

#### Sec. 4.4. - Qualifications.

No person shall be eligible to be elected or appointed to the office of mayor or councilman unless he be a citizen of the United States, at least eighteen (18) years of age, shall have been[,] for twelve (12) months immediately preceding the filing of his nomination petition or appointment to the office, as the case may be, a resident of the City of Commerce City and a registered elector of the city at the time of filing his nomination petition for such office, or at the time of appointment to the office as the case may be. In addition to these requirements, no councilman from a ward shall be eligible to hold the office of councilman from a ward unless he shall have been for twenty-five (25) days immediately preceding the filing of the nomination petition or appointment to office, as the case may be, a resident of his ward. A person who is a resident of the city by virtue of having been a resident of an area annexed to or consolidated with the city shall be deemed to meet the residence requirements of this section provided he was a resident of such annexed or consolidated area for the length of time required herein for any other resident of the city. No person may be a candidate for two (2) municipal offices at the same election nor hold two (2) elective municipal offices simultaneously. A person shall not be eligible to be a candidate or an appointee for an elected city office who has been sentenced for a felony or an offense comparable to a felony in the military services of the United States, if at the time a petition must be filed for nomination for election to a city office or an appointment to such office is to be made, the sentence, including probation or parole, is being served.

The council shall be the judge of the election and qualifications of its own members, subject, however, to judicial review.

(Ord. No. 1016, § 4(4), 2-16-93, passed 4-6-93)

**State Law reference**— Election contests, CRS, § 31-10-1301 et seq.

#### Sec. 4.5. - Vacancy.

(a) An elected officer shall continue to hold his office until his successor is duly qualified. An elective office shall become vacant whenever an elective officer fails or refuses to qualify, dies, resigns, is removed from office, moves from the city, is incapacitated to an extent which prohibits him from properly performing his duties as an elective officer, absents himself continuously from the city for more than three (3) months without a leave of absence given by a majority vote of the entire council in office at the time the vote is taken, is sentenced by a court of law for any act constituting misconduct in office or constituting a felony, is judicially declared mentally ill, or in the case of an officer elected as a ward councilman, moves from the ward from which he was elected. The existence of a vacancy shall be established by competent evidence thereof and placed on record in the council minutes. The council shall determine the validity of the evidence and decide when a vacancy exists.

(b) In not less than ten (10) days or more than thirty (30) days after a vacancy in an elected office

occurs, the remaining council members shall appoint an eligible person, as defined in Section 4.4, to fill such vacancy to serve to the next organization meeting of the city council held after the regular municipal election. Such appointment shall be decided by secret written ballot and by a majority vote of the members of the city council in office at the time the vote is taken. If there will be remaining unexpired time in the term of office for which the appointment was made, after the organization meeting held after the next regular municipal election, then such vacancy for the remaining unexpired time shall be filled at the regular municipal election preceding the said organization meeting of the city council.

(Ord. No. 1016, § 4(5), 2-16-93, passed 4-6-93; Amd. of 11-1-11, § 3)

**State constitution reference(s)** —Felony defined, Art. XVIII, § 4.