

TITLE 3

ADMINISTRATION AND PERSONNEL

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CHAPTER 3.24

Planning Commission.

Sections:

- 3.24.010 Created - Statutory Authority.
- 3.24.020 Composition and Terms of Office.
- 3.24.030 Qualification, Restrictions and Compensation.
- 3.24.040 Organization, Meeting and Rules and Regulations.
- 3.24.050 Staff and Finances.
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3.24.010 Created - Statutory Authority. Pursuant to the authority conferred by Section 31-23-201 *et. seq.*, C.R.S., there is hereby created a Planning Commission for the Town of Parachute.

(Ord. 485 §1, 2003)

3.24.020 Composition and Terms of Office.

A. The Town of Parachute Planning Commission shall consist of seven members. Three of those members shall be ex officio members consisting of the Mayor, a member of the Board of Trustees selected by the Mayor, and a member of the Board of Trustees selected by a majority vote of the Board of Trustees.

B. The term of each ex officio member shall correspond to that individual's official tenure. The term of each other member shall be four years, or until his or her successor takes office. The provisions in this Section which reduce the term of office from six to four years shall be implemented upon the expiration of the term of the affected member currently serving, or upon the resignation or removal of any current member.

C. The Board of Trustees may also appoint alternate members of the Planning Commission to serve in the event any regular member is temporarily unable to act due to absence from the Town, illness, interest in any matter before the Commission, or any other cause. Alternate members shall be designated by rank (i.e. first alternate, second alternate) in order to determine which alternate member shall serve in the absence of regular members of the Commission. The term

of each alternate member shall be four years or until his successor takes office. The term of any ex-officio member appointed as an alternate member shall correspond to his respective official tenure.

D. Regular and alternate members of the Commission may be removed by the Board of Trustees for failure to attend two unexcused consecutive meetings, or for any other good cause, including inefficiency, neglect of duty, malfeasance in office, or no longer being a resident of the Town. Upon request by the member proposed for removal, the Board of Trustees shall provide the member with an opportunity of a public hearing, unless the member is being removed for moving from the Town.

(Ord. 485 §1, 2003)

3.24.030 Qualification, Restrictions and Compensation.

A. All members of the Planning Commission shall be residents of the Town; if any member moves from the Town, his membership shall immediately terminate. All members of the Commission shall serve without compensation.

B. Members of the Planning Commission shall be subject to the ethical provisions and standards of conduct prescribed by Sections 24-18-101 *et. seq.*, C.R.S.

(Ord. 485 §1, 2003)

3.24.040 Organization, Meeting and Rules and Regulations.

A. The Commission shall elect its Chair from among its members and shall create and fill other of its officers as it may determine. The Mayor may be appointed as the Chair, and shall be entitled to vote on all issues before the Commission. The term of the Chair shall be one year.

B. The Commission shall hold at least one regular meeting in each quarter, and shall in addition hold special meetings upon the call of the Chair, the Town Administrator, the Mayor, or upon request of at least three of the members of the Commission. The Commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations. All meetings of the Planning Commission are subject to the Colorado Open Meetings Law, Sections 24-6-401 *et. seq.*, C.R.S.

C. At least four regular or alternate members of the Commission must be present at any meeting to constitute a quorum.

(Ord. 485 §1, 2003)

3.24.050 Staff and Finances. The Planning Commission may appoint such employees as it deems necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions as governed other employees of the Town. The Commission may also, with consent of the Board of Trustees, contract with planners, engineers, architects, attorneys and consultants for such services as it may require. The expenditures of the Commission shall be

within the amounts appropriated for that purpose by the Board of Trustees.

(Ord. 485 §1, 2003)

3.24.060 Powers and Duties. The Planning Commission shall have all of the powers and perform each and all of the duties specified by Chapter 31, Article 23, C.R.S., and by Title 15 of the Parachute Municipal Code. In addition, the Planning Commission shall exercise the authority of and act as the Board of Adjustment or Variance Board, as defined in Section 15.05.103, and in Section 15.05.301 *et. seq.* of the Parachute Municipal Code, to decide appeals of administrative decisions pertaining to the land use regulations, and to review applications for variances from the strict application of the zone district requirements of the Code.

