

Chapter 1 General Provisions

1-1-1 How Code Designated and Cited The Ordinances embraced

in this and the following chapters and sections shall constitute and be designated "The Code of the Town of Ophir, Colorado", and may be so cited. Such ordinances may also be cited as "Ophir Municipal Code."

1-1-2 Definitions and Rules of Construction In the construction of the Code of all ordinances of the town, the following definitions and rules of construction shall be observed, unless it shall be otherwise expressly provided in any section or ordinances, or unless inconsistent with the manifest intent of the ordinance:

(1) Town The word "town" or "this town" shall mean the Town of Ophir, Colorado.

(2) Board of Trustees The word "Board" or Trustees" shall mean the Board of Trustees of the Town of Ophir.

(3) Code The term "Code" shall be deemed to mean The Code of the Town of Ophir as published and subsequently amended, unless the context requires otherwise.

(4) Person The word "person" shall include a firm, partnership, corporation, association, or other organization acting as a group or unit as well as an individual.

(5) County The words "the county" shall mean the County of San Miguel, Colorado.

(6) Day A day is the period of time between any midnight and the midnight following.

(7) Daytime, Nighttime "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.

(8) In the Town The words "in the town" shall mean and include all territory over which the town now has, or shall hereafter acquire, the jurisdiction for the exercise of its police powers or other regulatory powers.

(9) Month The word "month" shall mean a calendar month.

(10) Oath The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed"

(11) Owner The word "owner" applied to a building or land, shall include any part owner, joint owner, tenant in common, joint owner or tenant by the entirety, of the whole or a part of such building or land.

(12) Preceding, Following The words "preceding" and "following" shall mean next before and next after, respectively.

(13) Property The word "property" shall include real, tangible, and intangible personal property.

(14) Real Property Real property shall include lands, tenements, and hereditaments.

(15) Public Way The words "public way" shall include any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

(16) Street shall mean and include any public way.

(17) Sidewalk shall mean that portion of the street between the curb line and the adjacent property line, intended for the use of pedestrians.

(18) Tenant or "occupant" applied to a building or land, shall include any person who occupies the whole or any part of said building or land, whether alone or with others.

(19) Year shall mean a calendar year.

(20) State shall be construed to mean the State of Colorado.

(21) All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to that peculiar and appropriate meaning.

(22) When an ordinance requires a thing to be done which may as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

(23) The time within which an act is to be done shall be computed by excluding the first and including the last day; but if the time for an act to be done falls on a Sunday or legal holiday, the act shall be done on the day following that Sunday or legal holiday.

(24) Any word in any ~~gender~~ ordinance importing the masculine genders shall be extended and apply to both males and females, and associations and bodies corporate, as well as individuals.

(25) "Shall" is mandatory and "May" is permissive.

(26) The title of any section or subsection of the code shall not be deemed in any way to restrict, qualify or to limit the effect of the provisions set forth and contained in such section or subsection.

(27) In all cases where any ordinance shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.

1-1-3 Amendments Any additions and amendments to this code shall be adopted by ordinances as required by state law, and when passed in such form as to indicate the intention to make the same a part thereof, shall be incorporated into this code so that reference to it as "The Code of the Town of Ophir" shall be understood as including such additions and amendments.

1-1-4 Severability The provisions of this code are hereby declared to be severable, and if any section, provision, or part thereof shall be held unconstitutional or invalid, the remainder of this code shall remain in full force and effect. It is further declared that if any provision or part of this code, or the application thereof to any person or circumstances, is held invalid, the remainder of this code and its application to other persons shall not be affected thereby.

1-1-5 Repeal All ordinances and parts of ordinances of a general and permanent nature adopted by the town of Ophir before the effective date of this code, are hereby repealed; provided however, that any ordinance establishing salaries, relating to the annual appropriation of the annual tax levy, annexing territory to the Town of Ophir, naming streets and alleys, shall not be considered to be ordinances of a general or permanent nature and the same are not hereby repealed.

1-1-6 Effect of Repealing Ordinances The repeal of any provision of this code does not effect any right which has accrued, any duty imposed, any penalty imposed, nor any actions or proceedings as commenced under or by virtue of the provision repealed, nor the tenure of an office of any person holding office at the time when such repeal shall take effect. The repeal of any provision of this code shall not revive any provision or ordinance theretofore repealed or superceeded.

