

TOWN OF GREEN MOUNTAIN FALLS

ORDINANCE NO. 2021-_____

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF GREEN MOUNTAIN FALLS ADDING A NEW ARTICLE XV TO THE GREEN MOUNTAIN FALLS MUNICIPAL CODE AUTHORIZING SPECIAL CODE ENFORCEMENT OF TOWN PARKING RULES

WHEREAS, the Board of Trustees desires to expand their authorize specific persons to issue summonses and complaints for violations of Town parking regulations, provided that such individuals shall have no authority to detain or arrest individuals or impound property;

WHEREAS, the Board of Trustees finds and determines that this Ordinance is authorized under the Colorado Municipal Court Rules of Procedure ("MCRP");

WHEREAS, MCRP Rule 204(b)(3) provides that "[a] summons and complaint may be issued by a peace officer. . . .";

WHEREAS, MCRP Rule 203(d) defines a "peace officer" to be "a duly appointed law enforcement officer of the state of Colorado or any political subdivision thereof, authorized by the constitution, statutes, charter, or ordinances to enforce municipal charter and ordinance violations";

WHEREAS, the definition of "peace officer" in the MCRP is determinative of who may serve as a peace officer for purposes of serving municipal summonses and complaints under MCRP Rule 204(b)(3), and the definition of "peace officer" in Title 16 and other Colorado state statutes is not relevant to the issue of who may service municipal summonses and complaints under the MCRP;

WHEREAS, this Ordinance is consistent with the MCRP, because it is enacted by the Board of Trustees of the Town of Green Mountain Falls, which is a political subdivision of the state of Colorado, and it authorizes special code enforcement officers of the Town to enforce municipal ordinance violations;

WHEREAS, it is the intent of the Board of Trustees that this Ordinance authorize special code enforcement officers of the Town to issue summonses and citations for violations of the Town's parking regulations.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO:

Section 1. A new Article XV of the Town of Green Mountain Falls Municipal Code is hereby added to read as follows:

ARTICLE XV – SPECIAL PARKING CODE ENFORCEMENT OFFICERS

Sec. 2-310. – Creation.

There is created the position of special code enforcement officer. All special code enforcement officers shall be hired or designated as a special code enforcement officer by the Town Manager, and may be employees, agents or independent contractors (or employees thereof) of the Town. Such special code enforcement officers may be hired on a temporary or permanent basis, and may work full- or part-time hours.

Sec. 2-311 – Authority.

(a) Special code enforcement officers shall have the authority to enforce all parking regulations set forth in this the Town of Green Mountain Falls Municipal Code, including without limitation, the parking regulations set forth in the Model Traffic Code adopted by the Town in Chapter 10.04.

(b) Special code enforcement officers may issue Municipal Court summonses and complaints for violations of the Code provisions they are authorized to enforce pursuant to subsection (a) hereof; provided that special code enforcement officers shall have no authority to detain or arrest individuals, or impound property.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 4. Effective Date. This Ordinance shall become effective 30 days after publication.

ADOPTED AND ORDERED PUBLISHED the __ day of _____, 2021, at the Green Mountain Falls Town Hall, 10615 Green Mountain Falls Road, Green Mountain Falls, Colorado 80819.

Jane Newberry, Mayor

ATTEST:

Town Clerk/Treasurer

Published in the Pike Peaks Courier, _____ 2021.