

**TOWN OF KEYSTONE  
ORDINANCE NO. 2025-O-01**

**AN ORDINANCE OF TOWN COUNCIL OF THE TOWN OF KEYSTONE,  
COLORADO, ADOPTING A GENERAL PENALTY PROVISION, PROVIDING AN  
APPOINTMENT PROCESS FOR THE MUNICIPAL COURT JUDGE, CREATING AN  
ADMINISTRATIVE CITATION PROCESS, AND AMENDING ORDINANCE 2024-O-  
12 TO FOLLOW THE STATE SCHEDULE FOR TRAFFIC FINES**

**WHEREAS**, the Town of Keystone (the “Town”) is a Colorado home rule municipality organized pursuant to Article 20, Section 6, of the Colorado Constitution; and

**WHEREAS**, Article 20, Section 6 of the Colorado Constitution confers upon a home rule municipality the authority to regulate the jurisdiction, power, and duties of the Town’s municipal court; and

**WHEREAS**, Article 20, Section 6 of the Colorado Constitution confers upon a home rule municipality the authority to impose, enforce, and collect fines and penalties for the violation of the municipality’s charter or adopted ordinances; and

**WHEREAS**, the Town Council finds that the adoption of this Ordinance is a proper exercise of its authority to adopt a general penalty provision, an administrative citation process, and the State’s fine schedule for traffic violations.

**THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO,  
ORDAINS:**

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Council.

Section 2. The Town Council adopts General Penalty provision.

**General Penalty**

**I. Violations.**

It is a violation of this Code for any person to do any act which is forbidden or declared to be unlawful or perform any required by the ordinances of the Town of Keystone.

**II. General penalty for violation.**

- (a) Any person who pleads guilty or no contest or who, after trial, is found guilty of violating any municipal ordinance designed as a major offense or crime, shall be fined in an amount not to exceed two thousand six hundred fifty dollars (\$2,650.00) or shall be incarcerated for a period not to exceed three hundred sixty-four (364)

- days, or both such fine and imprisonment, except as may be otherwise imposed within the context of a specific section, subsection or chapter.
- (b) Any person found liable or responsible for a violation of any ordinance designated as a minor offense or civil infraction may be ordered to pay a civil penalty or fine for such infraction of not more than two thousand six hundred fifty dollars (\$2,650.00), plus costs, damages, and expenses. In addition, the Municipal Judge may issue any orders necessary to abate a nuisance.
  - (c) Each person violating any provision of an ordinance shall be guilty of a separate offense for each and every day during any portion of which any violation of the ordinance is committed, continued or permitted by such person, and shall be punished accordingly.

Section 3. The Town Council adopts a process regarding the appointment of a municipal court judge.

### **Appointment of Municipal Court Judge**

#### **I. Appointment of Municipal Judges.**

The Town Council, by resolution, may appoint the Presiding Municipal Judge to preside over the Town's Municipal Court for an initial term of not less than two (2) years and, in its discretion, for subsequent term(s), the length of which shall be determined by the Town Council. One or more Assistant Municipal Judge(s) may be appointed by the Town Council for a term as necessary to transact the business of the Court. Upon a vacancy in the position of the Presiding Municipal Judge, the Town Council may appoint a new Presiding Municipal Judge for the remainder of the unexpired term.

#### **II. Qualifications of Judges.**

A Municipal Judge shall be an attorney-at-law, licensed as an attorney in the State of Colorado, and otherwise qualified to perform the work of a municipal court judge.

#### **III. Compensation of Judges.**

- (a) The compensation of the Presiding Municipal Judge shall be in such amount and on such other terms as set by agreement entered into between the Town and the Presiding Municipal Judge or by resolution of the Town Council, as amended from time to time.
- (b) The compensation of an Assistant Municipal Judge shall be based on hours of service or number of court sessions served and shall be as set by resolution of the Town Council, as amended from time to time, or as agreed to in writing executed by the Town and the Assistant Municipal Judge.

**IV. Oath of office.**

Before entering upon the duties of office, a Municipal Judge shall take an oath of affirmation, given by the Mayor, the Mayor Pro Tem, or the Town Clerk, to support the Constitution and laws of the United States, the Constitution and laws of the State of Colorado, and the laws of the Town, and will faithfully perform the duties of office.