1-1-7 General Penalty: Continuing Violations Whenever in this code or any other provision or ordinance of the Town or any rule or regulation promulgated under the provisions of this code any act is prohibited or declared to be unlawful or an offense or a misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefore, any person who shall be convicted of the violation of any such provision of this code or other ordinance or resolution of the Town hereafter enacted or of such rules or regulations shall be punished by a fine of not more than three hundred dollars (\$300.) or by imprisonment in jail not exceeding ninety days or by both such a fine and imprisonment.

Every day any violation of this Code or any other ordinance or resolution of the town or any rule or regulation promulgated under the provisions of this Code shall constitute a separate offense.

Continue shall

Chapter 11 Administration

2-11 Section 1 Corporate Authority -Mayor

2-1-1 Mayor- Board of Trustees The corporate authority of

the Town of Ophir is by state law vested in a Board of Trustees, consisting of one Mayor and six Trustees, who shall be qualified electors residing within the limits of the corporation. Members of the Board are elected for a two year term. Specific authority thereto the Board is given the power such other officers as it may deem necessary for the good government of the corporation, prescribe their duties and fix their compensation.

2-1-2 Mayor- Duties The Mayor shall preside over the meetings of the Board of Trustees, and shall perform such duties as may be required of him by statute or ordinance.

(a) Insofar as required by statute, and for all ceremonial purposes, the mayor shall be executive head of the town. He shall be the presiding officer of the Board of Trustees and shall vote when there is a tie.

(b) He shall execute and authenticate by his signature such instruments as the Trustees, or any statutes or ordinances shall require.

(c) Except as may be required by statute, the Mayor shall exercise only such powers as the Trustees shall specifically confer upon him.

2-1-3 Mayor Pro Tem At its first meeting following each biennial election, the Board shall choose one 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 inability to act, shall perform the duties of Mayor.

2-1-4 Acting Mayor In the event of absence or disability of both the Mayor and Mayor Pro Tem, the Trustees may designate another of its members to serve as acting Mayor during such absence or disability.

SECTION 2 - Board of Trustees

2-2-1 Board of Trustees. Qualification. Vacancies The Board of Trustees shall constitute the legislative body of the Town and shall have power and authority, except as otherwise provided by statute, to exercise all power conferred upon or possessed by the Town, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof.

(a) Qualifications Each Trustee shall be a resident of the Town and a qualified elector therein. If any Trustee shall move from, or become, during the term of his office, a nonresident of the Town, he shall be deemed thereby to have vacated his office, upon the adoption by the Board of Trustees of a resolution declaring such vacancy to exist.

(b) Filling Vacancies In case of death, resignation, vacation or removal for cause, of any of the city officers during their term of office, the Board by a majority vote of all the

members thereof, may select and appoint from among the duly qualified electors of the Town, a suitable person to fill the vacancy, who shall hold the office until the next biennial Town election.

2-2-2 Procedure - Regular and Special Meetings

(a) Regular Meetings The trustees shall hold regular meetings at a time and day to be determined by them provided however, that when the day fixed for any regular meeting of the Board falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday. All regular meetings of the Board will be held in a place designated by the Board.

(b) Special Meetings The Mayor may convene the Board at any time. Whenever a special meeting shall be called, a summons or a notice in writing signed by the Mayor shall be served upon each member of the Board either in person or by notice left at his place of residence stating the date and hour of the meeting and the purpose for which such meeting is called, and no business shall be transacted thereat, except such as is stated in the notice. If the Mayor is absent from the Town a special meeting may be convened by a majority of the Board.

(c) Quorum No action shall be taken unless a quorum is present. A majority of the Trustees shall constitute a quorum. A lesser number may adjourn from time to time and compel the attendance of absent members, which said demand shall be entered on the record forthwith by the Clerk, who shall thereupon notify the absent members of the time and place of the meeting.

