

ORDINANCE NO. 251

AN ORDINANCE TO REPEAL, AMEND, AND RE-ENACT SECTION 2-10-1 OF THE CODE OF THE TOWN OF CREEDE CONCERNING THE CREATION AND DUTIES OF THE POLICE DEPARTMENT AND PERMITTING PERFORMANCE THEREOF BY INDEPENDENT, INTER-GOVERNMENTAL CONTRACT.

WHEREAS, it has been determined by the Board of Trustees that it is in the best interest of the Town of Creede to contract for police services, the same to be performed by the office of Sheriff of Mineral County, Colorado and the authority for such contract can be found in Section 2-2-3 of this Code and in Colorado Revised Statutes 1973, as amended, 30-11-410.

NOW, THEREFORE:

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, A TOWN IN MINERAL COUNTY, COLORADO.

Section One: Section 2-10-1 of the Code of the Town of Creede, be and the same is hereby repealed and re-enacted to read as follows, to-wit:

2-10-1 Creation; Composition - There is hereby created a Police Department for the Town of Creede which shall consist of one Chief of Police (Town Marshal) and as many police deputies as may from time to time be deemed necessary for the safety and good order of the Town. Provided, however, that the Board of Trustees, by intergovernmental contract as contemplated by Section 2-2-3 of this Code may enter into a contract with Mineral County, Colorado, to provide police services and protection through the Office of Mineral County Sheriff. In such event, the following shall apply:

(a) There shall be no Police Department for the Town of Creede, nor shall there be a Chief of Police (Town Marshal) or police deputies.

(b) Any contract with Mineral County shall place the Sheriff in the position of an independent contractor.

(c) The Office of Sheriff of Mineral County shall perform all of the duties required and have all of the responsibility of and have the authority of the Police Department under every provision of this Section 10 and any other provisions of this Code, including but not by way of limitation, Chapters 5, 10, and 11, and Ordinances Numbered 185, 210, and 215.

(d) Whenever, in this Code reference is made to the "Police Department", the same shall be read as the "Office of Sheriff of Mineral County, Colorado"; whenever in this Code, reference is made to the "Chief of Police" or "Town Marshal", the same shall be read as the "Sheriff of Mineral County, Colorado"; whenever in this Code, reference is made to "Police Officers" or "Deputies", the same shall be read as "Sheriff's Deputies" or "Undersheriff".

(e) Section 2-10-6 of this Code shall not apply inasmuch as the Sheriff, as an independent contractor, will be paid pursuant to any such contract; Section 2-10-9 shall not be applicable.

