



TOWN CLERK 1404

Notary Public Services

1. PURPOSE

To establish the rights, responsibilities, and procedures for notaries commissioned by the State of Colorado during their employment with the Town of Estes Park (“Town”) when providing notary services.

2. POLICY

The Town provides notary service as an added service to the residents of the Estes Park community. Notary service is primarily provided by the Town Clerk’s Office; however, a number of Town departments also provide the service through their administrative staff. Notary requests have increased over the years with local banks not offering the service to the general public, thereby increasing the notaries completed by staff. The policy provides clear guidelines for those seeking the service, expectations of staff when providing the service, and consistency of service.

3. PROCEDURE

a. Requirements

- i. In the course of duties, it may be necessary to have an employee commissioned as a Notary Public. If the Town requires an employee to obtain a notary commission, the Town of Estes Park will pay for the expense of the notary fee and renewal fees, stamp/seal, and necessary supplies.
- ii. A notarial commission is the responsibility of the individual Notary Public. The notary stamp/seal is the property of the Notary Public and shall remain in their possession and shall not be surrendered to the Town of Estes Park upon termination of employment.
 1. The Notary Public must notify the Secretary of State within thirty (30) days if there is a change in their information, loss of the notary’s stamp/seal or journal, or an event that ends their term as a Notary Public.
 2. The Notary Public that ends employment with the Town of Estes Park shall notify the Secretary of State how their journal(s) will be maintained.
- iii. The Notary Public must maintain their certification as deemed necessary by the department, supervisor, or job description and is responsible for reviewing and complying with the Revised Uniform Law on Notarial Acts (RULONA) and any changes to the Act.

- iv. The Town Clerk's Office shall maintain a list of all Notary Publics, including the expiration date of their commission, employed by the Town.
- v. The Notary Public shall serve all of the public in an honest, fair, and impartial manner.
- vi. The Notary Public shall take care and not provide unauthorized advice or services.
- vii. The following steps shall be taken while performing notarial acts during the course of employment with the Town of Estes Park:
 1. Adherence to applicable Town, State, and Federal laws.
 2. Require the personal presence of the signer.
 3. Require a proper notarial certificate.
 4. Examine the document(s) for completeness and appropriate date.
 5. Examine the signer's unexpired identification document(s), which meet requirements stated in RULONA or is personally known to the Notary Public C.R.S. 24-21-507(1)(2)(a)(I).
 6. Record all notarial acts in a notary journal maintained by the Notary Public.
- viii. Notary Journal C.R.S. 24-21-519, once complete, will be submitted to the Colorado State Archives and provide notification to the Colorado Secretary of State.

b. Guidelines

- i. The Notary Public cannot pre-date or post-date any action, prepare a legal document, give advice on legal matters, or notarize documents in which they have a personal interest.
- ii. The Notary Public will not provide service if the customer, the document(s) or any circumstances of the request for notary service raise any issue of authenticity, ambiguity, doubt or uncertainty.
- iii. Should a problem appear/occur, the Notary Public may at their sole discretion, decline to provide a notary service in accordance with C.R.S. 24-21-508 Authority to refuse to perform notarial act.
- iv. To ensure accurate notarial acts, only documents written in languages the Notary Public is proficient in, will be accepted for notarization. Documents written in any other language will not be accepted for notarization. Those who present documents for notarization in languages other than English will be encouraged to use a Notary Public who can read the language of the documents.
- v. The information contained in the document(s) must be clearly written. The Notary Public and the customer requesting notary service must be able to clearly communicate directly with each other.
- vi. An appointment shall be scheduled when multiple documents require notarization in a single visit.
- vii. Appointments shall not exceed thirty (30) minutes.

c. Types of Notary Services

- i. The following types of notary services will be performed C.R.S. 24-21-505:
 1. Oaths and Affirmations: The Notary Public will hear the customer affirm or swear to the document, to their identity as the document signer, see the customer sign the document, and complete the notarial certificate.

2. Acknowledgments/Signature Witnessing: The Notary Public will confirm the customer's identity, witness the customer's signature on the document, and complete the notarial certificate.
 3. Copy Certifications: The Notary Public will make certified copies of original documents as allowed by RULONA and complete a notarial certificate stating it is a true and unaltered copy.
- ii. Notary Publics will not perform the following types of notary services:
1. Certain public documents cannot be copied and/or notarized if obtained from a Clerk and Recorder, the Secretary of State, the state archives, or an office of vital records. Such documents are, but not limited to, Colorado birth certificates, adoption records, marriage licenses, or documents which state on their face it is illegal to make a copy.
 2. Town related documents which grant power, access or ownership over to the Town without review by either the Town Attorney or the Town Clerk.
 3. Election-related materials shall not be notarized without the explicit direction of the Town Clerk.
 4. Documents requiring a witness(es), unless supplied by the customer.
 5. Documents including, but not limited to, estate planning, real estate transactions, or foreign bank accounts.

d. Fees

- i. The Notary Public may charge a fee per document and must include all duties and functions required to complete the notarial act C.R.S. 24-21-529. The following fees will be assessed for notary services provided by the Town of Estes Park.
1. Residents: Park R-3 School District residents will not be assessed a fee for the first notarized document per visit. Any subsequent notarized document, per visit, will be assessed \$5.00 per document.
 2. Non-Residents: A \$5.00 per notarized document per visit.
 3. Town Executed Documents: Documents required to be executed by a member of the Town Board of Trustees, Commissioners, or staff in the course of their duties will not be assessed a fee for notary services.
 4. Copies: Documents copied by the Town of Estes Park, excluding documents copied for certified copy notarization, will be assessed \$0.25 per page.

Approved:



Travis Machalek, Town Administrator

9/12/23
Date