

TITLE 2

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.Chapter 2.02

RULES OF ETHICAL CONDUCT

Sec. 2.02.010. Purpose.

The purpose of this Chapter is to protect the public health, safety and welfare of the public and the integrity of City government by defining and proscribing certain conflicts of interest that may arise between the City and City Council members, employees or appointees to City boards, authorities and commissions. The City Council further recognizes that, when citizens of the City obtain public office, conflicts may arise between the public duty of such a citizen and his or her private interests. The City Council hereby declares that the prescription of some standards of conduct common to those citizens involved with government is beneficial to all residents of the City. This Chapter recognizes that some actions are conflicts per se between public duty and private interest while other actions may or may not pose such conflicts depending upon the totality of the circumstances surrounding certain actions. ([Ord. No 19-2003](#), § 1)

Sec. 2.02.020. Definitions.

As used in this Chapter, unless the context otherwise requires:

Affiliate or *affiliated with* means an employee, partner, agent, stockholder, joint venturer or corporate director of any business organization or a person who shares office space with such organization.

Appear on behalf of means to act as a witness, advocate or expert or otherwise to support the position of another person.

Business means any corporation, limited liability company, partnership, sole proprietorship, trust or foundation or other individual or organization carrying on business, whether or not operated for profit.

City Council member means a member of the Aspen City Council and includes the Mayor.

City official means and includes any member of a board, authority, commission or other body where the members are appointed by the City Council. *City official* does not mean or include any employee of the City with the exception of the Municipal Court judge.

Compensation means any money, thing of value or economic benefit conferred on or received by any person in return for services rendered by himself, herself or another.

Confidential information means all information, whether transmitted orally or in writing, which is of such a nature that it is not, at that time, a matter of public record or public knowledge.

Contract means and includes any claim, account or demand against or agreement with the City, express or implied.

Direct official action means any action which involves:

(a) Negotiating, approving, disapproving, administering, enforcing or recommending for or against a contract, purchase order, lease, concession, franchise, grant or other similar transaction in which the City is a party or other action, including inaction concerning any legislative, administrative, quasi-judicial or discretionary act of the City, whether by the City Council, a board, commission, court or employee. With regard to "recommending," direct official action occurs only if the person making a recommendation is in the formal line of decision-making;

(b) Enforcing laws or regulations or issuing, enforcing or regulating permits;

(c) Selecting or recommending vendors, concessionaires or other types of entities to do business with the City;

(d) Appointing and terminating employees, temporary workers and independent contractors;
or

(e) Doing research for, representing or scheduling appointments for an employee, provided that these activities are undertaken with that employee's performance of (a) through (d) above.

Direct official action does not include acts that are purely ministerial (that is, acts which do not affect the disposition or decision with respect to the matter.) With regard to the approval of contracts, *direct official action* does not include the signing of the instrument unless the signer initiated the contract. A person who follows the procedures set forth at Section 2.02.050 and recuses himself or herself from taking official action shall not be considered as exercising *direct official action*.

Employee means any full-time, part-time, temporary, seasonal or permanent employee of the City, except a City Council member and except an independent contractor under contract with the City.

Financial interest means a substantial interest held by an individual which is:

- (a) An ownership interest in a business;
- (b) A creditor interest in an insolvent business;
- (c) An employment or a prospective employment for which negotiations have begun;
- (d) An ownership interest in real or personal property;
- (e) A loan or any other debtor interest; or
- (f) A directorship or officer-ship in a business.

Immediate family member includes husband, wife, son, daughter, mother, father, grandfather, grandmother, grandchildren, brother, sister and domestic partner. The term includes any minor children for whom the person or his or her domestic partner provides day-to-day care and financial support. A *domestic partner* is an unmarried adult, unrelated by blood, with whom an unmarried officer, official or employee has an exclusive committed relationship, maintains a mutual residence and shares basic living expenses.

Person means and includes any individual, business, proprietorship, firm, entity, estate, partnership, association, trust, corporation, holder of a legal or beneficial interest in any of the same or other similar entity.

Personal services means and includes the employment of a person to perform duties, which labor does not produce tangible commodities.

Quasi-judicial proceeding means any proceeding at which direct official action will be taken where: (a) City or state law requires that the body give adequate notice to the community before acting; (b) City or state law requires that the body conduct a public hearing, pursuant to notice, at which concerned citizens must be given an opportunity to be heard and present evidence; and (c) City or state law requires the body to make a determination by applying the facts of a specific case to certain criteria established by law.

Substantial interest means and includes a situation, including without limitation, a pecuniary stake in the outcome of a direct official action in which, considering all of the circumstances, a reasonably prudent person would expect a marked tendency to make or take a direct official action other than in an objective manner. By way of example and not limitation, a person shall be deemed to have a substantial interest if:

- (a) He, she or a member of the immediate family is a party to a transaction;

(b) He, she, a spouse or a domestic partner owns a one (1%) percent or more or a member of the immediate family other than a spouse or domestic partner owns five (5%) percent or more, of another party to the transaction;

(c) He, she or a member of the immediate family is an officer in another party to the transaction;

(d) He, she or a member of the immediate family is directly involved in obtaining the City's business for another party to the transaction;

(e) He, she or a member of the immediate family is directly involved in direct official action regarding a transaction for another party to the transaction, other than a purely clerical capacity; or

(f) A member of his or her immediate family performs more than a nominal portion of the work required by the transaction or supervises or manages more than a nominal portion of the work.

(g) He or she or a member of his or her immediate family resides or owns property within 300 feet of a property that is the subject of a quasi-judicial proceeding.

Transaction means and includes any contract; any sale or lease of any interest in land, material, supplies, services or any granting of a development right, license, permit or application. ([Ord. No 19-2003, § 1](#))

Sec. 2.02.030. Rules of conduct governing City Council members, City officials and employees.

A City Council member, City official or an employee shall not:

(a) Disclose or use confidential information acquired in the course of his or her official duties in order to further substantially his or her personal financial interests;

(b) Disclose or use confidential information acquired in the course of his or her official duties as an attorney-client communication from the City Attorney or other counsel retained by the City without the consent of the City Council;

(c) Assist any person for a contingent fee to affect the outcome of a direct official act;

(d) Perform a direct official action without following the procedure prescribed by Section 2.02.050 of this Chapter if such person:

(1) Has a substantial interest in any transaction with the City;

(2) Has an immediate family member with a substantial interest in any transaction with the City;

(3) Has a substantial interest as an affiliate of a firm with a substantial interest in any transaction with the City; or

(4) Has a substantial interest as an affiliate of a firm appearing on behalf of or employed by a person with a substantial interest in any transaction with the City.

(e) Accept a gift of substantial value or a substantial economic benefit tantamount to a gift of substantial value which:

(1) Would tend improperly to influence a reasonable person in his or her position to depart from the faithful and impartial discharge of his or her public duties; or

(2) He or she knows or which a reasonable person in his or her position should know under the circumstances is primarily for the purpose of rewarding him for a direct official action he or she has taken. The following shall not be considered gifts of substantial value or gifts of substantial economic benefit tantamount to gifts of substantial value for purposes of this Section:

- (i) Campaign contributions and contributions in kind reported as required by Section 1-45-108, C.R.S.;
 - (ii) An occasional nonpecuniary gift, insignificant in value;
 - (iii) A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service;
 - (iv) Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which such person is scheduled to participate;
 - (v) Reimbursement for or acceptance of an opportunity to participate at a social function or meeting which is offered to such person which is not extraordinary when viewed in light of the position held by such person;
 - (vi) Items of perishable or nonpermanent value, including, but not limited to, meals, lodging, travel expenses or tickets to sporting, recreational, educational or cultural events that take place within the Roaring Fork Valley drainage;
 - (vii) Items of perishable or nonpermanent value, including, but not limited to, meals, lodging, travel expenses or tickets to sporting, recreational, educational or cultural events that have a value less than two hundred fifty dollars (\$250.00) and take place outside the Roaring Fork Valley drainage unless the event is directly related to City business; or
 - (viii) Payment for speeches, appearances or publications reported pursuant to Section 24-6-203, C.R.S.
- (f) Fail to comply with the Public Official Disclosure Law, Section 24-6-201, *et seq.*, C.R.S. (This law requires incumbents in and candidates elected to public office – City Council members – to publicly disclose the receipt of certain gifts, honoraria and other benefits on forms available from the City Clerk's Office.)
- (g) Request, use or permit the unauthorized use of City-owned vehicles, equipment, materials or property for personal convenience or profit.
- (h) Simultaneously serve in more than one (1) capacity as a City Council member, City official or employee. City officials may serve on more than one (1) City board, authority or commission; provided, however, they are not subordinate to one another in any respect; and provided further, that such service does not violate Article VIII of the City Charter and the bylaws of either, board, authority or commission. ([Ord. No. 19-2003](#), § 1)

Sec. 2.02.040. Appearances before the City Council, boards, commissions and courts.

Nothing in this Section is intended to apply to any City Council member, City official or employee who appears before the City Council or any City board, authority or commission to urge action on a policy or issue of general civic nature or to the relationship between the City Council, the City, any City board, authority or commission or any department of the City.

- (a) City Council members.

(1) City Council members shall not appear before the City Council or any City board, authority or commission either on their own behalf or on behalf of another. A City Council member may be affiliated with a firm appearing on behalf of or employed by another person

concerning any transaction with the City before the City Council, board, authority or commission; provided, however, that the City Council member follows the procedures prescribed by Section 2.02.050 of this Chapter if the transaction is before the City Council.

(2) A City Council member shall not be a party or, by himself or herself or as an affiliate of a firm, appear on behalf of a party in a civil suit, wherein the City is an adverse party, unless the member first obtains the consent of the City Council.

(b) City officials.

(1) City officials may only appear or be affiliated with a firm appearing concerning any transaction with the City under the following circumstances:

a. A City official may appear on his or her own behalf before the City Council.

b. A City official may appear on his or her own behalf before the body of which he or she is a member, provided the City official follows the procedure prescribed by Section 2.02.050 of this Chapter.

c. A City official may appear on behalf of another person before any City board, authority or commission except the City Council or the body of which he or she is a member.

d. A City official may be affiliated with a firm appearing on behalf of or employed by another person concerning any transaction before the City Council, board, authority or commission, provided the City official follows the procedure prescribed by Section 2.02.050 of this Chapter if the transaction is before the body of which he or she is a member.

(2) A City official shall not be a party or, by himself or herself or as an affiliate of a firm, appear on behalf of a party in a civil suit, wherein the City is an adverse party, unless the member first obtains the consent of the City Council.

(c) City employees.

(1) City employees shall not appear on behalf of or be employed by another person concerning any transaction with the City or before the City Council or any City board, authority or commission.

(2) City employees may appear before the City Council or any City board, authority or commission, on their own behalf or on behalf of such employee's immediate family members.

(3) City employees may be affiliated with a firm that appears on behalf of or is employed by another person before the City Council or any City board, authority or commission; provided, however, the employee discloses his or her relationship as provided in Section 2.02.050. ([Ord. No. 19-2003](#), § 1)

Sec. 2.02.050. Voluntary disclosures of interests.

(a) Whenever the provisions of this Chapter require a City Council member, City official or employee to disclose an interest, the following procedures shall be followed. The affected person shall disclose the interest on the record of a public meeting of the City Council or the City board, authority or commission of which the person is a member. The interested City Council member, City official or employee shall thereafter: (a) refrain from voting upon or otherwise taking a direct official action in such transaction; (b) physically absent himself or herself from the room in which the matter is being considered; and (c) not discuss the matter with any other member of the City Council, board, authority or commission of which the person is a member. In the event that the interest has arisen or become apparent after the City Council member, City official or employee has taken some direct official action on a transaction, the City

Council member, City official or employee shall give written notice of the interest and the nature of the transaction to the City Attorney as soon as reasonably possible.

(b) A City Council member or City official may vote notwithstanding Subsection (a) above if his or her participation is necessary to obtain a quorum or otherwise enable the body to act; provided, however, that the City Council member or City official discloses his or her interest. ([Ord. No. 19-2003](#), § 1)

Sec. 2.02.060. Contracts for goods and services; procurements.