**V. Removal of Judge.**

A Municipal Judge may be removed by Town Council during the term of office only for cause. A Municipal Judge may be removed for cause for:

- (1) Conviction of a felony or any crime involving moral turpitude;
- (2) Any disability that renders the Judge unable to perform the essential job functions of the position;
- (3) Misconduct, including, but not limited to, unethical behavior, abuse of judicial power, or a violation of the judicial code of conduct;
- (4) Inability to perform judicial duties effectively or repeated failure to adhere to legal standards; or
- (5) Failure to fulfill the responsibilities of the judicial position without reasonable justification.

Section 4. The Town Council adopts an Administrative Citation Process provision.

**Administrative citation process**

**I. Purpose; scope.**

The purpose of this Article is to encourage prompt compliance with the ordinances of the Town of Keystone and prompt payment of penalties for violations thereof. This Article provides for administrative penalties that may be imposed for violation of the following regulations:

- Nuisances
- Land Use Code
- Building Regulations
- Other regulations as defined in the ordinance

**II. Definitions.**

For the purposes of this Article the following terms shall have the meanings assigned to them below.

*Administrative Hearing Officer or AHO* means the person with exclusive authority to hear appeals from administrative citations issued under this Article.

*Code Officer* means the Town Manager or the Town Manager's designee, including but not limited to a code enforcement officer, the building official or designee, or any other Town official or employee charged with enforcing the regulation.

*Manager* means the Town Manager or the Town Manager's designee.

*Municipal Court* means the Municipal Court for the Town of Keystone, Colorado.

*Responsible party* means a person who is alleged to have violated the regulation.

### **III. Authority.**

- (a) Any responsible party violating regulation may be issued an administrative citation by a Code Officer as provided in this Article.
- (b) Notwithstanding any other provision of this Code, responsible parties cited under the provisions of this Article shall have only the appeal rights granted herein.
- (c) Administrative citations shall be issued only after the responsible party has received a notice and demand and has been given time to comply as stated in the notice and demand.
- (d) Upon issuance of an administrative citation for a violation of an applicable section, no additional administrative citation shall be issued for the same violation for ten (10) days or, if the responsible party appeals, until after the appeal has been heard and the responsible party has not complied with an order of the AHO within ten (10) days of its issuance or such other time as the AHO has specified.
- (e) A fine assessed by means of an administrative citation issued by the Code Officer shall be payable directly to the Town of Keystone, and if not timely paid, shall be collected in accordance with the procedures specified in this Article.
- (f) Enforcement actions for violations of regulation are intended to be alternative in nature. At any one time, the Town may pursue a civil, criminal, or administrative action against a responsible party. The Town may also choose to pursue an alternative action upon staying the original action.

### **IV. Notice and demand.**

- (a) Upon becoming aware of a violation of an applicable section, a Code Officer may issue a notice and demand to the responsible party. The notice shall provide the following information, where applicable:
  - (1) The location of the violation;
  - (2) The date and approximate time the violation was observed;
  - (3) The property in violation by address or legal description;
  - (4) The applicable section violated together with a description of the violation;
  - (5) A description of the action required to correct the violation;
  - (6) A demand that the violation be corrected or abated on or before a specified time and date. The time and date shall be not less than seven (7) days from the date of the notice; and
  - (7) A statement that, if the nuisance is not corrected or abated on or before the date and time stated in the notice, the Town may at its option pursue enforcement alternatives including issuance of an administrative citation.
- (b) Service of a notice and demand on the responsible party shall be by any of the following means:
  - (1) The Code Officer may personally deliver a copy of the notice and demand to a responsible party; or

- (2) A copy of the notice may be mailed by first class mail to the last known address of a responsible party as reflected in the County real estate records; or
  - (3) A copy of the notice and demand may be posted in a conspicuous place at the site of the violation. In addition, a copy of the document, with a statement of the date, time, and place at which the posting was made, must be mailed to the property owner's last known address as stated on the County Assessor's website. Prior to posting a property, the Code Officer must first consult with the Town Attorney's Office regarding this method of service.
- (c) The Town's provision of notice pursuant to Paragraph (b)(2) of this Section to the last known address of a responsible party as reflected in the records of the Summit County Clerk and Recorder's Office shall be considered adequate notwithstanding any error in the County's records. An officer may reasonably rely upon current County records to obtain an accurate address for a responsible party.
  - (d) At any appeal hearing conducted pursuant to Section IX, the AHO may consider evidence of actual notice received by a responsible party in determining whether adequate notice of a violation or of a citation has been provided. The AHO may find that notice is adequate despite a lack of technical compliance with subsection (b) hereof upon evidence that a responsible party received actual notice of a notice and demand at least ten (10) days prior to the issuance of an administrative citation for the specified violation(s) or actual notice of an administrative citation.