(d) Agenda All reports, communications, ordinances, resolutions, contracts, documents, or other matters to be submitted to the Board shall, prior to each meeting, be delivered to the Town Clerk, whereupon the Clerk shall immediately arrange a list of such matters according to the order of business. Each Trustee, the Mayor, and the Town Attorney will be furnished with a copy of the order of business, ~~Each Trustee~~ together with a copy of the minutes of the last preceding meeting, prior to the council meeting and as far in advance of the meeting as time for preparation will permit.

(e) The order of business of a Board meeting shall be as follows:

(1) Call to order The Mayor shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Board to order. The Mayor or temporary chairman shall preserve the order and decorum, decide all questions of order and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order unless otherwise provided by ordinance.

(2) Roll Call Before proceeding with the business of the Board, the Clerk or his deputy shall call the roll of the members and the names of those present shall be entered in the minutes.

(3) Reading the Minutes Unless a reading of the minutes of a Board meeting is requested by a member of the Board, the minutes of the preceding meeting, which have been furnished by the Clerk to each trustee shall be considered approved if correct, and errors rectified if any exist.

(4) Reports by Officers Town officials of committees shall present such reports as ~~an~~ may be required by the Board.

(5) Old Business The Board shall consider any business that has been previously considered and which is still unfinished.

(6) New Business The Board shall consider any business not heretofore considered ~~and-whi~~ including the introduction or readings of ordinances and resolutions.

(7) Petitions Petitions, remonstrances, communications, and comments or suggestions from citizens present, shall be heard by the Board. All such remarks shall be addressed to the Board as a whole, and not to any member thereof. Such remarks shall be limited to a reasonable time and such determination will be in the discretion of the presiding officer. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer.

(8) Other Business Prior to the adjournment the Board shall, as it deems necessary, consider such business as is not specifically provided for herein.

(9) Adjournment The Board may, by a majority vote of those present, adjourn from time to time to a specific date and hour. A motion to adjourn shall always be in order and decided without debate.

(f) Resolution or Motion Required- Roll Call Vote Every subject coming before the Board for its action shall be submitted by resolution or motion. The Clerk shall call the roll and the vote thereon shall be taken by ayes and nays.

(g) Adoption of Ordinances ~~The Mayor shall not vote upon~~ No ordinance shall be passed finally on the date it is introduced, except in cases of special emergency, for the preservation of the public peace, health or safety, and then only by the affirmative vote of three-fourths of the members of the Board. In all other cases an ordinance shall be introduced and read at one 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, the same shall be duly adopted.

(h) Vote Required The Mayor shall not vote upon any question except in the case of a tie vote, when he shall be allowed to cast a vote. 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 the passage or adoption the concurrence of a majority of all the members elected to the Board. In all other matters a majority of the votes cast is sufficient for passage except in cases of special emergency, for the preservation of the public peace, health, or safety, and then only by the affirmative vote of three-fourths of the members of the Board.

(i) Publication of Ordinances All ordinances, as soon as may be possible 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, penalty, or forfeiture shall be published in a legal newspaper. Such ordinances shall not take effect until thirty days after such publication., except for ordinances calling for special elections or necessary for the immediate preservation of the public peace, health, or safety which shall take effect in five days. The reasons making the ordinance

necessary for the immediate preservation of the public peace, health or safety shall be set forth in a separate section. Codes may also be adopted by reference as provided by state law.

7

(j) Committees Any questions pending before the Board may be referred to the appropriate committee, or to a special committee, 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.

(k) Suspension of the Rules Any of the provisions of this section may be temporarily suspended in connection with any matter under consideration by a recorded vote of three-fourths of the members present, except that this shall not be construed to permit any action that is contrary to state statute.

2-2-3 Intergovernmental Contracts The Board of Trustees shall have the authority on behalf of the Town to enter into contractual arrangements with one or more other local governments for the performance of any governmental service, activity or undertaking which could be performed by each of the local governments. Any such contract shall set forth fully the purposes, powers, rights, obligations, and the responsibilities, financial and otherwise, of the contracting parties. Such contract may be approved by the Board by resolution or by ordinance.

2-2-4 Oath and Bond All officers elected or appointed in any capacity shall take an oath to support the Constitution of the United States and the Constitution of the State of Colorado. The Board of Trustees may provide that the payment of premiums on surety bonds of any Officer of the Town shall be made by the Town Treasurer from funds so designated by the Board.