The following rules of conduct shall apply to contracts entered into between the City and City Council members, City officials or City employees. These rules are in addition to any related provisions set forth in Chapter 4.20 of this Code.

(a) City Council members.

(1) No contract for compensation to a City Council member shall be entered into if the City Council member would perform services under the contract.

(2) No contract shall be entered into by the City if a member of the City Council would have an interest therein unless the City Council member with an interest follows the procedures prescribed by Section 2.02.050 of this Chapter.

(b) City officials. A City official may contract for goods and services with the City; provided, however, that the City official does not take any direct official action relating to the contract.

(c) City employees. Unless a specific waiver is obtained pursuant to Subsection 2.02.090(b) herein, employees shall not take any direct official action in a transaction when the employee knows that:

(1) The employee or any immediate family member of the employee has a financial interest pertaining to the procurement;

(2) A business or organization in which the employee or the employee's immediate family member, has a financial interest pertaining to the procurement; or

(3) Any other person, business or organization with whom the employee or the employee's immediate family member is negotiating or has an arrangement concerning prospective employment is involved in the procurement. ([Ord. No. 19-2003](#), § 1)

Sec. 2.02.070. Restrictions on employment of present and former employees.

(a) Current employees.

(1) No employee shall engage in outside employment which in any manner interferes with the proper and effective performance of his or her duties or which results in a conflict of interest. Employees shall report existing or proposed outside employment or other outside business activity to their supervisors prior to accepting the same. Employees shall report any change in employment status to their supervisors which could give rise to a conflict of interest.

(2) No employee shall take any direct official action with respect to their former employers for a period of six (6) months from the date of termination of the prior employment.

(3) Unless he or she obtains a waiver pursuant to Subsection 2.02.090(d), no employee shall appoint or hire a member of his or her immediate family for any type of employment, including, but not limited to, full-time employment, part-time employment, permanent employment, temporary employment and contract employment.

(4) Unless he or she obtains a waiver pursuant to Subsection 2.02.090(d), no employee shall supervise or be in a direct line of supervision over a member of his or her immediate family. If an employee comes into a direct line of supervision of a member of his or her immediate family, he or she shall have six (6) months to come into compliance or to obtain a waiver pursuant to Subsection 2.02.090(d).

(b) Permanent disqualification of former employees. There shall be a rebuttable presumption that former employees have a conflict of interest when knowingly acting as a principal or as an agent for anyone other than the City, in connection with any judicial or other proceeding, application, request for ruling or other determination, contract, claim or charge or controversy, in which the employee participated personally or substantially in any direct official action, where the City is a party or has a direct or substantial interest. Accordingly, unless the procedures set forth at Subsection 2.02.090(c) below are properly followed, such former employees shall be permanently disqualified from acting as a principal or as an agent for another on said matters.

(c) Six-month disqualification of former employees. There shall be a rebuttable presumption that former employees have a conflict of interest when knowingly acting as a principal or as an agent for anyone other than the City, in connection with any judicial or other proceeding, application, request for ruling or other determination, contract, claim or charge or controversy, in matters which were generally within the former employee's official responsibility where the City is a party or has a direct or substantial interest. Accordingly, unless the procedures set forth at Subsection 2.02.090(c) below are properly followed, such former employees shall be disqualified from acting as a principal or as an agent for another on said matters for a period of six (6) months following the former employee's employment with the City.

(d) Six-month disqualification of City Council members for employment. City Council members shall be disqualified from employment with the City for a period of six (6) months from the last day of the term of their elected position without the consent of the City Council. ([Ord. No. 19-2003](#), § 1)

Sec. 2.02.090. Opinions and waiver.

(a) Advisory opinions. On written request of current, former or prospective City Council members, City officials or employees, the City Attorney may render advisory opinions regarding the appropriateness of the course of conduct to be followed in any proposed direct official actions or transactions. If a significant controversy arises under any provision of this Chapter, the City Attorney may appoint a neutral outside counsel to assist in resolving the issue. Compliance with the requirements of a duly promulgated written advisory opinion of the City Attorney shall be deemed to constitute compliance with the ethical standards of this Chapter.

(b) Waiver of conflict of interest for procurements. Employees presumed to have a conflict of interest and therefore disqualified from taking any direct official action in the procurement process set forth as Subsection 2.02.060(c) may petition the City Manager in writing for relief from disqualification. The City Manager may waive the former employee's disqualification upon a finding that to do so is in the best interests of the City and may condition the waiver to ensure that conflicts of interests are avoided.

(c) Waiver of disqualification for former employees. Former employees presumed to have a conflict of interest and therefore disqualified from acting as a principal or as an agent for anyone other than the City pursuant to Subsections 2.02.070(b) and (c) above, may petition the City Manager in writing for relief from disqualification. The City Manager may waive the former employee's disqualification upon a finding that to do so is in the best interests of the City and may condition the waiver to ensure that conflicts of interests are avoided.

(d) Waiver of disqualification of employment and supervision of immediate family members. Immediate family members of current employees who might otherwise be disqualified from employment in accordance with Paragraph 2.02.070(a)(3) or disqualified for certain positions by virtue of Paragraph 2.02.070(a)(4), may petition the City Manager in writing for a waiver. The City Manager shall grant a waiver if he or she deems it to be in the best interests of the City to do so and may condition the waiver to ensure that conflicts of interests are avoided. By way of example and not limitation, the following are examples of circumstances in which a waiver may be appropriate:

(1) The family member who is proposed to be hired was certified through a competitive process conducted pursuant to law and the employee who would make the appointment did not influence or affect the certification;

(2) The employee who would officially make the appointment is acting ministerially and did not participate in the selection of the immediate family member or attempt to influence the person who did;

(3) The immediate family member who would be in the line of supervision was already working for the City before the employee came into the line of supervision and the employee can and will abstain from participating in any personnel actions involving the immediate family member. ([Ord. No 19-2003](#), § 1)

Sec. 2.02.100. Political activities.

(a) Fair Campaign Practices Act. City Council members, City officials and employees shall not violate any provision of the Colorado Fair Campaign Practices Act, Sections 1-45-101 et seq.. or the City Election Code, Chapter 9.04 of this Code.

(b) Permitted political activities. City Council members, City officials and employees may participate in the following political activities on their own time:

- (1) Register and vote in any election;
- (2) As an individual, privately and publicly express an opinion on political subjects and candidates;
- (3) Be a member of a political party and participate in its activities consistent with this Section;
- (4) Sign a political nomination, initiative, referendum or recall petition as an individual;
- (5) Make a financial contribution to a political party, issue committee or candidate's committee;
- (6) Be politically active in connection with any issue question or candidate;
- (7) Display bumper stickers, posters or pamphlets on his or her personal property for the endorsement of issues or candidates;
- (8) Take an active part in the management of political campaigns;
- (9) Directly or indirectly solicit, receive or account for funds for a partisan political purpose except as prohibited by this Section;
- (10) Solicit votes in support of or in opposition to, a an issue or candidate;
- (11) Serve as a delegate, alternate or proxy to a political party convention;
- (12) Drive voters to the polls on behalf of a political party or partisan candidate; and
- (13) Endorse or oppose a partisan candidate for public office or political party office in a political advertisement, broadcast, campaign literature or similar material; and
- (14) In addition to the above listed activities, City Council members may use their official titles and make reference to their connection with the City in political advertisements, endorsements or speeches.

(c) Prohibited political activities. The following political activities are prohibited for City employees:

- (1) No employee may use any official authority or influence for the purpose of interfering with or affecting the result of an election, nor may funds be solicited or contributions be received from other employees for political purposes;
- (2) Bumper stickers and posters may be displayed on private vehicles and property, but campaign materials, pamphlets and buttons may not be displayed on City vehicles, City property or by an employee while on a work site or performing his or her official duties;

(3) Activities prohibited for an individual employee are also prohibited for groups or organizations of employees, even though specific activities are being performed by a nonemployee as a representative of the employee group;

(4) Activities permitted in Subsection (b) of this Section are prohibited when an employee is on duty; they are also prohibited on City property and when an employee is wearing a uniform normally identified with the City; and

(5) In local issues, an employee shall not use an official City title or designate employment with the City in political advertisements, endorsements or speeches, without the express consent of the City Council.

(d) Political candidacy of City employees. The following shall apply when City employees seek elected office:

(1) A City employee may seek election to political office. If elected to political office and such office is clearly inconsistent, incompatible, in conflict with his or her duties as a City employee or the elected office is that of City Council member or County Commissioner, the employee shall terminate City employment prior to assuming elected office;

(2) An employee may be a candidate for a board such as, but not limited to, a school board and if elected, may retain his or her City position. However, if such office is clearly inconsistent, incompatible or in conflict with his or her duties as a City employee, the employee shall terminate City employment prior to assuming the elected position. ([Ord. No. 19-2003](#), § 1)

Sec. 2.02.110. Quasi-judicial proceedings.

City Council members, City officials and employees, required as part of their duties to take direct official action that involves a quasi-judicial proceeding shall:

(a) Follow the voluntary disclosure procedures set forth at Section 2.02.050, if he or she has a financial or personal interest in any quasi-judicial proceeding;

(b) Attempt as reasonably possible to remain impartial and make final decisions only after a full and open hearing based on evidence presented at a hearing;

(c) Avoid as reasonably possible communications outside the hearing or public meeting process on pending matters and disclose all information regarding the pending matter that he or she may have received from sources outside the public decision-making process;

(d) Avoid as reasonably possible taking any public position or stance on a pending matter until all of the evidence has been presented and he or she is required to take a direct official action on the pending matter;

(e) Avoid as reasonably possible any conduct through words or conduct that would lead a reasonably prudent person to believe that he or she has prejudged the pending matter until such time as he or she is required to take a direct official action on the matter;

(f) Endeavor to prevent personal feelings about an applicant or an application from entering into the decision making process; and, if personal bias reaches a level where he or she cannot make an impartial decision based on facts in the record, follow the voluntary disclosure procedures set forth at Section 2.02.050; and

(g) If in doubt, seek advice from the City Attorney's office on whether a particular proceeding is a quasi-judicial proceeding. ([Ord. No. 19-2003](#), § 1)

Sec. 2.02.120. Uniform enforcement of City regulations.

(a) Purpose of rules. The City is charged with the enforcement of numerous state and municipal laws and regulations designed and intended to protect and enhance the public health, safety and welfare. Such regulations entail, for example, building and zoning codes, environmental and health codes, business licensing regulations and regulations

governing the use of public rights-of-way and other public property. In order to promote consistency, predictability and fairness relevant to code enforcement activities, the following rules of ethical conduct relating to code enforcement have been devised to guide code enforcement personnel (excepting Aspen Police Department and Parking Enforcement personnel) in the execution of their enforcement duties and responsibilities. Because the nature and necessity of code enforcement is often dependent upon the particular facts associated with any given situation or event, as well as the availability and extent of enforcement resources, flexibility and sound judgment should always be foremost in the execution of code enforcement activities. Consistent therewith, the following policies are not intended to mandate hard and fast rules to be applied in all circumstances at all times, nor should they be interpreted or applied in a manner that would conflict with preexisting ordinances or other regulatory measures. Rather, the policies are to act as guidelines in assisting enforcement personnel toward a fair and consistent application of municipal regulations.

(b) Training. All code enforcement personnel shall be properly trained to carry out their assigned duties and, when legally required, take an oath or affirmation as administered by the City Clerk to faithfully perform such duties and to uphold and enforce the regulations ordinances and laws of the City and State.

(c) Progressive enforcement. Code enforcement personnel shall normally utilize a progressive method of code enforcement in exercising their enforcement duties. Except when circumstances warrant more immediate or forceful action, code or regulatory violations shall be addressed as follows:

(1) Whenever reasonably possible, direct personal contact shall be made by the enforcement officer with the violator and/or his or her representative. If personal contact cannot reasonably be accomplished, then written notification of the violation in the form specified below shall be left with an appropriate person or posted at a conspicuous location appropriate to the violation.

(2) Unless more forceful action is warranted, an initial violation shall be subject to a verbal warning to the violator and a request for correction within a time certain, generally no longer than ten (10) days, although a longer or shorter time period may be necessary depending upon the relevant circumstances and the severity of the violation. The enforcement officer involved should always document the nature of the violation, the specifics of the verbal warning provided the violator and the corrective action ordered.

