the Town and the laws of the State are duly enforced and the rules and regulations of the Department of Public Safety obeyed, and perform such duties as may be required by the Board of Trustees.

(2) Direct the operations of the Department of Public Safety, subject to the rules and regulations thereof.

(3) Render such accounts of the Department of Public Safety, his or her duties and receipts as may be required by the Board of Trustees, and keep the records of his or her office open to inspection by the Board of Trustees.

(b) Before entering upon the duties of such office, the Town Marshal shall take and subscribe to an oath that he or she will support the Constitution and laws of the State, the Constitution of the United States and ordinances of the Town, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter.

Sec. 2-243. Duties of deputy marshals.

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

(a) They shall perform all duties required by the Town Marshall.

(b) They shall suppress all riots, disturbances and breaches of the peace and apprehend all disorderly persons in the Town.

(c) They shall be the enforcement officers of the Town, and shall see that the provisions of the ordinances of the Town and the laws of the State are complied with. They shall be authorized to arrest without process all persons engaged in the violation in their presence of any provision of the ordinances of the Town or the laws of the State.

(d) They shall execute and return all writs and processes to them directed by the Municipal Judge in any case arising under a Town ordinance.

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

Section 2. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Hudson, that it is

promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Emergency Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the health, safety and welfare of the Town of Hudson due to the current and immediate need within the Town create the Department of Public Safety, and authorize deputy marshals in addition to the Town Marshal.

Section 5. This Ordinance shall take effect as an emergency measure immediately upon its adoption.

Read and approved at a meeting of the Board of Trustees of the Town of Hudson, Colorado, this 6th day of January, 2016.

Passed by a vote of 7 for and 0 against and ordered published in full.


TOWN OF HUDSON, COLORADO


Raymond Patch, Mayor




Lynette Barker, CMC, Town Clerk

APPROVED AS TO FORM:


Corey Y. Hoffmann, Town Attorney