

**NOTE: The governor signed this measure on 6/5/2014.**

# An Act

SENATE BILL 14-199

BY SENATOR(S) Grantham, Crowder, Guzman, Herpin, Johnston, King, Lambert, Nicholson, Rivera, Schwartz;  
also REPRESENTATIVE(S) Becker, Labuda, Lebsock, Rankin, Rosenthal, Schafer, Vigil, Williams.

CONCERNING AMENDMENTS TO THE CHARTER OF THE TOWN OF GEORGETOWN, AND, IN CONNECTION THEREWITH, ADDING NEW PROVISIONS, MODIFYING EXISTING PROVISIONS, AND DELETING OBSOLETE PROVISIONS IN THE CHARTER.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1. Repeal and reenact, with amendments,** the act entitled "An Act to Incorporate the Town of Georgetown", approved January 10, 1868, and as subsequently amended, as follows:

## **ARTICLE I Incorporation**

**Section 1.1. Town established.** THAT THE INHABITANTS OF GEORGETOWN, IN CLEAR CREEK COUNTY, AND TERRITORY OF COLORADO, BE AND ARE HEREBY CONSTITUTED A BODY POLITIC AND CORPORATE, BY THE NAME AND STYLE OF GEORGETOWN, AND BY THAT NAME SHALL HAVE

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

PERPETUAL SUCCESSION, AND SUE AND BE SUED, PLEAD AND BE IMPEADED IN ALL COURTS OF LAW AND EQUITY, AND HAVE AND USE A COMMON SEAL, AND ALTER THE SAME AT PLEASURE.

**Section 1.2. Territory defined.** ALL THE TERRITORY EMBRACED WITHIN THE FOLLOWING LIMITS, TO WIT: COMMENCING AT A POINT 530 FEET DUE EAST (MAGNETIC) FROM THE SOUTH-EAST CORNER OF THE SOUTH-EAST BLOCK IN GEORGETOWN (MARKED "4" ON THE PLAT), AND RUNNING THENCE DUE NORTH FOR A DISTANCE OF 5000 FEET; THENCE DUE WEST 425 FEET; THENCE DUE NORTH AGAIN 6275 FEET TO THE NORTH AND EAST CORNER OF THE TOWN; THENCE DUE WEST FOR A DISTANCE OF 2275 FEET TO THE NORTH-WEST CORNER OF TOWN; THENCE DUE SOUTH 11275 FEET TO THE SOUTH-WEST CORNER; THENCE DUE EAST 2700 FEET, TO THE POINT OF BEGINNING, THUS INCLUDING 637 ACRES, 2 ROODS, 22 RODS, 12 YARDS, AND THE SAME IS HEREBY DECLARED TO BE WITHIN THE LIMITS OF GEORGETOWN.

**Section 1.3. Annexation.** ANY TRACT OF LAND ADJOINING GEORGETOWN MAY BE ANNEXED TO AND BECOME A PART OF GEORGETOWN IN THE MANNER PROVIDED BY ARTICLE 12 OF TITLE 31 OF THE COLORADO REVISED STATUTES, AS AMENDED.

**Section 1.4. Powers.** THE INHABITANTS OF GEORGETOWN, BY THE NAME AND STYLE AFORESAID, MAY SUE AND BE SUED, PLEAD AND BE IMPEADED, DEFEND AND BE DEFENDED IN ALL COURTS OF LAW AND EQUITY, AND IN ALL ACTIONS WHATSOEVER TO PURCHASE AND RECEIVE AND HOLD PROPERTY, BOTH REAL AND PERSONAL, EITHER IN OR BEYOND THE CORPORATION, FOR BURIAL GROUNDS AND FOR OTHER PURPOSES, FOR THE USE OF THE INHABITANTS OF GEORGETOWN.

## **ARTICLE II**

### **Board of Selectmen**

**Section 2.1. Composition.** A BOARD OF SELECTMEN OF THE TOWN OF GEORGETOWN IS HEREBY CREATED, TO CONSIST OF TWO SELECTMEN FROM EACH WARD.

**Section 2.2. Term of office.** SELECTMEN WILL BE CHOSEN BY GEORGETOWN'S REGISTERED ELECTORS FOR FOUR-YEAR TERMS AND A SELECTMAN WILL CONTINUE TO SERVE IN THAT OFFICE UNTIL A SUCCESSOR HAS TAKEN THE REQUIRED OATH.

**Section 2.3. Qualifications.** IN ORDER TO QUALIFY FOR ELECTION AS A SELECTMAN, AT THE TIME OF THE ELECTION, THE PERSON SEEKING TO BE A SELECTMAN MUST HAVE RESIDED WITHIN THE LIMITS OF THE WARD IN WHICH THE PERSON SEEKS ELECTION FOR THE YEAR IMMEDIATELY PRECEDING THE ELECTION, BE A CITIZEN OF THE UNITED STATES, AND BE A REGISTERED ELECTOR UNDER THE LAWS OF THE STATE OF COLORADO.

**Section 2.4. Vacancies.** IF A SELECTMAN FAILS TO MAINTAIN A PRIMARY RESIDENCE IN GEORGETOWN, RESIGNS, OR IS UNABLE TO FULFILL THE DUTIES OF A SELECTMAN, THE BOARD OF SELECTMEN, BY MAJORITY VOTE OF THE REMAINING MEMBERS, MAY DECLARE A VACANCY AND APPOINT A SUCCESSOR, MEETING THE REQUIREMENTS OF SECTION 2.5, TO SERVE UNTIL THE NEXT REGULAR TOWN ELECTION. IN THE EVENT THERE WILL BE REMAINING UNEXPIRED TIME IN THE TERM OF OFFICE FOR WHICH THE APPOINTMENT WAS MADE AFTER THE NEXT REGULAR TOWN ELECTION, THEN SUCH VACANCY FOR THE REMAINING UNEXPIRED TIME SHALL BE FILLED BY VOTE OF THE REGISTERED ELECTORS AT THE NEXT REGULAR TOWN ELECTION. AT THAT ELECTION, THE CANDIDATE RECEIVING THE HIGHEST NUMBER OF VOTES RECEIVES A FOUR-YEAR TERM, AND THE CANDIDATE RECEIVING THE SECOND HIGHEST NUMBER OF VOTES RECEIVES A TWO-YEAR TERM.

**Section 2.5. Staggered terms established.** THE SELECTMEN IN EACH WARD ARE DIVIDED INTO TWO CLASSES. THE SEATS OF THOSE OF THE FIRST CLASS TERMINATE ON THE FIRST MONDAY OF APRIL 1917, AND ON THE FIRST MONDAY OF APRIL EVERY FOURTH YEAR THEREAFTER, AND OF THE SECOND CLASS, ON THE FIRST MONDAY OF APRIL 1919; AND, ON THE FIRST MONDAY IN APRIL EVERY FOURTH YEAR THEREAFTER, SO THAT ONE-HALF OF THE BOARD SHALL BE ELECTED EVERY TWO YEARS.