(3) Upon a failure or refusal to correct a violation after a verbal warning, a violator shall be subject to a written notice of violation, a correction notice and/or a stop work order. Such written notice or order shall specify the facts illustrating the violation, reference the specific ordinance or regulation implicated by the violation, specify the corrective action necessary and the time period within which such corrective action must be completed or undertaken and specify the name and telephone number of the enforcement officer who can be contacted in regard to the violation. The written notice or order shall be delivered to the violator or his or her representative or employee or when such delivery cannot be reasonably accomplished, the notice or order shall be posted in a conspicuous location appropriate to the violation.

(4) Upon a failure or refusal to correct a violation or comply with a written notice of violation, correction notice or stop work order, the violator shall be subject to the issuance of a summons and complaint commencing a Municipal Court prosecution for the violation. The determination to initiate a Municipal Court action by the issuance of a summons and complaint shall rest primarily within the reasonable discretion of the enforcement officer. Department heads charged with the supervision of code enforcement personnel may reserve to themselves final discretionary authority over the issuance or nonissuance of a summons and complaint by their subordinates. Enforcement personnel should consult with the City Attorney's office prior to the issuance of a summons and complaint. Likewise, enforcement personnel should confer with the Aspen Police Department regarding appropriate assistance to ensure against possible breaches of the peace in effectuating proper service of any summons and complaint. Once a summons and complaint has been docketed with the Municipal Court, the City Attorney's office, in consultation with the enforcement officer, shall assume primary responsibility and discretion as to how the violation shall be resolved, i.e., plea negotiation, trial or dismissal.

(5) In addition to the issuance of a summons and complaint, enforcement personnel may consult with the City Attorney's office regarding the initiation of an injunctive or declaratory relief action in Civil Court to secure compliance with ordinances or regulations or to restrain and enjoin ongoing or continual ordinance or regulatory violations.

(d) Inspections. Whenever necessary to make an inspection to enforce any ordinance or regulation or whenever a code enforcement officer has reasonable cause to believe that there exists in or upon any premises a code violation, such officer may approach and enter upon or into such premises in an unforced manner at all reasonable times to inspect such premises or perform any duty imposed upon the enforcement officer by state or local law or regulation, by first presenting his or her credentials and requesting access or entry. If the subject premises are unoccupied, the enforcement officer shall make a reasonable effort to locate the owner or other appropriate person having control or charge of the premises and request entry or access. If entry or access is refused, the enforcement officer shall leave the subject premises and consult with the City Attorney concerning the necessity of obtaining a search warrant. All questions or doubts concerning the propriety of any inspection or investigation to be conducted on private property shall be resolved in favor of delaying such inspection or investigation until after full consultation with the City Attorney.

(e) Response to complaints. Code enforcement personnel shall respond to a complaint or information concerning an alleged code violation within a reasonable period of time taking into consideration available resources and current caseload. Normally, a response should be rendered within ten (10) days from receipt of a complaint. Response time will vary depending on the nature of the alleged violation or the frequency of same. Enforcement personnel shall document all response activity and shall be brought to resolution or closure within a reasonable time period. No complaint or enforcement action shall be left open or unresolved.

(f) Discretionary powers. In accordance with Section 1-04-140 of this Code, whenever any law or regulation vests in an enforcement officer authority to direct, approve or permit any act, such authority shall encompass only such discretion as to determine whether the law or regulation is applicable and whether it has been complied with. No ordinance, law or regulation shall be construed to vest in an enforcement officer discretion to waive, alter or evade any requirements or standard as contained therein, nor shall any ordinance, law or regulation be construed to give an enforcement officer the power or authority to require conditions or compliance with standards not prescribed by such ordinance, law or regulation. ([Ord. No 19-2003](#), § 1)

Sec. 2.02.130. Violation, removal and enforcement.

(a) No person shall willfully violate the requirements of this Chapter.

(b) The City Council may remove any City official who willfully violates any provision of this Chapter.

(c) The City Manager may promulgate personnel policies and procedures not inconsistent with the provisions of this Chapter to regulate the conduct of employees and establish disciplinary remedies for violations of any provisions of this Chapter. Civil and administrative remedies against employees which are in existence on the effective date of the ordinance codified herein shall not be impaired.

(d) If a contract, transaction or procurement is consummated contrary to any provision of this Chapter, the City Council may void the contract, transaction or procurement.

(e) Any person affected by a City transaction may commence a civil action in the District Court in and for the County for equitable relief to enforce the provisions of this Chapter upon a showing of willful violation of any provision of this Chapter. Before filing such an action, the person shall present a claim to the City Council and give the City Council an opportunity to act thereon.

(f) The City Attorney may commence a civil action in the District Court in and for the County for equitable relief to enforce the provisions of this Chapter or to recover anything of value from an employee or third party, upon a showing of willful violation of any provision of this Chapter. ([Ord. No. 19-2003](#), § 1)

Chapter 2.04

GENERAL PROVISIONS^{1, 2, 3}

¹ **Charter reference**—Authority of City to have and use a common seal, § 1.2; City Council generally, § 3.1 et seq.; Mayor, § 3.3; Mayor pro tem, § 3.7; City Manager generally, § 6.1 et seq.; acting City Manager, § 6.2; City Clerk generally, § 6.6; City Attorney generally, § 7.1.

² **State constitutional reference**—Powers and authority for home rule cities, Art. XX, Sec. 6.

³ **Cross reference**—Application of Code by City officers or employees, § 1.04.140; Building Inspector, § 8.04.020 et seq.; Board of Appeals and Examiners, § 8.08.010 et seq.; Elections, Title 9; Licenses and Permits Generally, § 14.04.010 et seq.; Municipal Court, Title 17; Municipal Judges, § 17.04.040; Municipal Court Clerk, § 17.04.050; Chief of Police, § 19.04.030 et seq.; Department of Streets and Alleys, § 21.08.010 et seq.; Street Superintendent Generally, § 21.08.030 et seq.; Taxation, Title 23; Electricity, § 25.04.010 et seq.; Decision Making Administrative Bodies Governing Land Use Regulations, Title 26.

Sec. 2.04.010. City map generally.

(a) The map entitled "Official Map of the City of Aspen, Pitkin County, State of Colorado" as prepared by the engineer for the City and approved by the City Council as amended and on file in the office of the City Engineer shall be and is hereby accepted as the official map of the City.

(b) All streets and alleys as the same appear upon such map shall be and are hereby dedicated to the public except such streets and alleys as have been vacated by ordinance or resolution of the City Council.

(c) Such map, the field plats and identifying information shall be available for use of the general public. (Code 1962, § 1-2-3; Ord. No. 35-1968; Code 1971, § 2-1)

Sec. 2.04.020. Fiscal year.

The commencement of the fiscal year of the City shall be the first day of January. The calendar year is hereby fixed as the fiscal year of the City. (Code 1962, § 1-4-1; Code 1971, § 2-2)

Sec. 2.04.030. Open meetings; executive sessions; notice; minutes.

(a) For purposes of this Section:

(1) Local public body means the City Council, any board, committee, commission, authority or other advisory, policy-making, rule-making or formally constituted body of the City and any public or private entity to which the City or any official thereof, has delegated a governmental decision making function but not including persons on the staff of the local public body.

(2) Meeting means any kind of gathering, convened to discuss public business, in person, by telephone or by other means of communication. It does not apply to any chance meeting or social gathering at which discussion of public business is not the central purpose.

(b) All meetings of a quorum or three (3) or more members of any local public body, whichever is fewer, at which any public business is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times.

(c) Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation or formal action occurs or at which a majority or quorum of the local public body is in attendance or is expected to be in attendance, shall be held only after full and timely notice to the public. Notices of meetings shall include the time, place and agenda and shall be sent to the media. In case of an emergency, notice shall be as long as is reasonable under the circumstances. In addition to any other means of notice, full and timely notice shall be deemed to have been given if the notice of the meeting is posted in a designated public place within the boundaries of City hall no less than twenty-four (24) hours prior to the holding of the meeting. The public place or places for posting of such notice shall be designated annually at the City Council's first regular meeting of each calendar year. Special meetings of the City Council shall be called by the City Clerk on the written request of the Mayor or of any two (2) members of the Council, served personally or left at his or her usual place of residence; a special meeting, however, may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

(d) Minutes of any meeting of a local public body at which the adoption of any proposed policy, position, resolution, rule, regulation or formal action occurs or could occur shall be taken and promptly recorded and such records shall be open to public inspection. The minutes of a meeting during which an executive session authorized under Subsection (e) below is held shall reflect the general topic of the discussion at the executive session.

(e) The member of a local public body subject to this Section, upon the affirmative vote of two-thirds ($\frac{2}{3}$) of the quorum present, may hold an executive session only at a regular or special meeting and for the sole purpose of considering any of the following matters; except that no adoption of any proposed policy, position, resolution, rule, regulation or formal action shall occur at any executive session which is not open to the public:

(1) The purchase, acquisition, lease, transfer or sale of any real, personal or other property interest; except that no executive session shall be held for the purpose of concealing the fact that a member of the local public body has a personal interest in such purchase, acquisition, lease, transfer or sale;

(2) Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions. Mere presence or participation of an attorney at an executive session of the local public body is not sufficient to satisfy the requirements of this Subsection;

(3) Matters required to be kept confidential by federal or state law or rules and regulations;

(4) Specialized details of security arrangements or investigations;

(5) Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators;

(6) Personnel matters; except if the employee who is the subject of the session has requested an open meeting or if the personnel matter involves more than one (1) employee, all of the employees have requested an open meeting;

(7) Consideration of any documents protected by the mandatory nondisclosure provisions of Part 2 of Article 72 of Title 24, C.R.S., commonly known as the "Open Records Act."

(f) Prior to the time the members of a local public body convene in executive session, the Mayor or Chair of the body shall announce the general topic of the executive session as enumerated in Subsection (e) above.

(g) The City Clerk or the City Clerk's designee shall make a tape recording of any executive session held by a local public body and prepare summary minutes of the discussion. Such recording and minutes shall be closed to the public, except that the City Clerk may release same pursuant to a valid court order challenging the legitimacy of an executive session or other valid order of a court of competent jurisdiction.

(h) Attendance at executive sessions shall be limited to members of the local public body, appointed staff and such persons as the local public body may feel necessary for advice and information. (Code 1971, § 2-3; [Ord. No. 56-1985](#), § 1; [Ord. No. 6-1995](#), § 1)

Chapter 2.08

DISPOSITION OF UNCLAIMED PROPERTY

Sec. 2.08.010. Purpose.

The purpose of this Chapter is to provide for the administration and disposition of unclaimed property which is in the possession of or under the control of the City. (Code 1971, § 2-18; [Ord. No. 47-1992](#), § 1)

Sec. 2.08.020. Definitions.

Unless otherwise required by the context or use, words and terms shall be defined as follows:

(a) *Unclaimed property* means any tangible or intangible property, including any income or increment derived therefrom, less any lawful charges, that is held by or under the control of the City and which has not been claimed by its owner for a period of more than three (3) years after it became payable or distributable. *Unclaimed property* shall not mean "lost and confiscated property" as defined at Subsection 15.04.510(a) or vehicles impounded in accordance with Title 24 of the Municipal Code.

(b) *Owner* means a person or entity, including a corporation, partnership, association, governmental entity other than the City or a duly authorized legal representative or successor in interest of same, which owns unclaimed property held by the City.

(c) *City Manager* means the City Manager of the City or his or her designee. (Code 1971, § 2-19; [Ord. 47-1992](#), § 1)

Sec. 2.08.030. Procedure for disposition of property.

(a) Prior to disposition of any unclaimed property having an estimated value of fifty dollars (\$50.00) or more, the City Manager shall send a written notice by certified mail, return receipt requested, to the last known address, if any, of any owner of unclaimed property. The last known address of the owner shall be the last address of the owner as shown by the records of the department within the City holding the property. The notice shall include a description of the property, the amount or estimated value of the property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the City Manager with a written claim for the return of the property within sixty (60) days of the date of the notice, the property shall become the sole property of the City and any claim of the owner to such property shall be deemed forfeited.