2-2-5 Removal from Office Any officer or employee appointed by the Board of Trustees may be removed from office or suspended for a specific time, with or without pay, by a vote of three-fourths majority of all Board members whenever such officer shall after a hearing before the Board be found guilty of a dereliction or violation of his duty or conduct unbecoming an officer or incompetency.

Section 3 Town Clerk

2-3-1 Appointment The Board of Trustees at its first regular meeting after each biennial election shall appoint some qualified person as Town Clerk. In case a vacancy should occur in the office of Clerk, the Board shall appoint a Clerk for the unexpired term.

2-3-2 Oath and Bond Before entering upon the duties of the office the Clerk shall take an oath of office and furnish a bond in such sum as the Board of Trustees may require.

2-3-3 Duties The Town Clerk shall perform the following duties:

(a) He shall be Clerk of the Board and shall attend all meetings of the Board and shall keep a permanent journal of its proceedings.

(b) He shall be the custodian of all of the Town's records and such records shall be open at all reasonable times for inspection by electors of the town.

(c) He shall certify by his signature all ordinances and

resolutions enacted or passed by the board.

(d) He shall ~~se~~ provide and maintain in his office a supply of forms for all petitions required to be filed for any purpose provided by the Board.

(e) He shall countersign all warrants drawn on the Town Treasury.

(f) He shall be custodian of all bonds of all officers or employees of the Town.

(g) He shall perform such other duties as may be prescribed for him by law or by the Board of Trustees.

Section 4 Town Treasurer

2-4-1 Appointment The Board of Trustees at its first regular meeting after each biennial election, shall appoint some qualified person as Town Treasurer. In case a vacancy should occur in the office of Treasurer, the Board shall appoint a Treasurer for the unexpired term. The Board may in its discretion appoint the Town Clerk as Treasurer.

2-4-2 Oath and Bond Before entering the duties of the office, the Treasurer shall take an oath of office and furnish a bond in such sum as the Board of Trustees may require, conditioned upon the faithful performance of his duties as Town Treasurer and that when he shall vacate such office, he will turn over and deliver to his successor all monies, books, papers, property or things belonging to Ophir and remaining in his charge as Treasurer.

2-4-3 Duties The Town Treasurer shall perform the following duties :

(a) The Treasurer shall receive all monies belonging to the Town of Ophir and give receipts therefor; shall keep his books 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 at each regular monthly meeting thereof, the the state of the treasury at the date of such account, and the balance of money in the treasury. He shall also accompany such statement of accounts with a statement of all monies received in the treasury and on what account, during the preceding month, together with all warrants redeemed and paid by him, and such warrant 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.

He shall pay from the Treasury such sums of money as may be ordered by the Board, and the warrants therefor shall be signed by the Mayor and countersigned by the Clerk, and shall state for what purpose the money is appropriated. He shall keep the account of each fund separate and distinct from all others, charging such fund with all payments, and crediting it with all monies received on accounts thereof, and upon all warrants payable out of any particular fund there shall be legibly written the name of the fund out of which same is payable.

(b) **Treasurer's Annual Report** Annually within ten days after the close of the fiscal year, the Town Treasurer shall

all receipts and expenditures of the Town, and all of his transactions as such Treasurer during the preceding fiscal year, and shall show in such account the state of the treasury at the close of the fiscal year. The Town Clerk shall immediately cause such account to be published in a newspaper published in the Town.

(c) If there shall be no funds in his hands for the payment of any Town warrant presented to him for such payment, it shall be his duty to register such warrants in a book to be kept by him for that purpose, and he shall endorse upon all such warrants so presented to him the time and date of such registry. Whenever he shall pay such warrant, he shall enter the payment and the amount of interest allowed or paid on such warrant in the registry.

(d) He 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 of Colorado.

Section 5

2-5-1 Appointment The Board of Trustees at its first regular meeting after each biennial election shall appoint some qualified attorney at law as the Town Attorney and shall fix his compensation. In case a vacancy should occur in the office of Town Attorney, the Board shall appoint a Town Attorney for the unexpired term.