**Section 2.6. Judges over membership.** THE BOARD OF SELECTMEN SHALL JUDGE THE QUALIFICATIONS OF THEIR OWN MEMBERS.

**Section 2.7. Quorum, attendance.** A MAJORITY OF THE BOARD OF SELECTMEN CONSTITUTES A QUORUM TO DO BUSINESS, BUT A SMALLER NUMBER MAY ADJOURN FROM DAY TO DAY, AND COMPEL THE ATTENDANCE OF ABSENT MEMBERS UNDER SUCH PENALTIES AS MAY BE PRESCRIBED BY ORDINANCE.

**Section 2.8. Discipline of members, procedural rules.** THE BOARD

MAY DETERMINE THE RULES OF ITS PROCEEDINGS, PUNISH ITS MEMBERS FOR DISORDERLY CONDUCT, AND, WITH THE CONCURRENCE OF TWO-THIRDS OF THE MEMBERS ELECTED, EXPEL A MEMBER.

**Section 2.9. Journal of proceedings.** THE BOARD SHALL KEEP A JOURNAL OF ITS PROCEEDINGS, AND FROM TIME TO TIME PUBLISH THE SAME, AND THE AYES AND NAYS, WHEN DEMANDED BY ANY MEMBER PRESENT, SHALL BE ENTERED ON THE JOURNAL.

**Section 2.10. No appointments to office, emoluments not to be increased.** NO SELECTMEN SHALL BE APPOINTED TO ANY OFFICE UNDER THE AUTHORITY OF THE CORPORATION, WHICH OFFICE HAS BEEN CREATED, OR THE EMOLUMENTS OF WHICH HAVE BEEN INCREASED DURING THE TIME FOR WHICH HE OR SHE HAS BEEN ELECTED.

**Section 2.11. Oath.** THE POLICE JUDGE AND SELECTMEN, BEFORE ENTERING UPON THE DUTIES OF THEIR OFFICES, SHALL TAKE AND SUBSCRIBE AN OATH OR AFFIRMATION THAT THEY WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES AND THE CONSTITUTION OF THE STATE OF COLORADO AND THAT THEY WILL WELL AND TRULY PERFORM THE DUTIES OF THEIR OFFICE TO THE BEST OF THEIR SKILL AND ABILITY.

**Section 2.12. Establish policies, procedures, laws.** THE BOARD OF SELECTMEN ACTING BY ORDINANCE, RESOLUTION, OR MOTION, AS APPROPRIATE AND CONSISTENT WITH THE TERRITORIAL CHARTER, SHALL ESTABLISH ALL POLICIES, PROCEDURES, LAWS, ORDINANCES, REGULATIONS, AND OTHER POLICY DIRECTIONS FOR THE TOWN.

### **ARTICLE III**

#### **Office of Police Judge**

**Section 3.1. Office created, term.** THE CHIEF EXECUTIVE OFFICE OF GEORGETOWN IS THE POLICE JUDGE, WHO WILL BE ELECTED BY THE REGISTERED ELECTORS OF GEORGETOWN, AND WILL HOLD OFFICE FOR TWO YEARS AND UNTIL A SUCCESSOR IS ELECTED AND HAS TAKEN THE REQUIRED OATH.

**Section 3.2. Police Judge qualifications.** NO PERSON SHALL BE ELIGIBLE FOR ELECTION TO THE OFFICE OF POLICE JUDGE WHO HAS NOT BEEN A RESIDENT OF GEORGETOWN FOR ONE YEAR NEXT PRECEDING HIS OR HER

ELECTION, OR WHO IS UNDER TWENTY-FIVE YEARS OF AGE, OR WHO IS NOT, AT THE TIME OF HIS OR HER ELECTION, A CITIZEN OF THE UNITED STATES.

**Section 3.3. Vacancies.** IF A POLICE JUDGE FAILS TO MAINTAIN A PRIMARY RESIDENCE IN GEORGETOWN, RESIGNS, OR IS UNABLE TO FULFILL THE DUTIES OF THE OFFICE, THEN THE BOARD OF SELECTMEN, BY A MAJORITY VOTE, MAY DECLARE A VACANCY AND APPOINT A SUCCESSOR TO FULFILL THE REMAINING TERM OF THE POLICE JUDGE.

## **ARTICLE IV**

### **Elections**

**Section 4.1. Election day.** ON THE FIRST MONDAY OF APRIL, 1915, AND ON THE SAME DAY EVERY TWO YEARS THEREAFTER, AN ELECTION SHALL BE HELD FOR ONE POLICE JUDGE, ELECTED AT LARGE, AND ONE SELECTMAN FROM EACH WARD, ELECTED BY THE REGISTERED ELECTORS OF EACH SUCH WARD. IF TWO OR MORE PERSONS AT AN ELECTION RECEIVE THE SAME NUMBER OF VOTES FOR EITHER OF SAID OFFICES, THE BOARD OF SELECTMEN SHALL DETERMINE THE ELECTION BETWEEN THEM BY LOT.

**Section 4.2. Elector qualifications.** ANY PERSON WHO ON THE DAY OF ELECTION IS AT LEAST EIGHTEEN YEARS OF AGE, A CITIZEN OF THE UNITED STATES, AND A RESIDENT OF THE TOWN IS AN ELECTOR OF THE TOWN AS FURTHER PROVIDED FOR CITIES AND TOWNS ORGANIZED UNDER THE GENERAL LAWS OF THE STATE OF COLORADO BY THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", AS FROM TIME TO TIME AMENDED AND SUPPLEMENTED, AND THE COLORADO AND UNITED STATES CONSTITUTIONS, AS FROM TIME TO TIME AMENDED AND SUPPLEMENTED, AND IS ENTITLED TO VOTE FOR TOWN OFFICERS AND AT OTHER TOWN ELECTIONS.

**Section 4.3. Election laws applicable.** THE "COLORADO MUNICIPAL ELECTION CODE OF 1965", AS FROM TIME TO TIME AMENDED AND SUPPLEMENTED, AND THE COLORADO AND UNITED STATES CONSTITUTIONS, AS FROM TIME TO TIME AMENDED AND SUPPLEMENTED, IN RELATION TO THE REGISTRATION AND THE TERMS, PREREQUISITES, CONDITIONS AND LIMITATIONS APPLICABLE TO CALLING, GIVING NOTICE OF, CONDUCTING AND CANVASSING MUNICIPAL ELECTIONS, AND THE EXERCISE OF INITIATIVE AND RECALL, ARE TAKEN AND HELD TO APPLY TO THE ELECTORS, AND ALL ELECTIONS HELD UNDER THE CHARTER OF

GEORGETOWN, OR ANY ORDINANCE MADE IN PURSUANCE OF THE CHARTER.