(b) Prior to the disposition of any unclaimed property having an estimated value of less than fifty dollars (\$50.00) or having no last known address of the owner, the City Manager shall cause notice to be published in a newspaper of general circulation in the City. The notice shall include a description of the property, the owner of the property, the amount or estimated value of the property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the City Manager with a written claim for the return of the property within sixty (60) days of the date of the publication of the notice, the property shall become the sole property of the City and any claim of the owner to such property shall be deemed forfeited.

(c) If the City Manager receives no written claim within the above-stated sixty-day claim period, the property shall become the sole property of the City and any claim of the owner to such property shall be deemed forfeited.

(d) If the City Manager receives a written claim within the sixty-day claim period, the City Manager shall evaluate the claim and give written notice to the claimant within ninety (90) days thereof that the claim has been accepted or denied in whole or in part. The City Manager may investigate the validity of a claim and may request further supporting documentation from the claimant prior to disbursing or refusing to disburse the property.

(e) In the event that there is more than one claimant for the same property, the City Manager may, in the City Manager's sole discretion, resolve said claims or may resolve such claims by depositing the disputed property with the registry of the district court in an interpleader action.

(f) In the event that all claims filed are denied, the property shall become the sole property of the City and any claim of the owner of such property shall be deemed forfeited.

(g) Any legal action filed challenging a decision of the City Manager shall be filed pursuant to Rule 106 of the Colorado Rules of Civil Procedure within thirty (30) days of such decision or shall be forever barred. If any legal action is timely filed, the property shall be disbursed by the City Manager pursuant to the order of the court having jurisdiction over such claim.

(h) The City Manager is authorized to establish and administer procedures for the administration and disposition of unclaimed property consistent with this Chapter, including compliance requirements for other municipal officers and employees in the identification and disposition of such property. (Code 1971, § 2-20; [Ord. No. 47-1992](#), § 1)

Editor's note—This Section was misnumbered 2-19 in Ord. 47-1992 as passed and is renumbered former Sec. 2-20 in the 1971 Code.

Chapter 2.12

MISCELLANEOUS FEE SCHEDULES

Sec. 2.12.010. Aspen Municipal Golf Course.

This Section of the Code establishes Aspen Municipal Golf Course user fees, as follows:

	Early Season	Regular Season
Platinum	N/A	\$2,210.00
Gold	\$1,288.00	\$1,365.00
Silver	\$773.00	\$860.00
20 Punch	\$644.00	\$721.00
Bronze	\$308.00.00	\$308.00
Junior	\$191.00	\$191.00
Senior Greens Fee – 9 Hole	\$36.00	\$36.00
Senior Greens Fee – Resident	\$69.50	\$69.50
Green Fee – Max Rate	N/A	\$160.00
Green Fee – Junior	N/A	\$48.00
Green Fee – Guest of Member	N/A	\$80.50
Golf Cart – 18 Holes	N/A	\$21.00
Golf Cart – Members: 18 Holes	N/A	\$19.00
Golf Cart – 9 Holes	N/A	\$16.00
Golf Cart – Members: 9 Holes	N/A	\$15.00
Golf Cart Punch Pass	N/A	\$375.00
Pull Cart – 18 Holes	N/A	\$15.00
Pull Cart – Members: 18 Holes	N/A	\$13.00
Pull Cart – 9 Holes	N/A	\$10.00
Pull Cart – Members: 9 Holes	N/A	\$8.00
Rental Clubs – 18 Holes	N/A	\$56.50
Rental Clubs – 9 Holes	N/A	\$36.00
Locker for Season	N/A	\$300.00
Range Large Bucket	N/A	\$10.50
Range Large Bucket – Members	N/A	\$9.50
Range Small Bucket	N/A	\$8.00
Range Small Bucket – Members	N/A	\$6.00
Range Punch Pass	N/A	\$185.50

(Code 1971, §2-33; Ord. No. 44-1991, §12; Ord. No. 77-1992, §16; Ord. No. 68-1994, §5; Ord. No. 53-1995, §2; Ord. No. 43-1996, §1; Ord. No. 49-1998, §1; Ord. No. 45-1999, §1; Ord. No. 57-2000, §1; Ord. No. 5-2002 §1; Ord. No. 47-2002 §18; Ord. No. 63-2003, §8; Ord. No. 2-2004, §1; Ord. No. 38-2004, §10; Ord. No. 49-2005, §12; Ord. No. 48, 2006, §1; Ord. No. 52-2007; [Ord. No. 29-2010](#)§12; [Ord. No. 33-2011](#)§1; [Ord. No. 29-2012](#)§1; Ord. No48-2013)

2.12.014 Recreation Department Fun Pass

The Recreation Department shall issue Fun Passes that provides access to the holder of such a pass to the following facilities and activities: use of the James E. Moore Pool, public or open skating at the Lewis Ice Arena or Aspen Ice Garden, use of the climbing wall at the Red Brick Recreation Center, fitness classes held at the Red Brick Recreation Center, aquatic fitness classes at the Aspen Recreation Center, tennis court rental and usage at the Aspen Tennis Center. Usage, participation and access to the above activities may be limited to certain times and dates as indicated on the pass.

	Online Fee	In-Person Fee
Daily Admission		
Youth - Resident	N/A	\$7.75
Youth - Guest	N/A	\$15.50
Adult - Resident	N/A	\$9.75
Adult - Guest	N/A	\$17.50
Senior	N/A	\$7.75
Twilight	N/A	\$5.75
Guest 10 Visit Card	\$131.00	\$151.00
Monthly Pass		
Youth - Resident	\$49.00	\$57.00
Adult - Resident	\$89.00	\$103.00
Family - Resident	\$175.00	\$202.00
Each Additional	\$17.00	\$20.00
20 Visit Card		
Youth Resident	\$115.00	\$133.00
Adult Resident	\$173.00	\$199.00
6 Month Pass		
Youth Resident	\$233.00	\$268.00
Adult Resident	\$289.00	\$333.00
Family Resident	\$630.00	\$725.00
Each Additional	\$58.00	\$67.00
Annual Pass		
Youth Resident	\$419.00	\$482.00
Adult Resident	\$519.00	\$597.00
Family Resident	\$1,132.00	\$1,302.00
Each Additional	\$114.00	\$132.00

(Ord. No. 27-2003, §2; Ord. No. 38-2004, §14; Ord. No. 49-2005, §3; Ord. No. 48, 2006, §2; Ord. No. 52-2007; Ord. No. 40-2008; Ord. No. 27-2009§1; [Ord. No. 29-2010](#)§1; [Ord. No. 29-2012](#)) Ord. No. 48-2013)

Sec. 2.12.015. Aspen Recreation Center.

	Online Fee	In-Person Fee
ARC Meeting Room Rental		
Non-Profit	\$58.00	\$61.00
Corporate	\$82.00	\$86.00

(Ord. No. 27-2003, §1; Ord. No. 63-2003, §9; Ord. No. 38-2004, §13; Ord. No. 49-2005, §4; Ord. No. 48, 2006, §3; Ord. No. 40-2008; Ord. No. 27-2009§2; [Ord. 29-2010](#)§2; [Ord. No. 29-2012](#); Ord. No. 48, 2013)

Sec. 2.12.020. Aspen Ice Garden and Lewis Ice Arena.

This Section of the Code sets forth certain user fees for the Aspen Ice Garden and Lewis Ice Arena.

	Online Fee	In-Person Fee
Rent Entire Facility - Dry Floor		
Aspen Ice Garden	N/A	\$4,000.00
Lewis Ice Arena	N/A	\$4,000.00
Rent Entire Facility - Ice		
Aspen Ice Garden	N/A	\$263.00
Lewis Ice Arena	N/A	\$263.00
Adult Non-Profit Prime		
Aspen Ice Garden	N/A	\$221.00
Lewis Ice Arena	N/A	\$221.00
Youth Non-Profit Prime		
Aspen Ice Garden	N/A	\$221.00
Lewis Ice Arena	N/A	\$221.00
Other Fees		
Skate Sharpening	N/A	\$8.00
Skate Sharpening - Same Day	N/A	\$11.00
Pick-up Hockey, One Time	N/A	\$14.00
Pick-up Hockey, 10 Punch Pass	\$117.00	\$123.00
Freestyle 20 Punch Pass	\$184.00	\$194.00
Skating Classes	N/A	\$13.00
Locker Rental		
Six Months	\$153.00	\$161.00

(Code 1971, §2-34; Ord. No. 44-1991, §12; Ord. No. 77-1992, §16; Ord. No. 67-1993, §6; Ord. No. 68-1994, §6; Ord. No. 53-1995, §3; Ord. No. 43-1996, §2; Ord. No. 49-1998, §2; Ord. No. 45-1999, §2; Ord. No. 57-2000 §2; Ord. No. 47-2002 §16; Ord. No. 27-2003; Ord. No. 63-2003, §10; Ord. No. 2-2004, §2; Ord. No. 38-2004, §2; Ord. No. 49-2005, §7; Ord. No. 48, 2006, §4; Ord. No. 52-2007; Ord. No. 27-2009§3; [Ord. No. 29-2010](#)§3; [Ord. No. 33-2011](#)§2; [Ord. No. 29-2012](#). Ord. No. 48-2013)

Sec. 2.12.030. James E. Moore Pool.

This Section of the Code establishes James E. Moore Pool Department fees:

	Online Fee	In-Person Fee
Youth Swim Lessons		
Passholder	\$62.00	\$65.00
Non Passholder	\$82.00	\$86.00
Private Lessons - Passholder	\$32.00	\$33.50
Private Lessons - Non Passholder	\$42.00	\$44.00
Lifeguard Training	\$225.00	\$236.25
Kayak Roll Sessions	\$6.00	\$6.25
Water Polo Drop In	N/A	\$3.50
Rentals		
Entire Aquatic Facility - For Profit	N/A	\$227.50
Entire Aquatic Facility - Non Profit Adult	N/A	\$183.50
Entire Aquatic Facility - Non Profit Youth	N/A	\$160.25
Single Pool Rate - For Profit	N/A	\$85.75
Single Pool Rate - Non Profit	N/A	\$75.50
Single Lane Rental in Lap Pool - Non Profit	N/A	\$15.75
Single Lane Rental in Lap Pool - For Profit	N/A	\$17.75

(Code 1971, §2-35; Ord. No. 44-1991, §12; Ord. No. 77-1992, §16; Ord. No. 53-1995, §4 [part]; Ord. No. 43-1996, §3; Ord. No. 49-1998, §3; Ord. No. 45-1999, §3; Ord. No. 47-2002 §17; Ord. No. 63-2003, §11; Ord. No. 38-2004, §15; Ord. No. 49-2005 §5; Ord. No. 48, 2006, §5; Ord. No. 40-2008; Ord. No. 27-2009§4; Ord. [No. 29-2010](#)§4; [Ord. No. 29-2012](#))

Sec. 2.12.040. Miscellaneous leisure and recreation fees.