2-5-2 Duties The Town Attorney shall perform the following duties;

(a) He shall act as a legal advisor to, and be attorney and counsel for, the Board and shall be solely responsible to the Board. He shall advise any officer or department head of the Town in matters relating to his official duties when so requested by the Board and shall file with the Clerk a copy of all written opinions given by him.

(b) He shall prosecute ordinance violations and he shall conduct for the Town cases in Municipal court. He shall file with the Clerk copies of such records and files relating thereto.

(c) He shall prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to him by the Board and shall promptly give his opinion as to the legal consequences thereof.

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

(e) He shall perform such other duties as may be prescribed for him by the Board.

Section 6

2-6-1 Salaries and Compensation The Board of Trustees shall fix the salaries and compensation of all officers of the Town.

Section 7 Emergency Protection

2-7-1 Purpose The Town of Ophir will from time to time in the future, in all probability, have within its corporate limits fire, flood, avalanche, civil disturbances, and riots; and, therefor, it is deemed in the best interests of Ophir to exercise certain emergency police powers necessary to and incidental to the maintenance of the safety, health, and welfare of the citizens of Ophir.

2-7-2 Mayor's Authority Emergency police Powers shall be placed in the hands of the Mayor of the Town of Ophir and that these powers should be exercised only in the event of an emergency as herein contemplated and shall only be exercised for such period of time as the actual emergency exists and further that said powers shall only be invoked after a declaration and proclamation of an emergency.

2-7-3 Powers of Mayor In addition to any and all powers enumerated in the Town Code, the Mayor shall have further emergency powers necessary to preserve the peace and order of the Town as follows:

(a) The Mayor shall have the power to declare an emergency to exist when, in his opinion, one or more of the following conditions exists:

(1) That there is extreme likelihood of danger of life or property due to unusual conditions.

(2) Unusual or extreme weather conditions, making use of the Town streets or areas difficult or impossible.

(3) Civil unrest, commotion or uprising is imminent or exists.

(4) There is a stoppage or loss of electrical power affecting a major portion of the Town.

(5) The emergency shall be declared in a proclamation of the Mayor, which proclamation shall be delivered to the Chief of Police, who shall then see that said proclamation is delivered to all news media within the Town and who shall also use public address systems throughout the Town and immediately notify the public of said proclamation and that violators will be arrested and subject to penalty.

(c) After declaration of such emergency, the Mayor shall have the authority to exercise any or all of the following powers:

(1) To Call upon regular and auxiliary enforcement agencies and organizations within and without the Town to assist in preserving and keeping the peace and the preservation of life and property of the citizenry of Ophir.

(2) The power to close streets and sidewalks and to delineate areas within the Town where an emergency exists.

(3) To impose a curfew upon all or any portion of the Town thereby requiring all persons in such designated curfew areas to forthwith remove themselves from the public streets, alleys, parks or other public places; provided, however, that physicians, nurses, and ambulance operators performing medical services, utility personnel maintaining essential public services, firemen and Town Authorized or requested enforcement officers and personnel may be exempted from such curfew.

(4) To order the closing of any business establishments anywhere within the Town for the period of the emergency, such

intoxicating liquors, malt beverages, gasoline or firearms.

(5) The power to do any and all acts necessary and incidental to the preservation of life, limb and property within the Town of Ophir.

(6) The proclamation of specifying with exactness the area in which the emergency is declared to exist shall become effective upon its issuance and dissemination to the public.

(e) (1) Any emergency proclaimed in accordance with the provisions of this ordinance shall terminate after forty-eight hours from the issuance thereof, or ~~up~~ upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first; provided, however, upon declaration of a second or further emergencies to exist the emergency powers set forth herein may be exercised during such further emergency period or periods, but never for more than forty-eight hours in one declared emergency period.

(2) No emergency period shall extend beyond the regular, special ~~meeting~~ ^{next} or called meeting of the Board of Trustees unless at such meeting the declaration of emergency is specifically approved by resolution of the Board.

2-7-4 Penalties Any person who shall willfully fail or refuse to comply with the order of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the ~~ap~~-Proclamation of Emergency authorized herein shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$300 or by imprisonment for a period not to exceed ninety days, or by both such fine and imprisonment.