## **ARTICLE V**

### **Powers of the Board of Selectmen**

**Section 5.1. Levy, collect taxes.** THE BOARD OF SELECTMEN MAY LEVY AND COLLECT TAXES FOR CORPORATE PURPOSES, UPON ALL TAXABLE PROPERTY, REAL, MIXED AND PERSONAL, EXCEPT AS HEREINAFTER EXCEPTED, WITHIN THE LIMITS OF THE CORPORATION, NOT EXCEEDING ONE PERCENT PER ANNUM UPON THE ASSESSED VALUE THEREOF, AND MAY ENFORCE THE PAYMENT OF THE SAME IN ANY MANNER THAT MAY BE PRESCRIBED BY ORDINANCE, NOT REPUGNANT TO THE CONSTITUTION OF THE UNITED STATES OR THE ORGANIC ACT OF THIS TERRITORY.

THAT ALL SECTIONS OR CLAUSES OF THE CHARTER OF GEORGETOWN, OR OF THE AMENDMENTS THERETO, THAT CONFER POWER UPON ITS BOARD OF SELECTMEN, TO LEVY GENERAL AD VALOREM TAXES FOR CORPORATE PURPOSES IN THE SAME MANNER, FORM, AT THE TIME, AND THE LEVY SHALL BE FOR THE AMOUNT, AS IS NOW PROVIDED, OR MAY BE HEREAFTER PROVIDED, BY THE GENERAL LAWS OF THE STATE OF COLORADO GOVERNING THE LEVYING OF SUCH TAXES BY CITIES AND TOWNS IN THIS STATE.

PROVIDED, HOWEVER, THAT THE TAX LEVY FOR TOWN PURPOSES SHALL NOT EXCEED TWENTY MILLS ON EACH DOLLAR OF ASSESSED VALUATION; EXCEPT THAT SUCH GENERAL AD VALOREM TAXES MAY BE LEVIED WITHOUT LIMITATION AS TO RATE OR AMOUNT FOR THE PAYMENT OF THE PRINCIPAL, INTEREST, OR ANY PRIOR REDEMPTION PREMIUM IN CONNECTION WITH THE DEBT OR INDEBTEDNESS OF GEORGETOWN.

**Section 5.2. Bonds, borrowing.** (a) THE BOARD OF SELECTMEN MAY REQUIRE OF ALL OFFICERS APPOINTED OR ELECTED IN PURSUANCE OF THIS ACT, BONDS, WITH PENALTY AND SECURITY FOR THE FAITHFUL PERFORMANCE OF THEIR RESPECTIVE DUTIES AS MAY BE DEEMED EXPEDIENT, AND, ALSO, TO REQUIRE OF ALL OFFICERS APPOINTED OR ELECTED AS AFORESAID, TO TAKE SUCH OATHS OR MAKE SUCH AFFIRMATIONS AS THE BOARD MAY PRESCRIBE FOR THE FAITHFUL PERFORMANCE OF THE DUTIES OF THEIR RESPECTIVE OFFICES, BEFORE ENTERING UPON THE DISCHARGE OF THE SAME.

(b) THE BOARD OF SELECTMEN MAY CONTRACT FOR ANY

INDEBTEDNESS ON BEHALF OF GEORGETOWN AND UPON THE CREDIT THEREOF BY BORROWING MONEY OR ISSUING THE BONDS OF GEORGETOWN FOR ANY PUBLIC PURPOSE OF GEORGETOWN IN LIKE MANNER AND UPON LIKE TERMS, PREREQUISITES, CONDITIONS, AND LIMITATIONS APPLICABLE TO CITIES AND TOWNS ORGANIZED UNDER THE GENERAL LAWS OF THE STATE OF COLORADO PERTAINING TO MUNICIPALITIES, AS SET FORTH IN TITLE 31, COLORADO REVISED STATUTES, AS FROM TIME TO TIME AMENDED AND SUPPLEMENTED, EXCEPT AS MAY BE OTHERWISE PROVIDED IN THIS SECTION; PROVIDED, THAT THE BOARD OF SELECTMEN SPECIFICALLY MAY PLEDGE TO THE PAYMENT OF SUCH INDEBTEDNESS ANY OR ALL OF THE PROCEEDS DERIVED FROM ANY SALES TAX, USE TAX AND GROSS RECEIPTS TAX IMPOSED BY GEORGETOWN PURSUANT TO ANY GENERAL OR SPECIAL STATUTE. AS USED IN THIS PARAGRAPH (b), "PUBLIC PURPOSE" INCLUDES BUT IS NOT NECESSARILY LIMITED TO: SUPPLYING GAS, WATER, AND ELECTRICITY AND SANITARY AND STORM SEWER SERVICE; THE PURCHASE, CONSTRUCTION, EXTENSION, AND IMPROVEMENT OF PUBLIC STREETS, BUILDINGS, FACILITIES, AND EQUIPMENT; AND SUPPLYING A TEMPORARY DEFICIENCY IN THE REVENUE FOR DEFRAYING THE CURRENT EXPENSES OF GEORGETOWN.

(c) THE BOARD OF SELECTMEN MAY CONTRACT FOR ANY INDEBTEDNESS ON BEHALF OF GEORGETOWN AND UPON THE CREDIT THEREOF BY ISSUING REFUNDING BONDS OF GEORGETOWN FOR THE PURPOSE OF REFUNDING ANY OF THE BONDED INDEBTEDNESS OF GEORGETOWN, WHETHER DUE OR NOT, IN LIKE MANNER AND UPON LIKE TERMS, PREREQUISITES, CONDITIONS, AND LIMITATIONS APPLICABLE TO CITIES AND TOWNS ORGANIZED UNDER THE GENERAL LAWS OF THE STATE OF COLORADO PERTAINING TO MUNICIPALITIES SET FORTH IN TITLE 31, COLORADO REVISED STATUTES, AS FROM TIME TO TIME AMENDED AND SUPPLEMENTED, INCLUDING BUT NOT NECESSARILY LIMITED TO THE PROVISIONS FOR ESTABLISHMENT OF AN ESCROW FOR PAYMENT OF THE REFUNDED INDEBTEDNESS AS PROVIDED IN PART 2 OF ARTICLE 21 OF TITLE 31, C.R.S., AS FROM TIME TO TIME AMENDED AND SUPPLEMENTED, EXCEPT AS MAY BE OTHERWISE PROVIDED IN THIS SECTION 2; PROVIDED, THAT THERE MAY BE PLEDGED TO SUCH REFUNDING BONDS ANY OF THE SALES TAX, USE TAX, AND GROSS RECEIPTS TAX AS PERMITTED BY SUBSECTION (b) OF THIS SECTION 2.