Leisure and recreation user fees shall be as follows:

	Online Fee	In-Person Fee
Adult Programs		
Adult Basketball – Drop In	N/A	\$5.00
Adult Volleyball – Drop In	N/A	\$5.00
Men’s Recreation Basketball	\$745.00	\$783.00

	Online Fee	In-Person Fee
Adult Soccer	\$811.00	\$852.00
Adult Softball – Men’s League	\$939.00	\$986.00
Adult Softball – Coed League	\$796.00	\$836.00
Adult Flag Football	\$419.00	\$440.00
Tennis Clinics – Adult	\$17.00	\$18.00
Tennis Court Rental Fees	\$12.00	\$13.00
Youth Programs		
Youth Baseball	\$116.00	\$122.00
T-Ball	\$65.00	\$69.00
Girls Softball	\$116.00	\$122.00
Batting Cage	N/A	\$1.00
Day Camp	\$34.00	\$36.00
One Time Activity Fee	\$34.00	\$36.00
Guest Fee	\$62.00	\$65.00
Sailing	\$592.00	\$622.00
Tennis Lessons 3/Week	\$17.00	\$18.00
Tennis Lessons 2/Week	\$17.00	\$18.00
Tennis Team	\$592.00	\$622.00
Playdayz	\$41.00	\$43.00
RC Crawlers	\$48.00	\$51.00
Youth Intramurals		
Kickball	\$43.00	\$46.00
Floor Hockey	\$35.00	\$37.00
Gym Olympics	\$35.00	\$37.00
Soccer	\$93.00	\$98.00
Soccer – Kindergarten	\$51.00	\$54.00
Basketball	\$92.00	\$97.00
Basketball – Kindergarten	\$49.00	\$52.00
Rugby	\$50.00	\$53.00
Flag Football	\$85.00	\$90.00
Climbing Wall		
Beginner Rock Rats	\$78.00	\$82.00
Boulder Rats	\$78.00	\$82.00
Intermediate / Advanced Climbing	\$88.00	\$93.00
Beginner Ages 10 +	\$78.00	\$82.00
Junior Rats	\$51.00	\$54.00
Gymnasium Rental - 1 Hour	\$64.00	\$68.00

	Online Fee	In-Person Fee
Junior AROCK	\$51.00	\$54.00
AROCK	\$97.00	\$102.00

(Code 1971, §2-36; Ord. No. 44-1991, §12; Ord. No. 77-1992, §16; Ord. No. 68-1994, §7; Ord. No. 53-1995, §4 [part]; Ord. No. 43-1996, §4; Ord. No. 49-1998, §4; Ord. No. 45-1999, §4; Ord. No. 57-2000, §3; Ord. No. 47-2002, §15; Ord. No. 63-2003, §12; Ord. No. 38-2004, §12; Ord. No. 49-2005, §6; Ord. No. 48, 2006, §6); Ord. 52-2007; Ord. No. 40-2008; Ord. No. 27-2009§2; [Ord. No. 29-2010](#)§5; Ord. No. 29-2012;) Ord. No. 48, 2013)

Sec. 2.12.045. Wheeler Opera House.

	For-Profit	Non-Profit
Performance Rate / Day (includes rehearsals)	\$550.00	\$350.00
Private Events		
Non-Corporate / Day	\$750.00	\$750.00
Corporate / Day	\$1,250.00	N/A
Community Event by Outside Entity	\$100.00	\$100.00
Private Movie Screenings		
Less than or equal to 200 viewers	\$750.00	\$750.00
Greater than 200 viewers	\$750.00 + Expenses	\$750.00 + Expenses
Lobby Rental (per hour)	\$65.00	\$40.00
Box Office Royalty		
Inside Sales (as percent of sales)	5.00%	5.00%
Outside Sales (as percent of sales)	6.00%	6.00%
Per-Order Processing Fee	\$5.00	\$5.00
Credit Card Billback		
Visa & Mastercard	3.00%	3.00%
American Express	4.00%	4.00%
Box Office Ticket Sellers		
Inside Events (per hour)	\$18.50	\$18.50
Outside Events (per hour)	\$30.00	\$30.00
Box Office Set-Up		
5+ days notice	\$25.00	\$25.00
3-4 days notice	\$35.00	\$35.00
2 or less days notice	\$50.00	\$50.00
Ticket Printing / Ticket	\$0.09	\$0.06
Promotional Code Scripting	\$10.00 - \$15.00	\$10.00 - \$15.00
Pricing Configuration / Template	\$25.00	\$25.00
Client Database Entry	\$95.00	\$85.00

	For-Profit	Non-Profit
Theatre Technician Rates / Hour	\$26.50	\$25.00
Production Co-Manager Rates / Hour	\$33.50	\$31.50
Custodial Charge / Day	\$75.00	\$55.00
Beverage Hospitality Service	\$15.00	\$10.00
Catering Coordination	\$55.00	\$45.00
Supplies and Piano Tuning	At Cost	At Cost
Instrument Rental		
1999 Steinway Rental / Performance	\$300.00	\$200.00
Keyboard Rental / Performance	\$150.00	\$100.00
Drum Rental / Performance	\$250.00	\$200.00
Fender Rental / Performance	\$75.00	\$50.00
Pro Bass Rental / Performance	\$75.00	\$50.00
Sony HD Rental	\$200.00	\$200.00
Panasonic HD Video Projector Rental	\$300.00	\$300.00
Marketing Support		
Support Package 1	\$150.00	\$150.00
Support Package 2	\$350.00	\$350.00
Support Package 3	\$600.00	\$600.00

(Ord. No. 68-1994, §8; Ord. No. 53-1995 §5; Ord. No. 45-1999, §5; Ord. No. 49-1998, §5; Ord. No. 57-2000, §4; Ord. No. 12-2003, §1; Ord. No. 63-2003, §13; Ord. No. 38-2004, §11; Ord. No. 48, 2006, §7; Ord. No. 40-2008; Ord. No. 27-2009§6; [Ord. No. 29-2010](#) §6; [Ord. No. 29-2012](#); Ord. No. 48-2013)

Sec. 2.12.050. Aspen Police Department fees.

This Section of the Code sets forth certain user fees for the Aspen Police Department:

Law Enforcement Records	
Accident Reports – In Person	\$5.00
Accident Reports – Online	Free
Case Reports	\$10.00
Per Copied Page	\$0.25
Arrest History / Background Checks	\$10.00
Per Copied Page	\$0.25
Communications Logging / Hour	\$25.00
Per Audio CD	\$25.00
Case Report/Accident Photos / CD	\$25.00
Records Research / Hour	\$50.00

Aspen Police Department	
Alarm User Permit	\$114.00
First False Alarm / Year	\$118.00
Second False Alarm / Year	\$237.00
Third and Fourth False Alarm / Year	\$358.00
All Bank Alarms	\$380.00
Late Fees	\$12.00
Central Alarm License Fee	\$314.00
Vehicle Inspection	\$20.00
Certified VIN Inspection	\$20.00
Off-Duty Security/Officer/Hour	\$95.00
Notary Fees	\$5.00
Dog Vaccination and License Fees	
Annual Dog Tag Fees	\$17.00
Transfer Fee	\$17.00
Replacement Tag	\$4.00

(Code 1971, §2-38; Ord. No. 77-1992, §17; Ord. No. 68-1994, §§9—11; Ord. No. 53-1995, §§6—10; Ord. No. 43-1996, §§5—7; Ord. No. 49-1998, §§6—8; Ord. No. 45-1999, §§6—9, 20; Ord. No. 57-2000, §§5, 12; Ord. No. 47-2002, §2; Ord. No. 63-2003, §2; Ord. 2-2004, §3; Ord. 38-2004, §1; Ord. No. 49-2005, §1; Ord. No. 48, 2006, §8; Ord. No. 40-2008; Ord. No. 27-2009§7; [Ord. No. 29-2010](#)§7; [Ord. No. 33-2011](#); [Ord. No. 29-2012](#))(Ord. No. 48-2013)

Sec. 2.12.051. Engineering Department fees.

Permit and Application Fees	
Encroachment License and Application	\$378.00
Vacation Application (\$277.78/hour for estimated 18 hours)	\$5,000.00
Right-of-way Permit (waived for sidewalk replacement work)	\$378.00
Encroachment Fees	
Permanent Encroachment Fee (per permit)	\$1,000.00
Permanent Encroachment for Earth Retention (per cu. ft. / month)	\$1.32
Temporary Occupation of Right-of-Way Under Encroachments	
By commercial operations not associated with construction, including contractors and vendors (per sq. ft / month)	\$2.50
Within the core by commercial operations associated with construction, including contractors and vendors (per sq. ft / month)	\$6.53
Outside of the core by commercial operations associated with construction including contractors and vendors (per sq. ft / month)	\$4.08
Map and Plan Printing	
Per copy cost	\$5.00

(Ord. No. 47-2002, §3; Ord. No. 49-2005, §13; Ord. No. 48, 2006, §9; Ord. No. 52-2007; Ord. No. 40-2008; Ord. No. 27-2009§8; [Ord. No. 29-2010](#)§8; [Ord. No. 29-2012](#))(Ord. No. 48-2013)

Sec. 2.12.052. Environmental Health Department fees.

This Section of the Code sets forth certain user fees for the Environmental Health Department:

Environmental Health Fees	
Event Plan Review	\$30.00
Event Inspection Fee	\$70.00
Swimming Pool Plan Review	\$79.00
Restaurant Site Inspection	\$82.00
Food Safety Training	\$82.00
Large Childcare	\$100.00
Small Childcare	\$50.00
Zgreen Certification	\$25.00
Plan Review Application	\$100.00
Plan Review & Pre-Open Inspection (not to exceed)	\$580.00
Equipment Review Application	\$100.00
Equipment Review Fee (not to exceed)	\$500.00
HACCP Plan: Written (not to exceed)	\$100.00
HACCP Plan: On-Site Evaluation (not to exceed)	\$400.00
Real Estate Review of Property (not to exceed)	\$75.00
Food Service License	
Fee (School, Charitable, Church, Other)	\$0.00
Mobile Unit	\$225.00
Mobile Unit (pre-packaged)	\$115.00
Temporary/Special Event Establishment	\$255.00
Temporary/Special Events (pre-packaged)	\$115.00
Restaurant 0-100 Seats	\$255.00
Restaurant 101-200 Seats	\$285.00
Restaurant Over 200 Seats	\$310.00
Grocery Store 0-3,500 Sq Ft	\$115.00
Grocery Store 3,501- 15,000 Sq Ft	\$180.00
Grocery Store 15,001-25,000 Sq Ft	\$200.00
Grocery Store 25,001-45,000 Sq Ft	\$235.00
Grocery Store 45,001-65,000 Sq Ft	\$290.00
Grocery Store 65,001-85,000 Sq Ft	\$415.00
Grocery Store Over 85,000 Sq Ft	\$500.00
Grocery w/Deli 0-3,500 Sq Ft	\$207.00

Environmental Health Fees	
Grocery w/Deli 3,501-15,000 Sq Ft	\$338.00
Grocery w/Deli 15,001-25,000 Sq Ft	\$360.00
Grocery w/Deli 25,001-45,000 Sq Ft	\$395.00
Grocery w/Deli 45,001- 65,000 Sq Ft	\$450.00
Grocery w/Deli 65,001- 85,000 Sq Ft	\$575.00
Grocery w/Deli Over 85,000 Sq Ft	\$690.00
Oil & Gas Temp. 0-50 (Initial License)	\$750.00
Oil & Gas Temp. 0-50 (Renewal License)	\$275.00
Oil & Gas Temp. Over 50 (Initial License)	\$1,250.00
Oil & Gas Temp. Over 50 (Renewal License)	\$500.00

(Ord. No. 47-2002, §4; Ord. No. 63-2003, §2 Ord. No. 38-2004, §3; Ord. No. 49-2005, §2; Ord. No. 48, 2006, §10; Ord. No. 40-2008; Ord. No. 15-2009; Ord. No. 27-2009§9; [Ord. No. 29-2010](#)§9; [Ord. 33-2011](#); [Ord. No. 29-2012](#))(Ord. No. 48, 2013)

2.12.053 Geographic Information System (GIS) Department fees.

This Section of the Code sets forth certain user fees for the Geographic Information System Department:

Preprinted Map Small (11" x 17" or smaller)	\$13.00
Preprinted Map Large (greater than 11" x 17")	\$31.00
Large Format Plotting (greater than 11" x 17")	\$17.50
Custom Mapping and Analysis (per hour, minimum 0.5 hours)	\$180.00
Mailing Lists / Custom Search	\$145.00
Plus per sheet of labels	\$1.25
Digital Data Services	\$180.00
Minimum conversion charge	\$90.00
Minimum per data layer	\$42.00
Digital Submission Fee	\$260.00
Data Subscription	\$1,300.00

(Ord. No. 47-2002, §5; Ord. No. 63-2003, §3; Ord. No. 48, 2006, §11; Ord. No. 52-2007; Ord. No. 27-2009§10; [Ord. No. 29-2010](#)§10; [Ord. No. 33-2011](#); [Ord. No. 29-2012](#))

Sec. 2.12.060. Parking fees.

