

200 - POLICE AND FIRE DEPARTMENTS**201 - General**

HISTORY: 1958 Municipal Code. Amended on December 4, 2014 by Ordinance No. 578

201.1. Authority for Establishment.

The authority for the establishment of the office of Chief of Police and for the Police Department by the Town of Limon Board of Trustees is vested by statutes of the State of Colorado.

201.2. Scope and Responsibilities of Chief of Police.

The Chief of Police is charged with the management of the Police Department and shall have such powers as are given to him by statute as Chief of Police of an incorporated town. As C.R.S. 31-4-306 provides, the Chief of Police shall have the same power that sheriffs have by law, coextensive with the county in cases of violation of town ordinances and for offenses committed within the limits of the town. The Chief shall execute all writs and processes directed to him by the municipal judge in any case arising under a town ordinance and shall be eligible to receive the same fees for his/her services that sheriffs are allowed in similar cases. Additionally, the Chief shall make recommendations concerning matters within the sphere of his responsibility to the Town Board of Trustees. The Chief shall perform such duties as are required of the Chief by Colorado state statute, by this code, or as shall be assigned to him/her by the Town Board of Trustees, providing such assignment is not inconsistent with the office or the job description approved by the Board of Trustees by Resolution.

201.3. Appointment.

The Chief of Police shall be appointed by the Board of Trustees at the first meeting following a regular municipal election or at such time the need to fill a vacancy may exist.

**202 - Uniforms and Badges of Policemen****210 - Police Department**

HISTORY: Added by Ordinance No. 219 on February 21, 1972. Deleted in its entirety by Ordinance No. 380 on October 6, 1994

**211 - General Police Duties and Powers**

HISTORY: 1958 Municipal Code. Amendments noted where applicable.

211.1. General Duties; Powers of Arrest.

211.1.1. The members of the Police Department, when on duty, shall devote their time and attention to the discharge of duties according to Colorado state statute, this Code, ordinances and policies of the Town and the rules and regulations of the Department to preserve order, peace and quiet, and enforce the laws, codes and ordinances through the Town.

211.1.2. They shall have power as provided in Colorado state statute to perform all duties required of their position. The conduct of such duties shall always be performed to the highest achievable standard of professionalism and efficiency

211.2. Service of Process.

They shall have the power and authority and it shall be their duty to serve and execute warrants and other process for the summoning, apprehension and commitment of any person charged with a violation of any ordinance, code, or commission of any crime, or misdemeanor, or offense against the laws of the Town, the state of Colorado or the United States as deemed appropriate relative to the infraction.

211.3. Aid to Firemen.

It shall be the duty of the members of the Police Department to aid the Limon Area Fire Protection District by giving alarms in case of fire, and in clearing the streets or grounds in the immediate vicinity of the fire, so that the members of the Fire District shall not be hindered or obstructed in the performance of their duties.

211.4. Property Seized; Report.

211.4.1. It shall be the duty of every member of the Police Department to report to his superior officer, all property seized or found by him immediately after the same shall have come into his possession, and such superior officer shall report the same to the Chief of Police.

211.4.2. Such property, with the date of delivery and description thereof, and the name of the officer depositing the same, shall be entered in a book kept for

that purpose, by the custodian having the custody of such property, who shall be held responsible therefor.

211.4.3. Sale of Property Seized.

Public sale of unclaimed chattels in the custody of the Police Department is hereby authorized and shall be conducted in the following manner.

211.4.4. That storage, at ten dollars (\$10.00) per day, shall be charged against all vehicles and chattels in police custody, and shall constitute a lien against such property which may be foreclosed as herein provided.

211.4.5. That the Chief of Police is hereby authorized to sell at public auction any and all automobiles, vehicles and other goods and chattels that accumulate from time to time, as unclaimed property, in the custody of the police department; provided, however, that no such unclaimed property shall be offered for sale unless the same shall have been in the custody of the police department for not less than three months unless as otherwise provided for in C.R.S. 42-4-1801 or other applicable Colorado state statute.

211.4.6. That notice of such sales of property with expected value of more than three hundred dollars (\$300) shall be given by publication in the official newspaper of the Town once and such publication of notice shall not be less than 30 days before such sale. Such notice shall describe the items to be offered for sale and state the time and place thereof. The terms of all such sales shall be for cash and the proceeds thereof shall be credited to the general fund of the Town. If said property is expected to have a value of less than three hundred dollars (\$300) said auction can be performed by posting notice of the auction thirty (30) days in advance of the auction in such location approved for posting of official notices by the Board of Trustees.

211.4.7. That at such sales, the vehicles, goods and chattels shall be auctioned separately to the highest eligible bidder who shall forthwith pay the amount of his bid to the Town Clerk of the Town of Limon in good funds. On receipt of such payment the Town Clerk shall and is hereby authorized and directed to issue to the successful bidder, in the name and on behalf of the Town of Limon, a written bill of sale without warranty to the purchaser, his heirs or assigns, in any form and approved by the Motor Vehicle Department of Colorado, if applicable.