(d) THE BOARD OF SELECTMEN MAY ACQUIRE, PURCHASE, IMPROVE, AND EXTEND A MUNICIPAL WATER SYSTEM, A SEWER SYSTEM, OR BOTH A WATER AND A SEWER SYSTEM, OR A JOINT WATER AND SEWER SYSTEM, THE

COST TO BE DEFRAYED BY THE ISSUANCE OF BONDS PAYABLE FROM THE REVENUES OF EITHER OR BOTH OF SAID SYSTEMS, SAID BONDS TO BE ISSUED IN LIKE MANNER, AND UPON LIKE TERMS, PREREQUISITES, CONDITIONS, AND LIMITATIONS APPLICABLE TO CITIES AND TOWNS ORGANIZED UNDER THE GENERAL LAWS OF THE STATE OF COLORADO PERTAINING TO MUNICIPALITIES AS SET FORTH IN TITLE 31, COLORADO REVISED STATUTES, AS FROM TIME TO TIME AMENDED AND SUPPLEMENTED, EXCEPT AS MAY BE OTHERWISE PROVIDED IN THIS SECTION 2.

(e) THE BOARD OF SELECTMEN MAY ISSUE WATER, OR SEWER OR JOINT WATER AND SEWER REFUNDING REVENUE BONDS TO REFUND, PAY, OR DISCHARGE ALL OR ANY PART OF GEORGETOWN'S WATER, SEWER, OR JOINT WATER AND SEWER REVENUE BONDS OR GENERAL OBLIGATION BONDS WHICH ARE SECURED BY A PLEDGE OF REVENUES OF GEORGETOWN'S WATER, SEWER, OR WATER AND SEWER SYSTEMS, HERETOFORE OR HEREAFTER ISSUED PURSUANT TO THE CHARTER OF GEORGETOWN OR UNDER ANY OTHER LAW, INCLUDING INTEREST THEREON IN ARREARS OR ABOUT TO BECOME DUE OR FOR THE PURPOSE OF REDUCING INTEREST COSTS OR EFFECTING OTHER ECONOMICS OR OF ELIMINATING RESTRICTIVE CONTRACTUAL LIMITATIONS APPERTAINING TO THE ISSUANCE OF ADDITIONAL BONDS OR TO THE WATER SYSTEM, SEWER SYSTEM, OR BOTH WATER AND SEWER SYSTEMS OR THE JOINT WATER AND SEWER SYSTEM. SUCH REVENUE REFUNDING BONDS MAY BE PAYABLE FROM THE REVENUES OF EITHER OR BOTH OF SUCH SYSTEMS OR THE JOINT WATER AND SEWER SYSTEM AND EXCEPT AS MAY BE OTHERWISE PROVIDED IN THIS SECTION 5.2 MAY BE ISSUED IN LIKE MANNER AND UPON LIKE TERMS, PREREQUISITES, CONDITIONS, AND LIMITATIONS APPLICABLE TO CITIES AND TOWNS ORGANIZED UNDER THE GENERAL LAWS OF THE STATE OF COLORADO PERTAINING TO MUNICIPALITIES, AS SET FORTH IN TITLE 31, COLORADO REVISED STATUTES, AS FROM TIME TO TIME AMENDED AND SUPPLEMENTED, INCLUDING BUT NOT LIMITED TO THE ESTABLISHMENT OF AN ESCROW FOR PAYMENT OF THE REFUNDED BONDS AS PROVIDED IN PART 2 OF ARTICLE 21 OF TITLE 31, COLORADO REVISED STATUTES, AS FROM TIME TO TIME AMENDED AND SUPPLEMENTED.

(f) ANY BONDS ISSUED OR OBLIGATIONS INCURRED PURSUANT TO THIS SECTION 2 OF ARTICLE V OF THE CHARTER OF GEORGETOWN MAY BE SOLD AT PUBLIC OR PRIVATE SALE AND AT, ABOVE, OR BELOW PAR AT A NET EFFECTIVE INTEREST RATE THAT SHALL NOT EXCEED THE NET EFFECTIVE INTEREST RATE SPECIFIED IN THE ORDINANCE AUTHORIZING SUCH BONDS OR



OBLIGATIONS OR, IN THE CASE OF NEW INDEBTEDNESS THAT REQUIRES AN ELECTION, IN THE RESOLUTION SUBMITTING THE QUESTION OF INCURRING THE INDEBTEDNESS.

(g) **Validation.** ALL BONDS OF GEORGETOWN ISSUED PRIOR TO THE EFFECTIVE DATE OF THIS ACT ARE VALIDATED, RATIFIED, APPROVED, AND CONFIRMED.

**Section 5.3. Appropriate funds.** TO APPROPRIATE MONEY AND TO PROVIDE FOR THE PAYMENT OF THE DEBTS AND EXPENSES OF SAID CORPORATION.

**Section 5.4. Health regulations.** TO MAKE REGULATIONS TO PREVENT THE INTRODUCTION OF CONTAGIOUS DISEASES WITHIN THE LIMITS OF SAID CORPORATION, TO MAKE QUARANTINE LAWS FOR THAT PURPOSE, AND TO ENFORCE THE SAME WITHIN FIVE MILES OF THE LIMITS OF GEORGETOWN.

**Section 5.5. Establish, regulate hospitals.** TO ESTABLISH HOSPITALS AND MAKE REGULATIONS FOR THE GOVERNMENT OF THE SAME.

**Section 5.6. Determine nuisances.** TO MAKE REGULATIONS TO SECURE THE GENERAL HEALTH OF THE INHABITANTS, TO DECLARE WHAT SHALL BE A NUISANCE, AND PREVENT AND REMOVE THE SAME.

**Section 5.7. Water supply.** TO PROVIDE THE CORPORATION WITH WATER, TO ERECT HYDRANTS AND PUMPS, BUILD CISTERNS AND DIG WELLS IN THE STREETS FOR THE SUPPLY OF ENGINES AND BUCKETS; TO PROVIDE FOR AND REGULATE THE MANNER OF INTRODUCING WATER INTO GEORGETOWN; TO REGULATE AND PROVIDE FOR CONSTRUCTING DITCHES, CANALS, GUTTERS, AND THE LAYING OF WATER PIPES FOR CONDUCTING AND DISTRIBUTING WATER THROUGH THE CORPORATION; AND TO REGULATE THE USE OF WATER BY THE INHABITANTS THEREOF FOR ANY AND ALL PURPOSES.

**Section 5.8. Provide for streets and sidewalks.** TO OPEN, ALTER, ABOLISH, WIDEN, EXTEND, ESTABLISH, GRADE, PAVE, OR OTHERWISE IMPROVE AND KEEP IN REPAIR STREETS, AVENUES, LANES, ALLEYS, SIDEWALKS, DRAINS, AND SEWERS AND TO PROVIDE FOR PAYMENT OF THE COSTS THEREOF BY FEE, ASSESSMENT, LOCAL IMPROVEMENT, OR ASSESSMENT DISTRICT OR IN ANY OTHER MANNER ALLOWED TO STATUTORY

TOWNS BY THE COLORADO REVISED STATUTES.