The Transportation and Parking Department shall charge the following fees for parking:

Rio Grande Plaza Parking	
Hourly Rate	\$1.50
Maximum Daily Fee	\$15.00
Validation Stickers / Visit	\$5.00

Rio Grande Plaza Parking	
Unlimited Use Monthly Pass	\$200.00
Lost Ticket Fee	\$15.00
Special Events Pass / Day	\$5.00
Access Replacement Card	\$20.00
Commercial Core Pay Parking (between 7:00 AM and 6:00 PM)	
First Hour	\$2.00
Second Hour	\$3.00
Third Hour	\$4.00
Fourth Hour	\$5.00
Single Space Meters (per 15 minutes)	\$0.50
Residential Permit Parking¹	
Residential Day Pass	\$8.00
Space Rental Fee / Day	\$10.00
First and Second Permit for Residence and Guest	Free
Third Permit for Resident and Guest	\$25.00
Fourth Permit for Resident and Guest	\$50.00
Fifth Permit for Resident and Guest (maximum number of permits)	\$100.00
Lodge Guest Permit	\$3.00
Business Vehicle Permit / Six Months ²	\$600.00
Host Guest Replacement Permit	\$25.00
High Occupancy Vehicle Permit	Free
Miscellaneous Parking	
Delivery Vehicle Permit	\$100.00
Service Vehicle First Hour	\$1.00
Service Vehicle Each Additional Hour	\$0.50
Service Vehicle Daily Maximum	\$4.50
Construction – Residential / Month	\$40.00
Construction – Commercial / Day	\$50.00
Handicapped Parking	Free
Permit Replacement	\$25.00
Tow Truck Cancellation Fee	\$25.00
Boot Fee	\$75.00
Towing Fee (Tickets / Snow / Farmer's)	\$160.00
Towing Fee (72 Hour / Abandoned)	\$200.00
In-Car Meter Fee	\$35.00
Ticket Late Fee	\$10.00
Neighborhood Electric Vehicles ³	Free

1. The residential Permit Parking Program restrictions shall be in effect from 8:00 a.m. until 6:00 p.m., Monday through Friday (official holidays excepted), unless otherwise specified.
2. Two six-month periods are established for the Business Vehicle Permit: Winter Season, November 1 through April 30; and Summer Season, May 1 through October 31.
3. Neighborhood Electric Vehicles (NEV's) are defined as follows: A low-speed electric vehicle which does not exceed speeds of 20-25 mph. The vehicle must have seat belts, headlights, windshield wipers, safety glass, tail lamps, front and rear turn signals and stop lamps. These vehicles must have a vehicle identification number (VIN) and be state-licensed. NEV's are only permitted within the City limits and on roads that have speed limits less than 40 mph.

(Code 1971, §2-39; Ord. No. 36-1994, §1; Ord. No. 68-1994, §12; Ord. No. 53-1995, §20; Ord. No. 43-1996, §17; Ord. No. 49-1998, §9; Ord. No. 45-1999, §9; Ord. No. 57-2000, §5; Ord. No. 4-2002, §1; Ord. No. 47-2002, §19; Ord. No. 63-2003, §15; Ord. No. 49-2005, §14; Ord. No. 39-2007; [Ord. No. 33-2011](#); [Ord. No. 29-2012](#))(Ord. 48, 2013)

Sec. 2.12.070. Liquor license application fees.

This Section of the Code sets forth liquor license fees:

Beer Permit (3.2% by Volume)	\$10.00
Special Event Permit	\$25.00
New License	\$1,000.00
Transfer of Location or Membership	\$750.00
Renewal of License	\$100.00
Optional Premises License	\$50.00
Temporary Permit	\$100.00
Late Renewal Application Fee	\$500.00
Tastings Permit	\$100.00

(Code 1971, §2-40; Ord. No. 8-1994, §4; Ord. No. 45-1999, §10; Ord. No. 24-2004, §2; [Ord. No. 29-2012](#))

Sec. 2.12.080. Parks Department fees.

This Section of the Code sets forth certain user fees for the Parks Department as follows:

Event Fees	
Application Fee	
For Profit	\$125.00
Non Profit	\$50.00
Business License	
One Day	\$15.00
Two Days	\$25.00
Event Fees – Non Profit	
Under 50 People	\$50.00
50-100 People	\$200.00

101-200 People	\$300.00
201-500 People	\$500.00
Over 500 People	\$1,500.00
Event Fees – For Profit	
Under 50 People	\$175.00
50-100 People	\$400.00
101-200 People	\$600.00
201-500 People	\$3,500.00
Over 500 People	\$5,000.00
Exclusive Use of Park	\$7,500.00
Athletic Camps	
Local (per hour)	\$25.00
Non-Local (per hour)	\$40.00
Athletic Tournaments/Event	\$750.00
Sports Classes / Day Care	
Local (per hour)	\$25.00
Non-Local (per hour)	\$40.00
Flags on Main Street/Flag	\$15.00
Banners on Main Street/Banner	\$15.00
Filming	
3-10 People	\$50.00
11-30 People: Still	\$150.00
11-30 People: Video	\$250.00
31-49 People: Still	\$250.00
31-49 People: Video	\$500.00
50 and Over People	\$750.00

Tree Fees	
Removal Permit	\$75.00
Removal Permit - Development	\$200.00
Mitigation Fee	\$41.00
Development Fees	
Encroachments - Minor Review	\$65.00
Encroachments - Major Review	\$130.00
Right of Ways - Minor Review	\$65.00
Right of Ways - Major Review	\$130.00
Landscaping and Grading Permit	\$65.00
Landscape/Resource Review/Sq Ft	\$0.03

(Ord. No. 45-1999, §11; Ord. No. 47-2002, §6; Ord. No. 63-2003, §14; Ord. No. 38-2004, §5; Ord. 52-2007; [Ord. No. 33-2011](#); [Ord. No. 29-2012](#))(Ord. No. 48-2013)

Sec. 2.12.090. Reserved.

Section 2.12.100

This Section of the Code sets forth building permit fees for the City Community Development Department, and shall be applied to applications submitted on or after January 1, 2014:

Building Permit Fees	
Total Valuation: \$1.00 to \$5,000.00	\$25.00
Total Valuation: \$5,001.00 to \$50,000.00	50% of sum of \$25 + 5.0% of permit valuation over \$5,000
Total Valuation: \$50,001.00 to \$100,000.00	75% of sum of \$2,275 + 3.5% of permit valuation over \$50,000
Total Valuation: \$100,001.00 to \$250,000.00	\$4,025 + 2.5% of permit valuation over \$100,000
Total Valuation: \$250,001.00 to \$500,000.00	\$7,775 + 2.0% of permit valuation over \$250,000
Total Valuation: \$500,001.00 to \$1,000,000.00	\$12,775 + 1.75% of permit valuation over \$500,000
Total Valuation: \$1,000,001.00 to \$2,500,000.00	\$21,525 + 1.5% of permit valuation over \$1,000,000
Total Valuation: \$2,500,001.00 to \$5,000,000.00	\$44,025 + 1.25% of permit valuation over \$2,500,000
Total Valuation: Above \$5,000,000	\$75,275 + 0.75% of permit valuation over \$5,000,000 and 0.5% of permit valuation over \$10,000,000
Building Permit Review Fee (per hour)	\$257.50
Fees Due Upon Permit Acceptance	
Plan Check Fees (as percent of total building permit outlined above)	65%
Energy Code Fee (as percent of total building permit outlined above)	10%
Fire Plan Check Fee (as a percent of sprinkler system valuation)	65%
Fees Due Upon Permit Issuance	
Building Permit Fee	100%
Fire Sprinkler Permit Fee	100%

GIS Fee (applicable only if changing building footprint)	\$225.00
Renewable Energy Mitigation Fee	(see details below)
Renewable Energy Mitigation Fees	
Residential Exterior Energy Use	
Snowmelt – includes roof and gutter de-icing systems	\$34 per square foot divided by boiler efficiency (AFUE)
Outdoor Pool	\$136 per square foot divided by boiler efficiency (AFUE)
Spa – pkg or portable spas less than 64 sq.ft. are exempt	\$176 per square foot divided by boiler efficiency (AFUE)
Residential On-Site Renewable Credits (certain restrictions may apply)	
Photovoltaic Systems	\$6,250 per KWH
Solar Hot Water Systems	\$125 per square foot
Ground Source Heat Pumps	\$1,400 per 10,000 BTU per hr
Commercial Exterior Energy Use	
Snowmelt – includes roof and gutter de-icing systems	\$60 per square foot divided by boiler efficiency (AFUE)
Outdoor Pool	\$170 per square foot divided by boiler efficiency (AFUE)
Spa – pkg or portable spas less than 64 sq.ft. are exempt	\$176 per square foot divided by boiler efficiency (AFUE)
Commercial On-Site Renewable Credits (certain restrictions may apply)	
Photovoltaic Systems	\$6,250 per KWH
Solar Hot Water Systems	\$224.65 per square foot
Ground Source Heat Pumps	\$1,400 per 10,000 BTU per hr
Change Order Fees	
<p><i>Applications for change orders shall cause a revision to the overall project valuation. The change order fees shall be based on this revised valuation. Fees for the previously submitted permit application shall not be refunded or credited toward change order fees. Not all change orders will require additional fees in each fee category. A change order fee applies each time a change order is submitted. A change order may propose multiple changes and applicants are encouraged to "bundle" their change order requests to minimize fees.</i></p>	

Change Order Review Fees may be assessed on an hourly basis if, in the opinion of the Chief Building Official, the fees stated below represent a significant inequity compared with the scope of the change order and the expected staff time to administer the review. The hourly rate shall be that stated herein. Hourly billing may be applied to plan check, energy code review, and fire plan check functions. Hourly billing for change orders may result in higher or lower fees due than stated below.

Fees Due Upon Change Order Acceptance

Plan Check Fee (as a percent of <u>revised</u> permit valuation fee)	5.0%
Energy Code Review Fee – if applicable (as a percent of <u>revised</u> permit valuation fee)	2.0%
Fire Plan Check – if applicable (as a percent of <u>revised</u> permit valuation fee, sprinkler system only)	5.0%

Fees Due Upon Change Order Issuance

Building Permit Fee (as a percent of <u>revised</u> permit valuation fee)	5.0%
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Phased Permitting Fees

Applications for Building Permits may be issued in "phases" prior to the entire permit being ready for issuance. In order for a permit to be issued in phases, all elements of that phase must be reviewed and approved by the Building Department and applicable referral agencies. Issuance of a permit in phases is at the discretion of the Chief Building Official. Fees for phased permit issuance are in addition to fees due for issuance of a complete building permit.

Access/Infrastructure Permit – Valuation of Permit solely for AI (as percent of building permit fee)	100.0%
Access/Infrastructure Permit – Valuation of Permit Covers the Entire Project (as percent of building permit fee)	10.0%
Excavation/Foundation Permit (as percent of building permit, includes value of improvements covered by entire permit)	25.0%
Structural Frame Permit (as percent of building permit, includes value of improvements covered by entire permit)	10.0%

Special Services Fees

Hourly Inspection Fee Outside of Normal Business Hrs (min. 2 hrs)	\$257.50
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Re-inspection Fee (per inspection)	\$257.50
Hourly Special Inspections Fee for Unspecified Inspection Type (min. 1 hr)	\$257.50
Building Permit Extension Fee (projects with valuations \$500,000 or less)	\$128.75
Building Permit Extension Fee (projects with valuations over \$500,000)	\$257.50
Certificate of Occupancy Fee	Free
Conditional Certificate of Occupancy First Certificate Issued	\$257.50
Second Certificate Issued	\$515.00
Third and Subsequent Certificate Issued (at the discretion of the Chief Building Official)	\$1,030.00
Enforcement Fees and Penalties	
<i>For violations of the adopted building codes other than a stop work order or correction notice, the Chief Building Official may issue a Municipal Court citation. Fees, fines, and penalties by citation for violations of the Building Code shall be established by the Municipal Court Judge according to the scope and duration of the offense. Penalties may include: revocation of Contractor License(s); prohibition of any work on the property for a period of time; recovery of costs to the public for any required remediation of the site; additional Building Permit Review Fees; fees to recover administrative costs required by City staff to address the violation; and, other fees, fines, and penalties or assessments as assigned by the Municipal Court Judge.</i>	
<i>No Certificate of Occupancy or Conditional CO shall be issued until all fees have been paid in full. Violations of this policy are subject to fines.</i>	
Stop Work Order or Correction Notice – 1st Infraction	2 Times Permit Valuation Fee
Stop Work Order or Correction Notice – 2nd Infraction	4 Times Permit Valuation Fee
Stop Work Order or Correction Notice – 3rd Infraction (license subject to suspension or revocation)	8 Times Permit Valuation Fee
Community Purpose Discount Programs	
<i>The Chief Building Official may from time to time implement lower fees to encourage certain types of building improvements as directed by the City Council or City Manager. Example programs may include energy efficiency improvements, accessibility improvements and the like. Special fees shall not exceed those otherwise required.</i>	

Notwithstanding the building permit fee schedule, City Council may authorize a reduction or waiver of building permit fees, engineering review fees, or construction mitigation fees as deemed appropriate. The Community Development Director shall waive building permit fees for General Fund Departments of the City of Aspen consistent with City policy.