**V. Administrative citation.**

- (a) If the responsible party has failed to correct the violation noted in the notice and demand within the time provided on such notice, a Code Officer may issue an administrative citation to the responsible party.
- (b) The Code Officer may require that the responsible party provide evidence of identity and residential or working address.
- (c) The Code Officer shall attempt to issue the administrative citation to the responsible party at the site of any violation. The Code Officer may issue the administrative citation to the responsible party by the methods described in Section VI.
- (d) The Code Officer shall attempt to obtain the signature of the person receiving the administrative citation on the citation. If that person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the citation and subsequent proceedings.
- (e) Notice shall be deemed served on the earliest of: (i) the date of receipt by the responsible party, if personally served; (ii) the fifth day after the mailing of the administrative citation; or (iii) the fifth day after posting the administrative citation.

**VI. Contents of administrative citation.**

- (a) The administrative citation shall state the location of the violations and the date and approximate time the violations were observed. Where applicable, the administrative citation shall identify the property in violation by address or legal description.
- (b) The administrative citation shall refer to the regulation violated and describe the violations.

- (c) The administrative citation shall describe the action required to correct the violations.
- (d) The administrative citation shall require the responsible party to correct the violations immediately and shall explain the consequences of failure to correct said violations.
- (e) The administrative citation shall state the amount of fine imposed for the violation.
- (f) The administrative citation shall explain how the fine shall be paid, the time period by which it shall be paid, and the consequences of failure to pay the fine.
- (g) The administrative citation shall briefly state the process for appealing the administrative citation.
- (h) The administrative citation shall contain the signature of the Code Officer and the signature of the responsible party if it can be obtained.

**VII. Appeal of administrative citation.**

- (a) A person served with an administrative citation may file a notice of appeal within seven (7) working days from the service of the administrative citation. Compliance with this time limit shall be a jurisdictional prerequisite to any appeal brought under this Article, and failure to comply shall bar any such appeal.
- (b) The notice of appeal shall be made in writing and shall be filed with the Town of Keystone in person, by facsimile transmission, by email, or by mail. Regardless of the manner of filing such appeal, the notice of appeal must be filed with the Town of Keystone within seven (7) working days from the date the administrative citation was served.
- (c) As soon as practicable after receiving the written notice of appeal, the Town Manager shall assign an AHO who shall schedule a date, time and location for the hearing.
- (d) Written notice of the date, time and location of the hearing shall be personally served upon or sent by first class mail to the responsible party at least seven (7) working days prior to the date of the hearing. The hearing shall be held no more than twenty-one (21) days after a timely filed notice of appeal.
- (e) In computing the day a notice of appeal must be filed or the day by which a hearing must be held, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to the first day thereafter which is not a Saturday, Sunday, or legal holiday.

**VIII. Administrative hearing officers.**

- (a) The AHO must be an attorney licensed to practice law in the State of Colorado with a minimum of three (3) years of experience.
- (b) Any person designated to serve as an AHO is subject to disqualification for bias, prejudice, interest, or for any other reason for which a judge may be disqualified in a court of law.

**IX. Administrative appeals.**

- (a) Administrative appeals are intended to be informal in nature. Formal rules of evidence and discovery do not apply. The procedure and format of the administrative hearing shall follow the procedures provided in this Section.