**Section 5.9. Establish bridges.** TO ESTABLISH, ERECT, AND KEEP IN REPAIR, BRIDGES.

**Section 5.10. Establish wards.** TO DIVIDE THE CORPORATION INTO WARDS, ALTER THE BOUNDARIES THEREOF, AND MAKE ADDITIONAL WARDS, AS THE OCCASION MAY REQUIRE.

**Section 5.11. Street lights, lampposts.** TO PROVIDE FOR LIGHTING THE STREETS, AND TO ERECT LAMPPOSTS.

**Section 5.12. Regulate markets, marketplaces.** TO ERECT MARKET-HOUSES, TO ESTABLISH MARKETS AND MARKETPLACES, AND TO PROVIDE FOR THE REGULATION THEREOF.

**Section 5.13. Provide buildings for town use.** TO PROVIDE ALL NEEDFUL BUILDINGS FOR THE USE OF THE CORPORATION.

**Section 5.14. Maintain public property.** TO PROVIDE FOR ENCLOSING, IMPROVING, AND REGULATING ALL PUBLIC GROUNDS BELONGING TO THE CORPORATION.

**Section 5.15. License, tax merchants, peddlers.** TO LICENSE, TAX, AND REGULATE AUCTIONEERS, MERCHANTS, PEDDLERS, RETAILERS, GROCERS, TAVERNS, ORDINARIES, HAWKERS, BROKERS, PAWNBROKERS, AND MONEY-CHANGERS.

**Section 5.16. License, tax theatrical exhibitions, shows.** TO LICENSE, TAX, AND REGULATE THEATRICAL AND OTHER EXHIBITIONS, SHOWS, AND AMUSEMENTS.

**Section 5.17. License, regulate alcohol sales.** TO REGULATE AND LICENSE THE SALE OF ALCOHOL.

**Section 5.18. Fire prevention policies, fire companies.** TO PROVIDE FOR THE PREVENTION AND EXTINGUISHMENT OF FIRES AND TO REGULATE THE CONSTRUCTION AND MAINTENANCE OF BUILDINGS FOR THE SAFETY OF THE COMMUNITY AND FOR FIRE PROTECTION.

**Section 5.19. Storage of gunpowder, combustible materials.** TO REGULATE THE STORAGE OF GUNPOWDER, TAR, PITCH, RESIN, AND OTHER COMBUSTIBLE MATERIALS.

**Section 5.20. Animal restraint, fences, walls.** TO REGULATE PARAPET WALLS AND PARTITION FENCES, AND RESTRAIN CATTLE, HOGS, HORSES, SHEEP, AND DOGS FROM RUNNING AT LARGE. THE BOARD OF SELECTMEN OF GEORGETOWN MAY LICENSE ALL DOGS OWNED OR KEPT WITHIN THE CORPORATION, UPON A FEE SET BY ORDINANCE OR RESOLUTION, AND FOR THE PURPOSE OF ENFORCING THE COLLECTION OF THE SAME ARE HEREBY AUTHORIZED TO PROSECUTE THE OWNERS AND KEEPERS OF DOGS, AND KILL AND DESTROY DOGS IN SUCH MANNER AS THEY MAY DETERMINE BY ORDINANCE.

**Section 5.21. Regulate election and removal of officers.** TO REGULATE THE ELECTION OF CORPORATE OFFICERS AND TO PROVIDE FOR REMOVING FROM OFFICE ANY PERSON HOLDING OFFICE CREATED BY ORDINANCE, IN CERTAIN CASES.

**Section 5.22. Compensation of officers, juror and witness fees.** TO FIX THE COMPENSATION OF ALL CORPORATE OFFICERS AND REGULATE THE FEES OF JURORS, WITNESSES, AND OTHERS FOR SERVICES RENDERED UNDER THIS OR ANY ORDINANCE MADE IN PURSUANCE THEREOF.

**Section 5.23. Establish penalties, fines, regulate police.** TO REGULATE THE POLICE OF GEORGETOWN, TO IMPOSE FINES, FORFEITURES, AND PENALTIES FOR THE BREACH OF ANY ORDINANCE, AND TO PROVIDE FOR THE RECOVERY AND APPROPRIATION OF SUCH FINES AND FORFEITURES, AND THE ENFORCEMENT OF SUCH PENALTIES, AND ALL MONEYS COLLECTED BY OR UNDER AUTHORITY OF ANY CORPORATE ORDINANCE, ARE DEEMED AND TAKEN TO BELONG TO SAID CORPORATION. THE BOARD OF SELECTMEN MAY PROVIDE BY ORDINANCE FOR THE PUNISHMENT OF OFFENDERS BY IMPRISONMENT, IN ALL CASES WHERE SAID OFFENDERS SHALL FAIL OR REFUSE TO PAY THE FINES OR FORFEITURES THAT MAY BE RECOVERED AGAINST THEM. THE BOARD MAY ALSO DECLARE BY ORDINANCE WHAT SHALL BE A MISDEMEANOR AND PUNISH THE SAME BY A FINE AND IMPRISONMENT.

**Section 5.24. Power to pass ordinances.** THE BOARD OF SELECTMEN MAY MAKE ALL ORDINANCES THAT ARE NECESSARY AND

PROPER FOR CARRYING INTO EXECUTION THE POWERS SPECIFIED IN THIS CHARTER, SO THAT SUCH ORDINANCES ARE NOT REPUGNANT OR INCONSISTENT WITH THE CONSTITUTION OF THE UNITED STATES, OR THE STATE OF COLORADO. THE BOARD OF SELECTMEN OF GEORGETOWN MAY, AND ARE HEREBY AUTHORIZED TO, MAKE ALL REASONABLE AND PRUDENTIAL ORDINANCES AND POLICE REGULATIONS FOR THE GOVERNMENT OF SAID CORPORATION.

**Section 5.25. Style of ordinances.** THE STYLE OF THE CORPORATE ORDINANCES SHALL BE, BE IT ORDAINED BY THE BOARD OF SELECTMEN OF GEORGETOWN.

**Section 5.26. Publication and posting of ordinances.** ALL ORDINANCES OF THE BOARD OF SELECTMEN MUST, WITHIN ONE MONTH AFTER THEY HAVE BEEN PASSED, BE POSTED UP IN THREE PUBLIC PLACES WITHIN THE LIMITS OF GEORGETOWN AND ON THE TOWN'S WEBSITE OR BY OTHER ELECTRONIC MEANS. ORDINANCES WILL NOT BE IN FORCE UNTIL THEY HAVE BEEN POSTED.

**Section 5.27. Print, prove ordinances.** ALL ORDINANCES OF THE BOARD OF SELECTMEN MAY BE PROVED BY THE SEAL OF THE CORPORATION, AND, WHEN PRINTED IN BOOK FORM OR PAMPHLET FORM, AND PURPORTING TO BE PRINTED AND PUBLISHED BY AUTHORITY OF THE CORPORATION, THE SAME SHALL BE READ, IN EVIDENCE, IN ALL COURTS AND PLACES WITHOUT FURTHER PROOF.