The Community Development Director may reduce building permit review fees by no more than 50% for projects with a fee significantly disproportionate to the service requirements. The City may not waive or reduce fees collected on behalf of a separate government agency. The City may not reduce or waive a tax.

Expired or Cancelled Permits and Refunds

Plan Check fees are not refundable for expired or cancelled permits. Impact mitigation fees for un-built projects (construction not started) shall be refunded 100%. Building permit and impact fees for partially constructed projects are not refundable. Expired or cancelled permits are not renewable. Projects with expired or cancelled permits must reapply for building permits and pay all applicable fees. Projects with expired or cancelled permits that have previously paid impact fees need only pay (or be refunded) the difference in impact fees when applying for a new permit.

This Section of the Code sets forth engineering review fees for the City Engineering Department, and shall be applied to applications submitted on or after January 1, 2014:

Engineering Development Fees	
200 – 500 Square Feet (basic review)	\$551.20
501 – 1000 Square Feet (minor review)	\$1,378.00
1,001 – 15,000 Square Feet (major review)	\$1,653.60 + \$2.08 per sq. ft. over 2,000
Above 15,000 Square Feet	\$1,653.60 + \$2.08 per sq. ft. over 2,000 + \$0.10 over 15,000
Additional Planning Review Fee (per hr, minimum one-half hr)	\$275.00
<i>Basic and Minor review fees noted above will be discounted 75% and 50%, respectively, until these rules are fully implemented.</i>	
Construction Mitigation Fees	
400 – 15,000 Square Feet	\$1.04 per sq. ft.
Above 15,000 Square Feet	\$1.04 per sq. ft. to 15,000 + \$0.05 per sq. ft. over 15,000
<i>Fifty percent of the construction mitigation fee will be collected at permit submission; the remaining fifty percent upon permit issuance. For sites that are clean for the duration of construction, a 10% refund of the Construction Mitigation Fee will be credited to the site when the certificate of occupancy is issued.</i>	
Additional Planning Review Fee	

Hourly fee to review changes, additions, or revisions to plans or land use review cases	\$275.00
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This Section of the Code sets forth electrical permit fees for the City Community Development Department, and shall be applied to applications submitted on or after January 1, 2014:

Residential Electrical Fees	
<i>Fee is based on the enclosed living area only, includes construction of, or remodeling or addition to a single family home, duplex, condominium, or townhouse. If not wiring any portion of the above listed structures, and are only changing or providing a service, see "Other Installation Fees" below.</i>	
Living area not more than 1,000 square feet	\$115.00
Living area 1,001 to 1,500 square feet	\$172.50
Living area 1,501 to 2,000 square feet	\$230.00
Living area over 2,000 square feet	\$230.00 + \$11.50 per 100 sqft over 2,000
Mobile homes and travel parks (per space)	\$115.00
Other Electrical Installation Fees	
<i>Including some residential installations that are not based on square footage (not in a living area, i.e. garage, shop, and photovoltaic, etc.). Fees in this section are calculated from the total cost to customer, including electrical materials, items and labor - whether provided by the contractor or the property owner. Use this chart for a service connection, a temporary meter, and all commercial installations.</i>	
Installation Permit On Projects Valuing Less than \$2,000	\$115.00
Installation Permit on Projects Valuing \$2,000 or More	\$115.00 + \$11.50 per thousand dollars (rounded up)
Other Fees	
Re-Inspections	\$57.50
Extra Inspections	\$57.50
Temporary Heat Release	\$57.50

This Section of the Code sets forth mechanical permit fees for the City Community Development Department, and shall be applied to applications submitted on or after January 1, 2014:

PERMIT ISSUANCE	
Mechanical Permit (per unit)	\$64.38
Supplemental Permit for which the original has not expired, been canceled or finalized (per unit)	\$25.75

UNIT FEE SCHEDULE	
Furnaces (installation or relocation)	
Forced-air or gravity-type furnace or burner, including attached ducts and vents; floor furnace, including vent; suspended heater; recessed wall heater or floor-mounted unit heater (per unit)	\$64.38
Appliance Vents (installation, relocation or replacement)	
Each appliance vent installed and not included in an appliance permit	\$32.19
Repairs, Alterations or Additions	
Each heating appliance, refrigeration unit, cooling unit, absorption unit or each heating, cooling, absorption or evaporative cooling system, including installation of controls regulated by the Mechanical Code	\$32.19
Boilers, Compressors and Absorption Systems (installation or relocation)	
Each boiler or compressor to and including 3 horsepower (10.6 kW) or each absorption system to and including 100,000 Btu/h (29.3 kW)	\$64.38
Each boiler or compressor over 3 horsepower (10.6 kW) to and including 15 horsepower (52.7 kW) or each absorption system over 100,000 Btu/h (29.3 kW) to and including 500,000 Btu/h (293.1 kW)	\$128.75
Each boiler or compressor over 15 horsepower (52.7 kW) to and including 30 horsepower (105.5 kW) or each absorption system over 500,000 Btu/h (146.6 kW) to and including 1,000,000 Btu/h (293.1 kW)	\$171.67
Each boiler or compressor over 30 horsepower (105.5 kW) to and including 50 horsepower (176 kW) or each absorption system over 1,000,000 Btu/h (293.1 kW) to and including 1,750,000 Btu/h (512.9 kW)	\$257.50
Each boiler or compressor over 50 horsepower (176 kW) or each absorption system over 1,750,000 Btu/h (512.9 kW)	\$321.88
Air Handlers	
<i>Fee does not apply to units included with a factory-assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in the Mechanical Code.</i>	
Each air-handling unit to and including 10,000 cubic feet per minute (cfm) (4,719 L/s), including ducts attached thereto	\$32.19
Each air-handling unit over 10,000 cfm (4,719 L/s)	\$64.38
Evaporative Coolers	
Each evaporative cooler other than portable type	\$32.19
Ventilation and Exhaust	
Each ventilation fan connected to a single duct	\$25.75

Each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit	\$32.19
Each hood which is served by the mechanical exhaust, including the ducts for such hood	\$32.19
Miscellaneous	
Each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance categories or for which no other fee is listed in the table	\$32.19
OTHER INSPECTIONS AND FEES	
Hourly inspection fee outside of normal business hrs (min. 2 hrs)	\$257.50
Re-inspection fees assessed under Section 305.8 (per inspection)	257.50
Hourly inspections fee for unspecified inspection type (min. 1 hr)	\$257.50
Hourly fee for additional plan review required by changes, additions or revisions to plans or plans for which an initial review has been completed	\$257.50

This Section of the Code sets forth plumbing permit fees for the City Community Development Department, and shall be applied to applications submitted on or after January 1, 2014:

PERMIT ISSUANCE	
Plumbing Permit (per issuance)	\$64.38
Each supplemental permit for which the original has not expired, been canceled or finalized	\$25.75
UNIT FEE SCHEDULE	
Fixtures and Vents	
Each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping and backflow protection)	\$25.75
For repair or alteration of drainage or vent piping, each fixture	\$12.88
Sewers, Disposal Systems and Interceptors	
Each building sewer and each trailer park sewer	\$257.50
Each cesspool	\$515.00
Each private sewage disposal system	\$1,030.00
Each industrial waste pretreatment interceptor, including its trap and vent, excepting kitchen-type grease interceptors functioning as traps	\$64.38
Rainwater systems, per drain (inside buildings)	\$32.19
Water Piping and Water Heaters	

For installation, alteration or repair of water piping or water-treating equipment or both, each	\$25.75
For each water heater, including vent	\$32.19
Gas Piping Systems	
Each gas piping system of one to five outlets	\$12.88
Each additional outlet over five, each	\$6.44
Lawn Sprinklers, Vacuum Breakers and Backflow Protection Devices	
Each lawn sprinkler system on any one meter, including backflow protection devices thereof	\$25.75
For atmospheric-type vacuum breakers or backflow protection devices not included in Fixtures and Vents	
1 to 5 devices	\$25.75
Over 5 devices, each	\$6.44
Each backflow-protection device other than atmospheric-type vacuum breakers	
2 inches (50.88 mm) and smaller	\$32.19
Over 2 inches (50.8 mm)	\$51.50
Swimming Pools	
Each public pool	\$1,545.00
Each public spa	\$772.50
Each private pool	\$515.00
Each private spa	\$257.50
Miscellaneous	
Each appliance or piece of equipment regulated by the Plumbing Code but not classed in other appliance categories or for which no other fee is listed in this code	\$32.19
OTHER INSPECTIONS AND FEES	
Hourly inspection fee outside of normal business hrs (min. 2 hrs)	\$257.50
Re-inspection fees – inspections required after a failed inspection (per inspection)	\$257.50
Hourly inspections fee for unspecified inspection type (min. 1 hr)	\$257.50
Hourly fee for additional plan review required by changes, additions or revisions to plans or plans for which an initial review has been completed	\$257.50

This Section of the Code sets forth licensing fees for the City Community Development Department, and shall be applied to applications submitted on or after January 1, 2013:

General Contractor Licenses (3 year term)	
Unlimited	\$450.00

Commercial	\$450.00
Light Commercial	\$450.00
Homebuilder	\$450.00
Specialty Contractor Licenses (3 year terms)	
Alteration / Maintenance	\$142.00
Solar	\$142.00
Mechanical	\$142.00
Roofing	\$142.00
Historic Preservation	\$142.00
Fire Alarm Installer	\$142.00
Fire Suppression Installer	\$142.00
Approved Fabricators	\$250.00
Approved Special Inspectors	\$25.00

(Ord. No. 63-2003, §7; Ord. No. 38-2004, §6; Ord. No. 49-2005, §8; Ord. No. 48, 2006, §12; Ord. No. 3-2011§1; [Ord. No. 29-2012](#))

Sec. 2.12.110. Reference to zoning fees.

See 26.104.072, (Zoning fees.)

Sec. 2.12.120. Aspen-Pitkin County Housing Authority fees.

Initial Sales Bid Packet Fee	\$50.00
Sales Packet Yearly Update Fee	\$50.00
Sales Bid Fee	\$5.00
Initial Rental Application (Managed Properties)	\$40.00
Initial Rental Application (Non-Managed Properties)	\$40.00
Annual Rental Application Fee (Managed Tax Credit Properties)	\$40.00
Bi-Annual Rental Requalification (Managed Properties)	\$25.00
Bi-Annual Rental Requalification (Non-Managed Properties)	\$25.00
Sales Refinancing Request (Includes Site Visit)	\$50.00
Document Copy Fee (per page)	\$1.00
Minor Review	\$1625.00

(Ord. No. 38-2004, §4; [Ord. No. 33-2011](#); [Ord. No. 29-2012](#))(Ord No. 48, 2013)

2.12.130. Car To Go Carshare Program Fees.

The City of Aspen Transportation Department’s carshare program known as the “Car To Go” Program shall charge the following fees:

FEES	
Application	\$25.00
Monthly Membership	\$10.00
Hourly Usage	\$4.00 - \$6.00
Per Mile Usage	\$0.25 - \$0.60
Fixed daily Rate	\$70.00 - \$90.00
No Reservation Fee	\$50.00
Emergency Cleaning (per hour, <u>plus</u> cleaning costs)	\$50.00
Missing/Incorrect Trip Ticket/Reservation	\$25.00
NSF Check	\$30.00
Lost Key Fee	\$50.00
Late Return Fee (per hour, <u>plus</u> applicable taxi fees)	\$25.00 - \$50.00
Low Fuel Fee	\$25.00
CREDITS	
Inconvenience Credit (per hour, <u>plus</u> applicable taxi fees)	\$25.00
Referral	\$25.00
Refuel / Wash	\$2.00 / \$4.00

[\(Ord. No. 29-2012\)](#)

Sec. 2.12.140. Stormwater fees

This Section of the Code sets forth certain fees related to stormwater management as follows:

Fee-in-Lieu of Detention: Fee = \$74.26 per cubic foot of detention required

(a) The fee is based on 100 percent of the estimated cost of constructing a detention facility on-site. The City Engineer at his/her sole discretion may require a certified cost estimate for construction of detention meeting the standards contained in the Urban Runoff Management Plan (Manual) established in Sec 28.02.010 and may accept at his/her sole discretion this amount to be paid in-lieu-of detention.

