

ORDINANCE NO. 05-2020

**AN ORDINANCE AMENDING ARTICLE 1, CHAPTER 2 –
ADMINISTRATION OF THE GARDEN CITY MUNICIPAL
CODE REGARDING CANCELLATION OF AN ELECTION**

WHEREAS, C.R.S. § 31-10-507 states that if the only matter before the voters is the election of persons to office and if, at the close of business on the sixty-fourth day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the clerk, if instructed by resolution of the governing body either before or after such date, shall cancel the election and by resolution declare the candidates elected; and

WHEREAS, the Garden City Municipal Code currently states an election may be cancelled at the close of business on the nineteenth day before the election; and

WHEREAS, the Board of Trustees has determined that it is in the best interest of the Town of Garden City to update Section 2-1-30 (a) to reflect the possibility of cancelling an election at the close of business on the sixty-fourth day before an election rather than the possibility of cancelling an election at the close of business on the nineteenth day before the election to be consistent with C.R.S. § 31-10-507.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GARDEN CITY, COLORADO AS FOLLOWS:

Section 1. Amendment of Article 1, Chapter 2 – Administration, Section 2-1-30 (a) Cancellation of election of the Garden City Municipal Code - is hereby modified by amending the following:

“(a) If the only matter before the voters is the election of persons to office and if, at the close of business on the nineteenth day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent as set forth in Section 2-1-20 above, the Town Clerk, if instructed by resolution of the Board of Trustees either before or after such date, shall cancel the election and the candidates, by resolution of the Board of Trustees, shall be declared to be elected.”

Shall be replaced with the following:

“(a) If the only matter before the voters is the election of persons to office and if, at the close of business on the sixty-fourth day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent as set forth in Section 2-1-20 above, the Town Clerk, if instructed by resolution of the Board of Trustees either before or after such date, shall cancel the election and the candidates, by resolution of the Board of Trustees, shall be declared to be elected.”

Section 2. Penalties. Any person convicted of any violation of this ordinance may be punished by a fine of Two Thousand Six Hundred and Fifty Dollars (\$2,650.00). Each day that a violation of this Ordinance continues shall be considered a separate offense.

Section 3. Severability. Should any section, clause, sentence or part of this ordinance be adjudged by a court of competent jurisdiction to be unconstitutional, and or invalid, such adjudication shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 4. Effective Date. This Ordinance shall take effect thirty (30) days after publication as required by law.

PASSED, ADOPTED AND APPROVED THIS 1st _DAY OF SEPTEMBER, 2020.

TOWN OF GARDEN CITY

By: _____
Mayor

ATTEST:

Town Clerk