

**TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. 1
(SERIES OF 2015)**

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO,
ADDING A NEW SECTION 2-53 TO THE BUENA VISTA MUNICIPAL
CODE ESTABLISHING THE POSITION OF CODE ENFORCEMENT
OFFICER AND SETTING FORTH THE POWERS OF THE POSITION**

WHEREAS, the Board of Trustees desires to create the position of code enforcement officer in the Town of Buena Vista and to authorize code enforcement officers to enforce a limited category of offenses under the Buena Vista Municipal Code and to issue summonses and citations for such offenses;

WHEREAS, the Board of Trustees desires to clarify that code enforcement officers 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 Town of Buena Vista, which is a political subdivision of the state of Colorado, and it authorizes code enforcement officers of the Town to enforce specific municipal charter and ordinance violations; and

WHEREAS, it is the intent of the Board of Trustees that this Ordinance authorize code enforcement officers of the Town to enforce specific charter and ordinance violations of the Town, and that code enforcement officers have the authority to issue summonses and citations for municipal charter and ordinance violations.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF
THE TOWN OF BUENA VISTA, COLORADO:**

Section 1. A new Section 2-53 of the Buena Vista Municipal Code is hereby added to read as follows:

Sec. 2-53. Code Enforcement Officer.

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

(b) Code enforcement officers shall have the authority to enforce all provisions of the Municipal Code, except for Chapter 10 (General Offenses).

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

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 13th day of January, 2015.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: 

Mayor, Joel Benson

ATTEST:



Town Clerk, Mary Jo Bennetts