CHAPTER 111 FINANCES

Section 1 General

3-1-1 Fiscal Year Same as Calendar Year The fiscal year of the Town of Ophir shall commence on the first day of January and end on the last day of December of each year.

3-1-2 Annual Budget Not later than the first regular meeting of the Board of Trustees in September of each year, the Budget Committee or other duly authorized persons designated by the Board, shall submit to the Board the itemized annual budget for the ensuing year. The budget as approved by the Board shall be adopted and administered in accordance with the provisions of the Local Budget Law of Colorado.

3-1-3 Rate of Tax Levy The Board of Trustees shall by resolution fix the rate of tax to be levied upon all the taxable property within the Town for municipal purposes and, through the Town Clerk, shall officially certify the said levy to the County Commissioners of San Miguel County prior to the 16th day of October of each year.

3-1-4 Annual Appropriation The Board of Trustees shall ~~by resolution fix the rate of tax to be levied upon~~ pass an ordinance within the last quarter of each fiscal year, to be termed the annual appropriation ordinance for the next fiscal year. In such ordinance the Board shall appropriate such sums of money as are necessary to cover the items in its budget and to defray all necessary expenses and liabilities of the Town, specifying the objects and purposes for which such appropriations are made and the amount appropriated for each object or purpose. The total amount appropriated shall not exceed the probable amount of revenue that will be collected during the fiscal year.

3-1-5 Publication of Financial Statements The Board of Trustees shall, within 20 days after adjournment of each regular or special meeting, publish such of its proceedings as relate to the payment of bills, stating for what the same are allowed, the name of the person to whom allowed and to whom paid. It shall also publish a statement concerning all contracts awarded and rebates allowed.

3-1-6 Deposits; Investments The Town Treasurer shall deposit all funds and moneys which come into his possession by virtue of his office as town treasurer in one or more responsible banks located in the State of Colorado which have been designated by written resolution of the Town Board. The Town Board may also authorize the Town Treasurer, by written resolution, to invest all or part of such funds in securities which are authorized for such investment by state law.

3-1-7 Annual Audit The Board of Trustees shall select a qualified person as auditor and cause to be made an annual audit of the financial affairs and transactions of the Town in accordance with the requirements of state law.

CHAPTER 1V ELECTIONS AND RECALL

Section 1 General

~~4-1-1~~

4-1-1 Election Procedure Each regular election held on the first Tuesday in April in the even numbered years and all special elections called by the Board of Trustees for any purpose shall be in the manner prescribed by the Colorado Municipal Election Code of 1965.

4-1-2 Removal of Officers By the concurrent vote of four members of the Board of Trustees, the Mayor, or any member of the Board, or any elective officer of the Town, may be removed from office. No such removal shall be made without charge in writing and an opportunity of hearing being given, unless the officer against whom the charge is made shall cease to reside within the limits of the Town. When any elective officer shall cease to reside within the limits of the Town, it shall be deemed a good ground for a removal from office.

Section 2 Recall

4-2-1 Recall of Officials Every Elective officer of the Town of Ophir may be recalled from office at any time by the electors entitled to vote for a successor of such incumbent, through the procedure provided for the recall of elected town officers as provided by the Constitution and Statutes of the State of Colorado.

Chapter V General Offenses

5-1 Streets, Streams and Water Supply It shall be unlawful to throw or deposit, or cause or permit to be thrown or deposited, any offal composed of animal or vegetable substance, or both, any dead animal excrement, garbage, or other offensive matter whatever, upon any street, avenue, alley, sidewalk, or public grounds. No person in this town shall throw or deposit, or cause or permit to be thrown or deposited, any substance that would tend to have a polluting effect, into the water of any stream, pond, well, cistern, trough, or other body of water, whether artificially or naturally created, or so near any such place as to be liable to pollute the water.

5-2 Animals upon Watershed It shall be unlawful for any animal to be upon or within five miles of the stream or source of the Town of Ophir water supply. The word "animal" as used herein shall include any domestic animal or livestock. It is the intent of this section to prohibit the keeping, harboring or grazing of animals upon the watershed of the Town and to protect the water supply of the town from pollution.