(b) Required detention storage shall be calculated at the rate of 6.20 cubic feet per 100 square feet of impervious area. The City Engineer at his/her sole discretion may require a certified storage volume estimate for construction of detention meeting the standards contained in the Urban Runoff Management Plan (Manual) established in Sec 28.02.010 and may accept at his/her sole discretion this amount to be used for detention volume storage requirements.

(Ord. No. 40-2008; Ord. No. 27-2009§11; Ord. No. 29-2010§11; Ord. No. 15-2011§2; [Ord. No. 29-2012](#))

Chapter 2.16

COMPLAINTS AGAINST CITY OFFICERS

Sec. 2.16.010. Charges and specifications.

Except as otherwise provided by this Code or by the Charter, whenever a complaint shall be made to the City Council of this City against any City officer, it shall be the duty of the City Council to vote on the question as to whether there shall be charges preferred against the party or parties complained against and if the City Council shall decide by vote that charges shall be preferred, it shall fix the time and place of trial and it shall be the duty of the City Attorney to draft and prepare such charges and specifications in writing and after the same are signed by the person or persons making the complaint, it shall be the duty of the City Attorney to deliver a copy of such charges and specifications to the chief of police or any other police officer, who shall serve such copy on the person complained against. A notice of the time and place of trial shall also be served with such charges and specifications, which notice, as well as the copy of the charges and specifications, shall be served at least three (3) days before the time set for trial. (Code 1962, §1-19-1; Code 1971, §2-48)

Sec. 2.16.020. Evidence.

Whenever a complaint is made against a City officer as provided in Section 2.16.010, the Mayor and the members of the City Council to vote on the question as to whether there shall and hear the evidence submitted for and against the accused, which evidence shall be given under oath and the Mayor or presiding officer of the City Council shall have the right to decide all questions relating to the admissibility or inadmissibility of such evidence. (Code 1962, §1-19-2; Code 1971, §2-49)

Sec. 2.16.030. Removal; suspension; reprimand.

When a complaint is made against a City officer as provided in Section 2.16.010, the Council, after hearing all the testimony produced, shall proceed to vote upon the question as to whether the person complained against is guilty or not guilty of the charges and specifications so alleged and if the City Council shall vote that such person is guilty, an open vote shall then be taken as to the character of punishment to be inflicted upon the accused. The question shall be put: "Shall the accused be removed from office?" If a majority of all the members elected to the City Council shall vote for such removal, the accused shall be removed from office and the removal shall relate back to the suspension of the officer from duty. If such majority shall fail to vote for removal, then the City Council shall vote successively upon the question of suspension or reprimand of the accused. And if suspension be agreed upon, the time of such suspension shall be fixed and no officer, while under a suspension voted by the City Council, shall draw any pay whatever from the City for the period he or she shall be so under suspension. (Code 1962, §1-19-3; Code 1971, §2-50)

Chapter 2.20

DEPARTMENT OF ENGINEERING^{1,2}

¹ **Charter reference**—Authority to establish departments, §6.9.

² **Cross reference**—Streets, sidewalks and other public property, Title 21; traffic and motor vehicles, Title 24; land use regulations, Title 26.

Sec. 2.20.010. Established.

There is hereby created and established a Department of Engineering of the City for the purpose of providing the necessary engineering services required by the City. (Code 1962, §3-7-1; Ord. No. 7-1969, §2; Code 1971, §2-61)

Sec. 2.20.020. Composition.

The Engineering Department of the City shall be under the direction and immediate control of the City Engineer who may appoint an assistant City Engineer and all necessary employees as may be authorized. The City Engineer shall be responsible for the acts of all employees so appointed. (Code 1962, §3-7-2; Ord. No. 7-1969, §3; Code 1971, §2-62)

Sec. 2.20.030. Appointment and removal.

The City Engineer shall be appointed by and be responsible to the City Manager and his or her appointment shall continue during satisfactory service at the pleasure of the City Manager. (Code 1962, §3-7-3; Ord. No. 7-1969, §4; Code 1971, §2-63)

Sec. 2.20.040. Qualifications.

The City Engineer shall be appointed on the basis of his or her administrative and technical qualifications with special reference to his or her actual experience in and his or her knowledge of the functions and duties of his or her office as set forth in this Chapter. (Code 1962, §3-7-4; Ord. No. 7-1969, §5; Code 1971, §2-64)

Sec. 2.20.050. Functions and duties of City Engineer.

The City Engineer shall be a Department head of the City. His functions and duties shall be as follows:

- (1) Prepare reports and work programs as required.
- (2) Prepare and submit annual departmental budget requests.
- (3) Prepare engineering recommendations and reports for administration's consideration.
- (4) Prepare specifications and cost estimates for materials to be purchased.
- (5) Prepare preliminary plans and feasibility studies for proposed capital improvements.
- (6) Establish and prepare plans and specifications for the construction and repair of various City-owned facilities.
- (7) Supervise, inspect, review and approve the construction and repairs of all City-owned facilities and improvements.
- (8) The City Engineer shall supervise the engineering, surveying and drafting work accomplished by City personnel.
- (9) Coordinate, review, inspect and approve all proposed annexations and subdivision plats.
- (10) Coordinate the planning and construction of City facilities with consultants, City personnel, subdivision developers and contractors.
- (11) Design, plan and supervise traffic engineering studies and projects related to parking, traffic flow and control involving signs, signals and pavement markings.
- (12) Purchase and approve the purchase of departmental materials, supplies and equipment.
- (13) The City Engineer shall preserve all plans, maps, notes, surveys, books, papers, documents, supplies and equipment pertaining to his or her office. In the event of resignation or removal from office they shall be delivered to his or her successor in office or to the City Manager.
- (14) The City Engineer shall perform such other duties as may be prescribed by law or required of him by ordinance or by direction of the City Manager. (Code 1962, §3-7-5; Ord. No. 7-1969, §6; Code 1971, §2-65)

**Chapter 2.24
PERSONNEL¹**

¹ **Editor's note**—Ord. No. 2-1980, §1, repealed former Art. VI, setting forth employee benefits and regulations and enacted in lieu thereof a new Art. VI as set out in this Chapter, as §§2.24.010—2.24.090. Former Art. VI was derived from Ord. No. 13-1970, §1; Ord. No. 12-1973, §1; Ord. No. 1-1975, §1; Ord. No. 33-1975, §1; Ord. No. 81-1975, §1; Ord. No. 6-1976, §§1—7; Ord. No. 46-1977, §§1—6; and Ord. No. 42-1978, §1.

Sec. 2.24.010. Short title.

This Chapter shall be known and may be cited as the "Public Personnel Code of the City of Aspen." (Code 1971, §2-76; Ord. No. 2-1980, §1)

Sec. 2.24.020. Statement of purpose.

The general purpose of this Chapter is to establish a system of personnel administration that will assure optimum utilization of the human resources employed by the City to effect the social, economic and other program needs of the people of the City. This system shall provide means to recruit, select, develop and maintain an effective work force and shall include policies and procedures for employee hiring and advancement, terminations, training and career development, job classification, salary administration, discipline, discharge and related activities. All appointments and promotions shall be based upon an objective evaluation of merit and fitness to perform the work required, using open competitive selection procedures, examinations or other evidence of fitness. (Code 1971, §2-77; [Ord. No. 2-1980](#), §1)

Sec. 2.24.030. Establishment of Personnel Department.

There is hereby established a Personnel Department headed by a Personnel Director. (Code 1971, §2-78; [Ord. No. 2-1980](#), §1)

Sec. 2.24.040. Appointment and tenure of the Personnel Director.

The Personnel Director shall be experienced in management and administration and shall be appointed by and serve at the pleasure of the City Manager in the same manner as other appointive department heads. (Code 1971, §2-79; [Ord. No. 2-1980](#), §1)

Sec. 2.24.050. Duties of the Personnel Director.

The Director shall be the head of the department of personnel, responsible for the conduct of all of its affairs. The Director shall have power and it shall be his or her duty, in person or through the department of personnel:

- (1) To encourage the exercise of effective personnel administration within the several departments in the government service and to make available the facilities of the department of personnel to this end.
- (2) To advise the City Manager of manpower utilization.
- (3) To foster and develop programs for the improvement of employee effectiveness, including training, safety, health, counseling and welfare.
- (4) To investigate from time to time the operation and effect of this Chapter and of the policies made thereunder and to report his or her findings and recommendations to the City Manager.
- (5) To establish and maintain records of all employees in the City service, in which there shall be set forth as to each employee the class, title, pay or status and other relevant data.
- (6) To make an annual report to the City Manager regarding the work of the department.
- (7) To prepare and recommend, for action by the City Manager, rules, including a pay classification plan, pay schedule and a service rating plan, drafts of legislation for recommendation to the City Manager and City Council in matters requiring such legislation and changes as deemed desirable from time to time in such rules and regulations.
- (8) To make such administrative regulations as are deemed necessary, not inconsistent with this Chapter and rules adopted in pursuance thereof relative to matters involved in the administration of the personnel provisions of such chapter and rules.
- (9) To perform duties necessary or proper for making effective the provisions of this Chapter and all rules adopted in pursuance thereof and not inconsistent therewith. The power of the Director to make effective the provisions of this Chapter shall not be deemed to be contingent on the adoption of rules but, in the absence of rules that are applicable, the Director shall have power to take such action, not inconsistent with this Chapter as may be reasonably necessary and proper to effectuate the purposes thereof. (Code 1971, §2-80; [Ord. No. 2-1980](#), §1)

Sec. 2.24.060. Adoption of personnel rules.

The City Manager is hereby authorized to adopt personnel rules which personnel rules shall provide for the recruitment, employment and promotion of the best qualified persons for each position; for the establishment of administrative procedures for the handling of disciplinary measures such as suspension, demotion of rank or grade or discharge. The personnel rules may provide for any further provision of employment not inconsistent with this Chapter. (Code 1971, §2-81; [Ord. No. 2-1980](#), §1)

Sec. 2.24.070. Political activity.

(a) No person employed by the City shall be under any obligation to contribute to any political fund or to render any political service and no such person shall be removed or otherwise prejudiced for refusing to do so.

(b) No person employed by the City shall use his or her official authority or influence to coerce the political action of any person or body or to influence the election of employee.

(c) Nothing herein contained shall affect the right of an employee to hold membership in and support a political party, to be an officer of a political party, to vote as he or she chooses, to express publicly and privately his or her opinions on political subjects and to attend political meetings. (Code 1971, §2-82; [Ord. No. 2-1980](#), §1; [Ord. No. 18, 2006](#), §1)

Sec. 2.24.080. Employer-employee relations.

Public employees have the right to organize, join and participate or to refuse to organize, join and participate in any employee organization freely and without fear of penalty or reprisal. (Code 1971, §2-83; [Ord. No. 2-1980](#), §1)

Sec. 2.24.090. Unlawful acts.

(a) No person shall make any false statements, certificate, mark, rating or report with regard to any test, certification or appointment made under any provision of this Chapter or in any manner commit or attempt to commit any fraud preventing the impartial execution of this Chapter and rules adopted in pursuance thereof.

(b) No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for any appointment, promotion to or any advantage in, a position of employment by the City.

(c) No employee of the Personnel Department, examiner or other person shall defeat, deceive or obstruct any person in his or her right of examination, eligibility, certification or appointment under this Chapter or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment by the City. (Code 1971, §2-84; [Ord. No. 2-1980](#), §1)