211.4.8. All vehicles, good and chattels purchased at any sale shall be removed from the custody and premises of the Town by the purchaser, within five (5) days thereafter. In event any purchaser fails to remove his property within the time aforesaid, a storage charge of ten dollars (\$10.00) per day shall be made and collected by the Police Department and if not redeemed, the article may be

included in any subsequent auction held by authority of this Code.

211.5. Abate Nuisances, etc.

It shall be the duty of each member of the Police Department to take notice of all nuisances, impediments, obstructions, and defects in the streets, avenues, alleys, and other public ways and places and to remove the same or cause immediate notice thereof to be given to the proper Town officer whose duty it may be to take measures in relation thereto according to the Code and the ordinances of the Town.

211.6. Accident Reports.

(Deleted on December 4, 2014 by Ordinance No. 578)

211.7. Physicians to Report Injuries to Chief of Police.

(Deleted on December 4, 2014 by Ordinance No. 578, covered by Colorado state statutes)

211.8. Suspension, Removal.

Any failure on the part of any police officer of the Town to comply with the terms and provisions of section 211 shall be sufficient cause for discipline up to and including suspension or termination as provided in the personnel handbook of the Town of Limon.

211.9. PENALTY FOR MISCONDUCT BY POLICE OFFICERS.

(Deleted on December 4, 2014 by Ordinance No. 578, Refer to Town of Limon Personnel Handbook.)

211.10. Penalties for Refusal to Comply with an Order.

Any person who shall willfully fail or refuse to comply with the order of duly a authorized officer of the Police Department or personnel charged with preserving the public peace, whether under color of their lawful commission or order of the Court, or in the conduct of their regular duties, shall, upon conviction, be subject to a fine of not more than Five Hundred Dollars (\$500.00).

(Added October 2, 1969, Ordinance No. 209; amended January 2, 1997, Ordinance No. 411)

211.11. Town Jail

(Added by Ordinance No. 380 on October 6, 1994 from May 14, 1975, Ordinance No. 234; Deleted on December 4, 2014 by Ordinance No. 578)

211.12. All records, if any, of the Police Department shall be subject to the Town's open records request policy as approved by the Board of Trustees and Colorado state statute, unless the records are subject exclusively to the

Colorado Criminal Justice Records Act, C.R.S. 24-72-301, et. seq.

(Added by Ordinance No. 380 on October 6, 1994 from May 14, 1975, Ordinance No. 234)

211.13. Vacancies within the Police Department.

211.13.1. Vacancies within the Police Department shall be filled according to the policies of the Town of Limon, as selected by the Chief of Police and as provided for in the budget as approved by the Board of Trustees.

(Added and amended by Ordinance No. 380 on October 6, 1994 from May 14, 1975, Ordinance No. 234; Amended on December 4, 2014 by Ordinance No. 578)



220 - Volunteer Firefighter Pension

HISTORY: Added by Ordinance No. 218 on January 6, 1972; amended by Ordinance No. 410 on January 2, 1997; Deleted in its entirety on December 4, 2014 by Ordinance No. 578.



221 - Fire Department Organization and Duties

HISTORY: 1958 Municipal Code. Deleted in its entirety on December 4, 2014 by Ordinance No. 578, as the fire department is no longer a department of the Town but rather an entity of its own accord known as the Limon Area Fire Protection District. As such, the policies and operation of the fire department is regulated by the powers provided in Colorado state statute and as directed by the Board of the Limon Area Fire Protection District.



222 – Fire Department Emergency Power

(Deleted in its entirety on December 4, 2014 by Ordinance No. 578)



230 - Emergency Response Authority for Hazardous Materials Incidents

HISTORY: Added December 2, 1982 by Ordinance No. 290. Amended August 3, 1995 by Ordinance No. 391; Amended on December 4, 2014 by Ordinance No. 578.

230.1. Purpose.

The purpose of this code is to designate an emergency response authority for hazardous material incidents occurring within the corporate limits of the Town and within all areas outside the corporate limits of the Town the use of which the Town has jurisdiction and authority to regulate, as required by C.R.S. 1973 Section 29-22-102(3), as amended, and to establish the duties and authority of the emergency response authority. This code shall also establish the responsibilities of any person who owns or has control of a hazardous material which is involved in a hazardous material incident and provide for reimbursement of costs to the Town incidental to hazardous material incidents.

230.2. Definitions.

The following terms, as used in this code shall have the meanings hereinafter designated, unless the context specifically indicates otherwise or unless such meaning is excluded by express provision.