**Section 5.28. Appointment of town officials.** THE BOARD OF SELECTMEN MAY PROVIDE FOR, BY ORDINANCE, THE APPOINTMENT OF ALL OFFICERS NECESSARY TO ENFORCE AND CARRY INTO EFFECT THE PROVISIONS OF THIS CHARTER AND THE ORDINANCES OF THE TOWN, INCLUDING BUT NOT LIMITED TO A TOWN ADMINISTRATOR, TOWN COLLECTOR, TOWN ASSESSOR, TOWN SURVEYOR, AND A TOWN MARSHAL, AND TO PROVIDE FOR THEIR COMPENSATION AND DUTIES, THE TIME FOR WHICH THEY SHALL HOLD THEIR RESPECTIVE OFFICES, AND THEIR REMOVAL FROM OFFICE.

**Section 5.29. Sales, use, and excise taxes.** THE BOARD OF SELECTMEN MAY IMPOSE A SALES AND USE TAX AND OTHER EXCISE TAXES IN LIKE MANNER AND SUBJECT TO SAME TERMS, PREREQUISITES, CONDITIONS, AND LIMITATIONS APPLICABLE TO CITIES AND TOWNS ORGANIZED UNDER THE GENERAL LAWS OF THE STATE OF COLORADO, AS

SET FORTH IN TITLE 31, COLORADO REVISED STATUTES, AS HEREAFTER AMENDED AND SUPPLEMENTED FROM TIME TO TIME, AND AS SET FORTH IN ANY OTHER APPROPRIATE GENERAL LEGISLATION WHETHER HERETOFORE OR HEREAFTER ENACTED.

**Section 5.30. Purchase and sale of water rights and real property.** TO PURCHASE, SELL, ABANDON, OR OTHERWISE DISPOSE OF REAL PROPERTY AND WATER RIGHTS OWNED BY THE TOWN; EXCEPT THAT ANY SUCH TRANSACTION MUST BE APPROVED BY AT LEAST FOUR MEMBERS OF THE BOARD OF SELECTMEN AT A DULY CALLED AND POSTED MEETING OF THE BOARD OF SELECTMEN.

## **ARTICLE VI**

### **Powers and Duties of the Police Judge**

**Section 6.1. Powers and duties.** THE POLICE JUDGE HAS THE FOLLOWING POWERS, DUTIES, AND RESPONSIBILITIES:

(a) TO PRESIDE AT ALL MEETINGS OF THE BOARD OF SELECTMEN; EXCEPT THAT THE POLICE JUDGE SHALL NOT EXERCISE A VOTE EXCEPT IN THE EVENT OF A TIE VOTE OF THE BOARD OF SELECTMEN, IN WHICH CASE THE POLICE JUDGE SHALL CAST A TIE-BREAKING VOTE;

(b) TO BE THE RECOGNIZED HEAD OF THE TOWN GOVERNMENT FOR ALL CEREMONIAL PURPOSES;

(c) TO EXECUTE AND AUTHENTICATE WITH AN ORIGINAL SIGNATURE ALL LEGAL INSTRUMENTS, CONTRACTS IN WRITING BINDING THE TOWN, ALL CONVEYANCES OF INTERESTS IN LAND BY THE TOWN AND ANY OTHER DOCUMENTS REQUIRING HIS OR HER SIGNATURE, UNLESS THE BOARD OF SELECTMEN, ACTING BY ORDINANCE OR RESOLUTION, AUTHORIZES ANOTHER MANNER OF AUTHENTICATING DOCUMENTS, EITHER INDIVIDUALLY OR IN GENERAL;

(d) TO COORDINATE WITH THE TOWN ADMINISTRATOR AND TOWN CLERK IN PREPARING AGENDAS FOR ALL REGULAR AND SPECIAL MEETINGS OF THE BOARD OF SELECTMEN.

**Section 6.2. Absence of police judge at meeting.** IN CASES OF THE ABSENCE OF THE POLICE JUDGE AT ANY MEETING, THE BOARD OF

SELECTMEN SHALL APPOINT ONE OF THEIR NUMBER AS CHAIRMAN, WHO SHALL PRESIDE AT THE MEETING, BUT SHALL NOT THEREBY LOSE THE RIGHT TO VOTE ON ANY QUESTION BEFORE THE BOARD.

**Section 6.3. Compensation.** THE POLICE JUDGE MAY BE COMPENSATED IN THE SAME MANNER AS THE MEMBERS OF THE BOARD OF SELECTMEN IN ACCORDANCE WITH SECTION 31-4-406, COLORADO REVISED STATUTES.

## **ARTICLE VII Proceedings in Special Cases**

**Section 7.1. Opening, widening streets by town, eminent domain.** WHEN IT SHALL BE NECESSARY TO TAKE PRIVATE PROPERTY FOR OPENING, WIDENING, OR ALTERING ANY PUBLIC STREET, LANE, AVENUE, OR ALLEY, OR FOR ANY OTHER PUBLIC PURPOSE, THE CORPORATION MAY EXERCISE THE RIGHT OF EMINENT DOMAIN WITHIN AND WITHOUT THE CORPORATE LIMITS AS PROVIDED BY THE COLORADO CONSTITUTION AND STATUTES.

**Section 7.2. Special improvement districts.** NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR THIS CHARTER TO THE CONTRARY, THE PROVISIONS OF PART 5 OF ARTICLE 25 OF TITLE 31, COLORADO REVISED STATUTES, AS FROM TIME TO TIME AMENDED AND SUPPLEMENTED, CONCERNING THE CREATION AND OPERATION OF SPECIAL IMPROVEMENT DISTRICTS WITHIN MUNICIPALITIES, APPLY TO THE TOWN OF GEORGETOWN, AND THE BOARD OF SELECTMEN OF THE TOWN OF GEORGETOWN POSSESSES ALL OF THE RIGHTS, POWERS, AND OBLIGATIONS AS SET FORTH IN SAID STATUTES; EXCEPT THAT:

(a) SPECIAL ASSESSMENT BONDS ISSUED BY THE TOWN OF GEORGETOWN PURSUANT TO SAID STATUTES MAY BE IN REGISTERED OR BEARER FORM, WITH OR WITHOUT INTEREST COUPONS, BE SUBJECT TO SUCH CONDITIONS FOR TRANSFER, BE SUBJECT TO SUCH PROVISIONS FOR CONVERSION AS TO DENOMINATION OR TO BEARER OR REGISTERED FORM, BE MADE REGISTRABLE OR PAYABLE, OR BOTH, BY THE TREASURER OR OTHER OFFICER OF THE TOWN, OR BY A TRUSTEE, REGISTRAR, PAYING AGENT, OR TRANSFER AGENT WITHIN THE UNITED STATES, BE ISSUED, TRANSFERRED, AND REGISTERED BY SUCH BOOK ENTRY, BE IN SUCH DENOMINATION OR DENOMINATIONS, BEAR SUCH DATES, SIGNATURES, AND