- (b) The parties to an administrative appeal shall be the responsible party and the Town. Parties may be represented by legal counsel. Each party may call and question witnesses, cross-examine witnesses and present evidence in support of its case.
- (c) The AHO shall have the power to administer oaths, issue subpoenas to require the presence of witnesses and, when necessary, grant continuances. Subpoenas may be issued to require the presence of persons and production of papers, books and records necessary to the determination of any hearing which the AHO conducts. It is unlawful for any person to fail to comply with any subpoena issued by the AHO. A subpoena shall be served in the same manner as a subpoena issued by the District Court of the State. Subpoenas issued pursuant to this Section may be enforced by the Municipal Court judge.
- (d) The only issue to be decided by the AHO is whether the Code Officer exceeded his/her authority in issuing the administrative citation. To do so, the Town bears the burden of proof to establish the existence of a violation of the Code. The Town's meeting of this burden of proof shall constitute prima facie evidence that the Code Officer did not exceed his/her authority. The appellant shall have the burden of rebutting such evidence.
- (e) The standard of proof required in an administrative appeal is a preponderance of the evidence.
- (f) Hearings shall be recorded by electronic means and transcripts of such recordings shall be made at the expense of the party requesting the transcript.
- (g) Whenever it appears that an appeal is not filed within the time permitted by this Article, particular law or ordinance involved, or that the AHO for some other reason lacks jurisdiction, the appeal may be dismissed on the motion of any party or on the AHO's own motion.
- (h) The decision of the AHO shall be known as an administrative enforcement order.
- (i) The AHO may uphold the administrative citation and all penalties or dismiss the administrative citation and all penalties or may waive or conditionally reduce the penalties assessed by the administrative citation. The AHO may also impose conditions and deadlines to correct the violations or require payment of any outstanding penalties.
- (j) In the event that the AHO does not dismiss the administrative citation, the AHO shall assess reasonable administrative costs of not less than twenty-five dollars (\$25.00), but not to exceed fifty dollars (\$50.00).
- (k) The administrative enforcement order shall become final on the date of mailing the order to the responsible party. A copy of the order shall be provided to the Town.

**X. Failure to attend administrative appeal.**

Any responsible party who fails to appear at the hearing is deemed to waive the right to a hearing and the adjudication of the issues related to the hearing, provided that proper notice of the hearing has been provided. The AHO may take testimony, evidence and argument from the Town and issue an administrative enforcement order.

**XI. Penalties assessed.**

- (a) The penalties assessed for each administrative citation issued for violations of the applicable code sections are as follows:
  - (1) First administrative citation: one hundred fifty dollars (\$150.00).
  - (2) Second administrative citation on the same violation within a twelve (12) month period: three hundred dollars (\$300.00)
  - (3) Third and each subsequent administrative citation on the same violation occurring in a twelve (12) month period: five hundred dollars (\$500.00).
- (b) If the responsible party fails to correct the violation, subsequent administrative citations may be issued for violations of the same applicable section.
- (c) Payment of the fine shall not excuse the failure to correct the violations nor shall it bar further enforcement action by the Town.
- (d) All fines assessed shall be payable to the Town of Keystone.

**XII. Failure to pay fines.**

- (a) The failure of any responsible party to pay the fines assessed by an administrative citation within the time specified on the citation or administrative enforcement order, if an administrative hearing was held, may result in the imposition of a late fee of fifty dollars (\$50.00).
- (b) In the event of failure to pay all fines assessed, the manager may refer the matter for collection by whatever means are available to the Town.
- (c) An action or other process provided by law may be maintained by the Town to recover or collect any amounts, including late fees, interests, and administrative costs, owing under this Article.

Section 5. Amendment to Ordinance 2024-O-12 to include Section 1701 of the Model Traffic in the Town of Keystone. Paragraph (8) of Section 3 of Ordinance 2024-O-12 is deleted in its entirety.

Section 6. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 7. Codification. This ordinance may be codified and numbered for purposes of codification without the need for further approval by the Town Council.

Section 8. Effective Date. The Ordinance shall be effective thirty days after publication.



INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING, AND SCHEDULED FOR PUBLIC HEARING ON JANUARY 28, 2025, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS

14th DAY OF JANUARY 2025.

Signed by:

*Kenneth D. Riley*

Kenneth D. Riley, Mayor

ATTEST:

DocuSigned by:

*Madeline Sialo*

Town Clerk

APPROVED AS TO FORM:

Signed by:

*Jennifer Madsen*

Town Attorney

READ, PASSED AND ADOPTED WITH A ROLL CALL VOTE OF 6 IN FAVOR AND 0 OPPOSED ON SECOND READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS 28th DAY OF JANUARY, 2025.

Signed by:

*Kenneth D. Riley*

FFCC105F18724F9  
Kenneth D. Riley, Mayor

ATTEST:

DocuSigned by:

*Madeline Sialo*

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Town Clerk

APPROVED AS TO FORM:

Signed by:

*Jennifer Madsen*

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Town Attorney