(Ord. 485 §1, 2003)

CHAPTER 3.30

Code Enforcement Officer.

Sections:

- 3.30.010 Code Enforcement Officer.
- 3.30.020 Designation.
- 3.30.030 Entry Upon Property.
- 3.30.040 Liability.

3.30.010 Code Enforcement Officer.

A. There is hereby established the position of Town of Parachute Code Enforcement Officer. This individual shall be under the administration and operational control of the Town Administrator.

B. The Code Enforcement Officer shall have all the power, together with the Town Administrator, Planning Director, and the Town Attorney, to enforce all terms and conditions contained in Title 15 of the Parachute Municipal Code concerning land use and development, as well as the terms and conditions of any permits or other land use approvals granted pursuant to Title 15.

C. The Code Enforcement Officer shall also have the authority, together with the Town Attorney, the Building Official, and members of the Parachute Police Department, to enforce provisions contained in Title 10 (Animals), Title 11 (Public Peace, Safety and Morals), Title 12 (Vehicles and Traffic), and Title 13 (Building and Construction), as well as any other provisions of the Parachute Municipal Code as may be determined from time to time by the Board of Trustees.

D. The Code Enforcement Officer shall have the authority to issue notices of violation, compliance orders, and may issue citations or summons and complaints in the Parachute Municipal Court.

E. The Code Enforcement Officer need not be a “peace officer” as defined by Title 18, C.R.S., and if the Code Enforcement Officer is not a “peace officer”, he or she shall not be permitted to carry a firearm and may not perform arrests.

(Ord. 553 §1, 2007)

3.30.020 Designation. The Town Administrator shall designate one or more persons to serve as the Town of Parachute Code Enforcement Officer. The Board of Trustees may also authorize the Town Administrator to designate one or more staff persons to serve in that capacity on a part-time basis. Compensation for the Code Enforcement Officer shall be determined from time to time by the Town Administrator pursuant to the Town’s personnel policies and annual budget.

(Ord. 553 §1, 2007)

3.30.030 Entry Upon Property.

A. Whenever necessary to make an inspection to enforce any of the provisions listed in Section 3.30.010 of the Parachute Municipal Code, or whenever a Code Enforcement Officer has probable cause to believe that there exists upon any premise any condition which constitutes a violation of this Code, the Code Enforcement Officer may enter such premises at all reasonable times to inspect the same or to perform any duty imposed upon him or her by law, provided that, if the premises is occupied, the Code Enforcement Office shall first present proper credentials and request entry and, if such premises is unoccupied, shall first make a reasonable effort to locate the owner or occupant or other person or persons having charge or control of the premises, and upon locating the owner, occupancy or other person or persons shall present proper credentials and request entry. If the owner or occupant cannot be located after a reasonable effort, a notice of intent to inspect shall be posted on the premises. The notice shall state that the property owner has the right to refuse entry and that, in the event such entry is refused, inspection may be made only upon issuance of a search warrant issued by the Municipal Judge.

B. Immediately, if entry is refused, or twenty-four (24) hours after the premises have been posted, the Code Enforcement Officer may appear before the Municipal Judge and, upon a showing of probable cause, may obtain a search warrant entitling the Code Enforcement Officer or any other Police Officer to enter upon the premises. Upon presentation of the search warrant and proper credentials, or possession of the same in the case of an unoccupied premises, the person executing the search warrant may enter upon the premises using such reasonable force a may be necessary to gain entry therein.

(Ord. 553 §1, 2007)

3.30.040 Liability. The Code Enforcement Officer, acting in good faith and without malice in the discharge of his or her duties, shall not thereby render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of duties. Any suit or action brought against the Code Enforcement Officer because of such an act or omission performed in the enforcement of City ordinances shall be defended by the Town until final termination of such proceedings, as elsewhere provided by the Colorado Governmental Immunity Act or as otherwise provided by law.

(Ord. 553 §1, 2007)