AUTHENTICATIONS, AND BE HELD IN CUSTODY BY A DEPOSITORY WITHIN THE UNITED STATES, ALL AS MAY BE DETERMINED BY THE TOWN IN THE ORDINANCE AUTHORIZING ISSUANCE OF SUCH SPECIAL ASSESSMENT BONDS;

(b) PAYMENT AT DESIGNATED DUE DATES OR IN INSTALLMENTS MAY BE REQUIRED BY THE AUTHORIZING PROCEEDINGS TO BE BY CHECK, DRAFT, OR OTHER MEDIUM OF PAYMENT, AND NEED NOT BE CONDITIONED UPON PRESENTATION OF ANY BOND OR COUPON; AND

(c) SIGNATURES MAY BE MANUAL OR FACSIMILE, BUT EACH BOND MUST BEAR AT LEAST ONE MANUAL SIGNATURE, WHICH MAY BE THAT OF AN OFFICIAL OF THE TOWN OR OF THE TRUSTEE, REGISTRAR, OR TRANSFER AGENT.

## **ARTICLE VIII Municipal Court**

**Section 8.1. Municipal court established.** A GEORGETOWN MUNICIPAL COURT IS HEREBY ESTABLISHED THAT HAS JURISDICTION TO HEAR AND DETERMINE ALL CASES ARISING UNDER THIS CHARTER OR THE ORDINANCES OF GEORGETOWN. THE POWER OF AND THE PROCEDURE IN THE MUNICIPAL COURT AND THE MANNER OF ENFORCEMENT OF ITS ORDERS AND JUDGMENTS WILL BE AS PROVIDED FOR UNDER THE STATUTES OF THE STATE OF COLORADO UNLESS SUPERSEDED BY ORDINANCE PRESENTLY OR HEREAFTER ENACTED. THE MUNICIPAL COURT IS A QUALIFIED MUNICIPAL COURT OF RECORD AND ALL PROCEEDINGS THEREIN AND EVIDENCE AT TRIAL MUST BE KEPT BY VERBATIM RECORD BY EITHER AN ELECTRONIC OR STENOGRAPHIC MEANS.

**Section 8.2. Municipal judge.** THE MUNICIPAL COURT IS PRESIDED OVER BY A JUDGE WHO IS AN ATTORNEY AT LAW ADMITTED TO PRACTICE BEFORE THE SUPREME COURT OF THE STATE OF COLORADO. THE JUDGE IS APPOINTED BY THE BOARD OF SELECTMEN TO SERVE A TERM OF TWO YEARS. THE BOARD OF SELECTMEN MAY APPOINT AS MANY MUNICIPAL JUDGES AS IT DEEMS NECESSARY FOR THE PROPER FUNCTION OF THE MUNICIPAL COURT. IF, HOWEVER, THE BOARD OF SELECTMEN APPOINTS MORE THAN ONE JUDGE IT MUST DESIGNATE WHO WILL BE THE PRESIDING JUDGE. ALL JUDGES APPOINTED UNDER THIS SECTION WILL RECEIVE A FIXED SALARY OR COMPENSATION TO BE DETERMINED BY THE BOARD OF SELECTMEN, NOT DEPENDENT UPON THE OUTCOME OF THE CASES OR MATTERS TO BE DECIDED.

**Section 8.3. Removal of judge.** A MUNICIPAL JUDGE MAY BE REMOVED DURING THE JUDGE'S TERM OF OFFICE ONLY FOR CAUSE AND AFTER A VOTE OF THE MAJORITY OF THE BOARD OF SELECTMEN. CAUSE MAY BE FOUND ONLY IF:

(a) THE JUDGE IS FOUND GUILTY OF A FELONY OR ANY OTHER CRIME INVOLVING MORAL TURPITUDE; OR

(b) THE JUDGE HAS WILLFULLY OR PERSISTENTLY FAILED TO PERFORM THE JUDGE'S DUTIES; OR

(c) THE JUDGE HAS A DISABILITY THAT INTERFERES WITH THE PERFORMANCE OF THE JUDGE'S DUTIES, WHICH DISABILITY IS OR IS LIKELY TO BECOME OF A PERMANENT CHARACTER.

## **ARTICLE IX Town Administration**

**Section 9.1. Town administrator.** (a) THE TOWN ADMINISTRATOR IS RESPONSIBLE FOR THE DAY-TO-DAY MANAGEMENT OF THE TOWN. THE BOARD OF SELECTMEN BY A MAJORITY VOTE OF ITS ENTIRE MEMBERSHIP SHALL APPOINT A TOWN ADMINISTRATOR WITHIN SIX MONTHS OF A VACANCY, OR AS SOON THEREAFTER AS MAY BE PRACTICAL AND CONSISTENT WITH GOOD GOVERNANCE OF THE TOWN. THE BOARD OF SELECTMEN SHALL ASSIGN A PERSON OR PERSONS TO ACT DURING ANY VACANCY. SUCH APPOINTMENT SHALL BE WITHOUT DEFINITE TERM AND MUST BE AT A SALARY TO BE FIXED FROM TIME TO TIME BY THE BOARD OF SELECTMEN. THE BOARD OF SELECTMEN MAY ENTER INTO AN EMPLOYMENT CONTRACT WITH THE TOWN ADMINISTRATOR. AT THE TIME OF APPOINTMENT, THE ADMINISTRATOR NEED NOT BE A RESIDENT OF THE TOWN OR STATE, BUT DURING THE ADMINISTRATOR'S TENURE IN OFFICE, THE ADMINISTRATOR SHALL RESIDE WITHIN THE TOWN, EXCEPT AT THE DISCRETION OF THE BOARD OF SELECTMEN.

(b) THE BOARD OF SELECTMEN AT A REGULAR OR SPECIAL MEETING MAY UPON THE VOTE OF A MAJORITY OF THE ENTIRE MEMBERSHIP OF THE BOARD OF SELECTMEN, REMOVE THE TOWN ADMINISTRATOR FROM OFFICE IN ACCORDANCE WITH THE TERMS ESTABLISHED BY THE ADMINISTRATOR'S EMPLOYMENT CONTRACT.



