

violation of town ordinances, for offenses committed within the limits of the town. He or she shall execute all writs and processes directed to him or her by the municipal judge in any case arising under a town ordinance and receive the same fees for his or her services that sheriffs are allowed in similar cases. The marshal or chief of police may employ certified peace officers to enforce all laws of the state of Colorado notwithstanding section 16-2.5-201.

Source: **L. 75:** Entire title R&RE, p. 1034, § 1, effective July 1. **L. 77:** Entire section amended, p. 795, § 7, effective June 3. **L. 91:** Entire section amended, p. 746, § 16, effective April 4. **L. 2017:** Entire section amended, (SB 17-066), ch. 105, p. 385, § 2, effective April 4.

Editor's note: (1) This section is similar to former § 31-3-305 as it existed prior to 1975.

(2) Section 4 of chapter 105 (SB 17-066), Session Laws of Colorado 2017, provides that the act changing this section applies before, on, and after April 4, 2017.

31-4-307. Removal of officers - causes - notice. By a majority vote of all members of the board of trustees, the mayor, the clerk, the treasurer, any member of the board, or any other officer of the town may be removed from office. No such removal shall be made without a charge in writing and an opportunity of hearing being given unless the officer against whom the charge is made has moved out of the limits of the town. When any officer ceases to reside within the limits of the town, he may be removed from office pursuant to this section. A municipal judge may be removed during his term of office only for cause, as set forth in section 13-10-105 (2), C.R.S.

Source: **L. 75:** Entire title R&RE, p. 1034, § 1, effective July 1. **L. 77:** Entire section amended, p. 795, § 8, effective June 3. **L. 81:** Entire section amended, p. 1495, § 8, effective June 8. **L. 91:** Entire section amended, p. 746, § 17, effective April 4.

Editor's note: This section is similar to former § 31-3-306 as it existed prior to 1975.

PART 4

REQUIREMENTS AND COMPENSATION OF OFFICERS

31-4-401. Oath or affirmation of officers - bonds - waiver - declaring office vacant.

(1) All officers elected or appointed in any municipality shall take an oath or affirmation in accordance with section 24-12-101.

(2) The governing body has the power to declare vacant the office of a person appointed or elected to an office who fails to take an oath or affirmation in accordance with section 24-12-101 when required within ten days after the person has been notified of the person's appointment or election, and the governing body shall proceed to appoint the person's successor as in other cases of vacancy.

Source: **L. 75:** Entire title R&RE, p. 1035, § 1, effective July 1. **L. 89:** (2) amended, p. 1291, § 11, effective April 6. **L. 91:** (2) amended, p. 746, § 18, effective April 4. **L. 2018:** Entire

section amended, (HB 18-1138), ch. 88, p. 699, § 30, effective August 8; (2) amended, (HB 18-1140), ch. 41, p. 465, § 8, effective August 8.

Editor's note: (1) This section is similar to former § 31-5-301 as it existed prior to 1975.

(2) Amendments to subsection (2) by HB 18-1138 and HB 18-1140 were harmonized.

Cross references: (1) For the legislative declaration in HB 18-1138, see section 1 of chapter 88, Session Laws of Colorado 2018.

(2) For the legislative declaration in HB 18-1140, see section 1 of chapter 8, Session Laws of Colorado 2018.

31-4-402. New bond. In the event that the official bond of any officer of a city or town, after the taking and approval thereof, becomes insufficient by reason of the death or insolvency of any of the sureties thereon, the governing body of such city or town may require such officer to procure additional sureties or to give a new bond and may designate the time when such additional sureties or new bond shall be furnished, which shall not be less than ten days, or may waive the requirement for such sureties or new bond. In the event that the additional sureties or new bond is not furnished within the time so designated and the requirement for such sureties or new bond is not waived, the office shall be declared vacant, and the vacancy shall be filled by election or appointment as provided by law.

Source: **L. 75:** Entire title R&RE, p. 1035, § 1, effective July 1. **L. 89:** Entire section amended, p. 1292, § 12, effective April 6.

Editor's note: This section is similar to former § 31-5-302 as it existed prior to 1975.

31-4-403. Lawful pay only for governing bodies. No member of the governing body of any city or town shall receive any compensation for his services as such member except as provided by law.

Source: **L. 75:** Entire title R&RE, p. 1035, § 1, effective July 1.

Editor's note: This section is similar to former § 31-5-303 as it existed prior to 1975.

31-4-404. Not to be appointed to office. (1) During the time for which he has been elected or for one year thereafter, no member of the governing body of any city or town shall be appointed to any municipal office which is created or the emoluments of which are increased during the term for which he has been elected except in the cases provided in this title.

(2) Any member of the governing body of any city or town who has a personal or private interest in any matter proposed or pending before the governing body shall disclose such interest to the governing body, shall not vote thereon, and shall refrain from attempting to influence the decisions of the other members of the governing body in voting on the matter.

(3) A member of the governing body of any city or town may vote notwithstanding subsection (2) of this section if his participation is necessary to obtain a quorum or otherwise