230.2.1. Hazardous Material.

Any substance or material designated as a hazardous material by the United States Department of Transportation according to 49 C.F.R. Part 172, as amended; or, any waste material which constitutes a hazardous waste according to 40 C.F.R. Part 261, as amended; or any other substance or material including but not limited to petroleum products which, in the judgment of the emergency response authority, poses an imminent danger to the public health and safety when involved in a hazardous material incident.

230.2.2. Hazard Material Incident.

Any emergency circumstance involving the sudden discharge or imminent discharge of hazardous material which, in the judgment of the emergency response authority, threatens immediate and irreparable harm to the environment or the health and safety of any person other than persons exposed to the risks associated with hazardous materials in the normal course of their employment. "Hazardous material incident" does not include any discharge of a hazardous material authorized pursuant to any Federal, State or local law or regulation.

230.2.3. Private Property.

Private property is any property under the control, management or operation of any person other than a governmental entity.

230.2.4. Emergency Response Authority.

The Chief of Police of the Town or the Chief's designee(s).

230.2.5. Emergency Response to a Hazardous Material Incident.

Taking the initial emergency action necessary to minimize the effects of a hazardous material incident and exercising continuing supervisory authority over all further efforts to eliminate the threat of immediate and irreparable harm to the environment or the public health and safety.

230.2.6. Residue of the Hazardous Material Incident.

The residue shall include the hazardous material itself and the soil, pavement, stone, water, debris or any other matter which is contaminated by such hazardous material.

230.3. Jurisdiction of Emergency Response Authority.

The emergency response authority shall have jurisdiction for hazardous material incidents occurring within the corporate limits of the Town, and within all areas outside the corporate limits of the Town, over which the Town has jurisdiction and authority to regulate.

230.4. Duties and Authority of the Emergency Response Authority.

The emergency response authority shall have the following duties and authority:

230.4.1. Provide twenty-four (24) hour response capability to reported or suspected hazardous waste incidents.

230.4.2. Take initial emergency action necessary to minimize the effects of a hazardous material incident and exercise continuing supervisory authority over all further efforts to eliminate the threat of immediate and irreparable harm to the environment or the public health and safety.

230.4.3. Request assistance of personnel and equipment at the scene and immediate vicinity of a hazardous material incident from any Town department and generally direct, supervise and coordinate the activities of such persons and the use of such equipment.

230.4.4. Request assistance from the nearest available fire department or other public agency possessing such equipment, personnel or expertise which, in the judgment of the emergency response authority, may be necessary to handle a particular hazardous material incident when such equipment, personnel or expertise is not reasonably available on a timely basis from the various Town departments.

230.4.5. Contract, as an emergency measure without the necessity of bids, for services and material from any person for the purpose of minimizing the effects of a hazardous material incident and for eliminating the threat of immediate and irreparable harm to the environment or to public health and safety if such services or material is not reasonably available on a timely basis from the various Town departments or other fire departments or public agencies.

230.4.6. Notify the Disaster Emergency Service Agency, the United States Environmental Protection Agency, the Colorado State Department of Health, and any other Federal or State agency of hazardous material incidents as required by any Federal or State law or regulation. The emergency response authority may request the Disaster Emergency Service Agency to assist in making the required notifications and for any other assistance which is deemed appropriate.

230.5. Right of Entry.

Whenever the emergency response authority has reasonable cause to believe that a discharge of hazardous material has occurred or that a discharge of a hazardous material is imminent, which discharge or imminent discharge threatens immediate and irreparable harm to the environment or the health and safety of any person other than persons exposed to the risks associated with hazardous materials in the normal course of their employment, and which discharge or imminent discharge is not authorized pursuant to any Federal, State or local law or regulation, the emergency response authority may enter any private property in the interest of public safety at all reasonable times to inspect the same or to perform any duty imposed by this code. If such private property is

occupied, the emergency response authority shall first identify himself/herself by name and position and demand entry; and, if such private property is unoccupied, the emergency response authority shall first make a reasonable effort to locate the owner or other person having charge or control of such private property and demand entry. If entry is refused, the emergency response authority may apply for a search warrant or search warrant for inspection pursuant to the Colorado Municipal Court Rules of Procedure, or as otherwise provided by law. This section shall not be construed to require the issuance of a warrant in any case where warrants are not required by law.

230.6. RESPONSIBILITIES OF TOWN DEPARTMENTS.

Upon request of the emergency response authority, all Town departments shall provide any personnel, equipment and expertise as may be reasonably available, to assist at the scene or immediate vicinity of a hazardous material incident taking into account the serious and immediate danger posed by hazardous material incidents. All personnel and equipment from each department at a hazardous material incident scene or vicinity shall be under the direct supervision of the senior person from that department or as otherwise provided by Town policy, except that the emergency response authority shall provide general supervisory control and authority at a hazardous material incident scene or vicinity and all Town departments and personnel shall cooperate with the emergency response authority accordingly.

230.7. HAZARDOUS MATERIAL INCIDENTS ON PRIVATE PROPERTY.

If a hazardous material incident occurs on private property within the corporate limits of the Town, the owner or operator thereof may undertake the emergency response to such hazardous material incident and shall immediately notify and coordinate such response with the emergency response authority. If the owner or operator does not undertake such emergency response, or if in the judgment of the emergency response authority there exists an imminent danger to the public health and safety beyond such private property and the emergency response by the owner or operator thereof is inadequate or insufficient to alleviate such imminent danger, the emergency response authority shall be responsible for the emergency response to such hazardous material incident as provided in this code or allowed by Colorado state statute.

230.8. RESPONSIBILITY FOR RESIDUE CLEANUP AND DISPOSAL.

The owner of a hazardous material and the operator of any vehicle or other conveyance by which a hazardous material is moved or transported, in the case where a

hazardous material incident occurs during movement or transport, shall be jointly and severally responsible for properly cleaning up, transporting and disposing of the residue of the hazardous material incident. Proper cleanup, transport and disposal shall mean actions in compliance with all Federal and State laws and regulations pertaining to the particular hazardous material or residue thereof, as the case may be. All such owners and operators shall cooperate with the emergency response authority and shall provide all reasonably available means, personnel and equipment to affect the proper cleanup, transport and disposal of the residue of the hazardous material incident.

230.9. REIMBURSEMENT OF COSTS AND EXPENSES.

The Town shall develop criteria to govern those costs and expenses incurred by the Town as a result of assistance at hazardous material incidents which shall be reimbursable. The Town shall submit an itemized account of all reimbursable costs and expenses incurred as a result of the Town's assistance at a hazardous material incident to the owner of the hazardous material involved in the hazardous material incident, or other person proximately causing the hazardous material incident, for the total costs and expenses incurred by the Town as a result thereof, which bill shall be due and payable within thirty (30) days after mailing. Such owner or other person proximately causing a hazardous material incident shall be jointly and severally liable for reimbursement of all Town costs and expenses incurred as a result of assistance of emergency response to a hazardous material incident. Upon the failure or refusal of any person to reimburse the Town as provided herein, the Town Manager shall refer the matter to the Town Attorney for collection or other disposition as deemed appropriate.

(Amended on June 6, 1996 by Ordinance No. 398)

230.10. VIOLATIONS.

230.10.1. The driver of any vehicle involved in an accident resulting in a discharge of any hazardous material upon any public or private property shall immediately stop such vehicle at the scene of the accident, or as close thereto as possible, in which latter case he shall immediately return to the scene of the accident, and in any event he shall remain at the scene of the accident until he has fulfilled the requirements of Section **230.10.2.**

230.10.2. The driver of any vehicle involved in an accident resulting in a discharge of any hazardous material shall immediately notify the emergency response authority or a police officer of the discharge and shall give his name, address and the registration number of the vehicle he is driving to the emergency response authority or police officer. The driver shall also give the emergency response

authority the name, address and telephone number of the owner of the hazardous material, if known.

230.10.3. It shall be unlawful for the driver of any vehicle involved in the discharge of any hazardous material to leave the scene of a hazardous material incident until such material is cleaned up pursuant to the requirements of Section **230.8.**, unless authorized to leave prior thereto by the emergency response authority.

230.10.4. It shall be unlawful for any person to intentionally, knowingly or recklessly discharge any hazardous material into or upon any public or private property, unless such discharge is authorized pursuant to Federal, State or local law or regulation.

230.10.5. It shall be unlawful for any person to intentionally, knowingly or recklessly discharge any hazardous material into the wastewater treatment works of the Town, including any collection line thereto, unless authorized by the Town Manager or the Wastewater Operator in Responsible Charge.

230.11. Penalties for Violations.

Any person who violates the provisions of this code as aforesaid shall upon conviction, be subject to a fine of not more than Five Hundred Dollars (\$500.00). Each day that such violation shall continue shall constitute a separate and distinct offense.

(Added January 2, 1997 by Ordinance No. 411)



250 - EMERGENCY MEDICAL SERVICES

HISTORY: Added October 23, 1998 by Ordinance No. 424; Amended on December 4, 2014 by Ordinance No. 578.

250.1. Authority for Establishment and Operations.

The Limon Ambulance Service shall operate as a department of the Town of Limon under the supervision of the Town Manager. As such, the Limon Ambulance Service shall adhere to all policies established for other Town departments. Additionally, policies specifically applicable to the operation of the ambulance service shall be approved by the Town Board of Trustees by Resolution.

250.2. Board of Trustees

(Deleted on December 4, 2014 by Ordinance No. 578)

250.3. Organization and Powers.

(Deleted on December 4, 2014 by Ordinance No. 578)