(c) THE TOWN ADMINISTRATOR IS RESPONSIBLE TO THE BOARD OF SELECTMEN FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE TOWN, AND HAS THE POWER AND DUTIES AND IS REQUIRED TO:

(1) BE RESPONSIBLE FOR THE ENFORCEMENT OF THE LAWS AND ORDINANCES OF THE TOWN;

(2) IN CONSULTATION WITH THE BOARD OF SELECTMEN, HIRE STAFF, ESTABLISH PAY AND BENEFITS FOR TOWN EMPLOYEES, AND, IN ACCORDANCE WITH APPROVED PERSONNEL POLICIES, SUSPEND, REGULARLY REVIEW, TRANSFER AND REMOVE TOWN EMPLOYEES; EXCEPT THAT AS IT PERTAINS TO THE TOWN CLERK AND TOWN TREASURER APPOINTED IN ACCORDANCE WITH SECTION 5.28, THE ADMINISTRATOR SHALL MAKE A RECOMMENDATION TO THE BOARD OF SELECTMEN REGARDING HIRING, SUSPENSION, OR TERMINATION;

(3) CAUSE A PROPOSED BUDGET TO BE PREPARED ANNUALLY AND SUBMIT THE BUDGET TO THE BOARD OF SELECTMEN AND BE RESPONSIBLE FOR THE ADMINISTRATION OF THE BUDGET AFTER ADOPTION;

(4) KEEP THE BOARD OF SELECTMEN ADVISED OF THE FINANCIAL CONDITION AND FUTURE NEEDS OF THE TOWN AND MAKE RECOMMENDATIONS TO THE BOARD OF SELECTMEN FOR ADOPTION BY THE BOARD OF SELECTMEN.

(5) EXERCISE SUPERVISION AND CONTROL OVER ALL EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS;

(6) PERFORM SUCH OTHER DUTIES AS MAY BE PRESCRIBED BY THIS CHARTER, ORDINANCE, OTHER APPLICABLE LAW, OR THAT ARE REQUIRED OF THE TOWN ADMINISTRATOR BY THE BOARD OF SELECTMEN.

**Section 9.2. Town clerk.** THE TOWN ADMINISTRATOR SHALL APPOINT A TOWN CLERK. THE TOWN CLERK IS CUSTODIAN OF THE TOWN SEAL, SHALL KEEP A JOURNAL OF THE PROCEEDINGS OF THE BOARD OF SELECTMEN, AND SHALL RECORD IN FULL ALL ORDINANCES, MOTIONS, AND RESOLUTIONS. THE TOWN CLERK SHALL PERFORM SUCH OTHER DUTIES AS REQUIRED BY THE CHARTER, THE BOARD OF SELECTMEN, OR THE TOWN ADMINISTRATOR.

**Section 9.3. Town treasurer.** THE TOWN ADMINISTRATOR SHALL APPOINT A TOWN TREASURER. THE TOWN TREASURER SHALL PERFORM SUCH DUTIES AS REQUIRED BY THE CHARTER, THE BOARD OF SELECTMEN, OR THE TOWN ADMINISTRATOR.

**Section 9.4. Town attorney.** THE BOARD OF SELECTMEN SHALL APPOINT A TOWN ATTORNEY. THE TOWN ATTORNEY SHALL SERVE AT THE PLEASURE OF THE BOARD OF SELECTMEN AND MAY BE TERMINATED AT ANY TIME BY A MAJORITY VOTE OF THE ENTIRE MEMBERSHIP OF THE BOARD OF SELECTMEN. THE TOWN ATTORNEY SHALL BE AN ATTORNEY ADMITTED TO PRACTICE IN COLORADO. THE TOWN ATTORNEY SHALL BE THE LEGAL REPRESENTATIVE OF THE TOWN AND ADVISE THE BOARD OF SELECTMEN AND TOWN OFFICIALS IN MATTERS RELATING TO THEIR OFFICIAL POWERS AND DUTIES AND SHALL PERFORM SUCH OTHER DUTIES AS REQUIRED BY THE CHARTER, BY THE BOARD OF SELECTMEN, OR BY THE TOWN ADMINISTRATOR. THE TOWN ATTORNEY'S CLIENT IS THE BOARD OF SELECTMEN.

## **ARTICLE X**

### **Miscellaneous Provisions**

**Section 10.1. Fines, penalties to treasury.** ALL FINES AND FORFEITURES COLLECTED FOR OFFENSES COMMITTED, OR PENALTIES INCURRED WITHIN THE CORPORATE LIMITS OF GEORGETOWN, MUST BE PAID INTO THE TREASURY OF SAID CORPORATION BY THE OFFICERS COLLECTING THE SAME.

**Section 10.2. Annual fiscal report.** THE BOARD OF SELECTMEN SHALL PUBLISH ANNUALLY IN THE SAME MANNER AS PROVIDED FOR ORDINANCES A FULL AND COMPLETE STATEMENT OF ALL MONEYS RECEIVED AND EXPENDED BY THE CORPORATION DURING THE PRECEDING YEAR, AND ON WHAT ACCOUNT RECEIVED AND EXPENDED.

**Section 10.3. Suits and actions in town name.** ALL SUITS, ACTIONS, AND PROSECUTIONS INSTITUTED, COMMENCED, OR BROUGHT BY THE CORPORATION HEREBY CREATED, MUST BE PROSECUTED IN THE NAME OF GEORGETOWN.

**Section 10.4. Charter a public act, evidence in court.** THIS ACT IS HEREBY DECLARED TO BE A PUBLIC ACT AND MAY BE READ IN EVIDENCE

IN ALL COURTS OF LAW AND EQUITY WITHIN THIS TERRITORY WITHOUT PROOF.

**Section 10.5. Repeal of certain ordinances.** ALL ACTS OR PARTS OF ACTS COMING WITHIN THE PROVISIONS OF THIS CHARTER, OR CONTRARY TO, OR INCONSISTENT WITH ITS PROVISIONS, ARE HEREBY REPEALED.

**Section 10.6. Marshal authority to act.** THE MARSHAL AND CONSTABLES WITHIN THE CORPORATION OF GEORGETOWN ARE AUTHORIZED AND MAY EXECUTE ANYWHERE WITHIN THE LIMITS OF THE COUNTY WHEREIN SAID CORPORATION MAY BE LOCATED ALL PROCESS ISSUED BY THE MUNICIPAL COURT, AND THE MARSHAL MAY DO ALL ACTS THAT A CONSTABLE MAY LAWFULLY DO, AND MUST RECEIVE THE SAME FEES THAT ARE ALLOWED TO CONSTABLES FOR SIMILAR CASES, AND SHALL GIVE BONDS AS CONSTABLES ARE REQUIRED BY LAW TO GIVE.

**Section 10.7. Actions for penalties brought in town name.** ALL ACTIONS BROUGHT TO RECOVER PENALTIES OR FORFEITURES UNDER THIS ACT, OR ANY ORDINANCE, BY-LAW, OR POLICE REGULATION, MADE IN PURSUANCE THEREOF, MUST BE BROUGHT IN THE CORPORATE NAME, AND IT IS LAWFUL TO DECLARE IN DEBTS FOR SUCH PENALTY, FINE, OR FORFEITURE, STATING THE CLAUSE OF THIS ACT, OR THE BY-LAW, OR ORDINANCE UNDER WHICH THE PENALTY OR FORFEITURE IS CLAIMED TO GIVE THE SPECIAL MATTER IN EVIDENCE UNDER IT.

**Section 10.8. Charter effective date.** THIS ACT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE.

**SECTION 2. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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Morgan Carroll  
PRESIDENT OF  
THE SENATE

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Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO