

**ORDINANCE NO. 651-15**

**AN ORDINANCE AMENDING THE BENNETT MUNICIPAL CODE CONCERNING THE CODE ENFORCEMENT OFFICER AND AUTHORIZING THE BENNETT FIRE PROTECTION DISTRICT TO ISSUE SUMMONS AND COMPLAINTS**

WHEREAS, the Board of Trustees desires to clarify and delineate the responsibilities of the Code Enforcement Officer; and

WHEREAS, the Board of Trustees desires to authorize the Bennett Fire Protection District to enforce certain provisions the Bennett Municipal Code and to issue summons and complaints to persons violating such provisions; and

WHEREAS, the Board of Trustees desires to adopt a new Section 2-8-40 of the Bennett Municipal Code for such purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BENNETT, COLORADO:

**Section 1.** Article VIII of Chapter 2 of the Bennett Municipal Code is hereby amended by the addition of a new Section 2-8-40 to read as follows:

**Sec. 2-8-40. Code Enforcement.**

(a) The Code Enforcement Officer shall have the responsibility to enforce, under the supervision of the Town Administrator, the following provisions of the Bennett Municipal Code:

1. Chapter 6, Business Licenses and Regulations;
2. Chapter 7, Health, Sanitation and Animals;
3. Chapter 8, Article III, Abandoned and Inoperable Vehicles;
4. Chapter 8, Article IV, Snow Parking Restrictions;
5. Chapter 8, Article V, Parking and Storage Restrictions and Regulations;
6. Chapter 11, Streets, Sidewalks and Public Property;
7. Chapter 13, Municipal Utilities;
9. Chapter 16, Land Use and Development; and
10. Chapter 18, Building Regulations.

The Code Enforcement Officer shall have the authority to issue summons and complaints and penalty assessment notices to any persons found in violation of such provisions of the Code.

(b) The Fire Chief of the Bennett Fire Protection District or his/her designee shall hereby have the authority and responsibility to enforce the Fire Code, Article V of Chapter 18 of the Bennett Municipal Code and to issue summons and complaints and penalty assessment notices to any persons found in violation of such provisions of the Code.

(c) Nothing in this Section shall deprive any law enforcement officer of the power to enforce any of the provisions of this Code listed in subsections (a) and (b) of this Section.

(d) The Code Enforcement Officer and the Fire Chief or his/her designee shall not have any arrest power, and shall not be authorized under this Code to carry any firearm.

(e) The Code Enforcement Officer and the Fire Chief or his/her designee shall be deemed to be a "peace officer" within the meaning of the Colorado Municipal Court Rules of Procedure solely for the purpose of the issuance of a summons and complaint or penalty assessment notice for offenses within the scope of their respective enforcement responsibilities pursuant to this Section, and for no other purpose.

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

**Section 3.** The repeal or modification of any provision of the Bennett Municipal Code by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

**Section 4.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED AND ADOPTED AND ORDERED PUBLISHED BY  
TITLE ONLY this 14th day of April, 2015.

TOWN OF BENNETT, COLORADO



ATTEST:

Lynette F. White  
Lynette F. White, Town Clerk

Sue F. Horn  
Sue F. Horn, Mayor