

## ORDINANCE NO. 1153

### AN ORDINANCE CONSOLIDATING CITY DEPARTMENTS AND AMENDING THE MUNICIPAL CODE

**WHEREAS**, the City of Fort Morgan has undergone a restructuring of responsibilities for some departments to improve efficiency within the City organization; and,

**WHEREAS**, the City Manager now recommends the consolidation of the Community Development Department into the Building Department; and,

**WHEREAS**, the consolidation of these departments is in the best interests of furtherance of the City's goals and objectives; and,

**WHEREAS**, the City Charter, at Article V, Section 4(g) establishes the procedure for the consolidation of departments with the recommendation of such consolidation and/or creation from the City Manager and final approval by ordinance from the City Council; and,

**WHEREAS**, the Municipal Code of the City of Fort Morgan will require revisions as a result of the consolidation; and,

**WHEREAS**, the City Councils finds and determines that this Ordinance is necessary for the preservation of the public peace, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:**

**Section 1.** That the Community Development Department is now consolidated into the Building Department and shall encompass the same purpose and provide the same services as previously.

**Section 2.** Article 9 of Chapter 2 of the Fort Morgan Municipal Code is hereby amended as follows:

Sec. 2-9-10. Historic Preservation Board established.

There is hereby created a Historic Preservation Board, referred to herein as the "Board," which shall have principal responsibility for matters of historical preservation of historic sites and districts within the municipal boundaries of the City.

(1) Membership. The Board shall consist of five (5) members providing a balanced, community-wide representation. Members shall reside or own real property within the corporate limits of the City. Efforts will be made to appoint at least two (2) members who are experienced in the fields of history, architecture or planning. No more than one (1) member may reside outside of the City. The ~~Director of Community Development~~ CITY MANAGER OR HIS OR HER DESIGNEE shall serve as the technical consultant to the Board.

**Section 3.** Article 2 of Chapter 5 is hereby amended as follows:

Sec. 5-2-70. Investigation.

On receipt of a properly completed application and the payment of the application and license fees, the City Manager shall investigate the background of each individual applicant, employee, the partners of a partnership, or the officers, directors and holders of the stock of a corporation. Each applicant shall pay a nonrefundable investigation fee at the time the application is filed in the amount

then charged by the Colorado Department of Public Safety for each person who will be investigated. The investigation conducted by the City Manager shall be sufficient to verify the accuracy of all the information required by Section 5-2-50 above. The City Manager OR HIS OR HER DESIGNEE SHALL PREPARE AND ISSUE A REPORT WITHIN FIVE (5) BUSINESS DAYS ~~shall also transmit a request to the Director of Community Development for a report that ON~~ WHETHER the proposed location of such adult business complies with the locational requirements of this Article. ~~The Director of Community Development CITY MANAGER OR HIS OR HER DESIGNEE shall issue such report within five (5) business days of transmission of the request.~~ If the Director of Community Development CITY MANAGER OR HIS OR HER DESIGNEE fails to issue the report as required, ~~the City Manager~~ THERE shall BE A PRESUMPTION ~~presume~~ that the proposed location of the adult business complies with this Article.

**Section 4.** Article 2 of Chapter 20 is hereby amended as follows:

Sec. 20-2-10. Director.

It shall be the duty of the ~~Director of Community Development~~ CITY MANAGER or his or her designee, hereafter referred to as the "Director," to administer the provisions of this Chapter ~~as directed by the City Manager.~~

**Section 5. Validity.** If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part or parts be declared invalid.

**Section 6. Repeal.** All or parts of Ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Ordinance hereby repealed prior to the effective date of this Ordinance.

**Section 7. Interpretation.** This Ordinance shall be so interpreted and construed as to effectuate its general purpose. Article and section headings of the Ordinance shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any Article or Section thereof.

**Section 8. Certification.** The City Clerk shall certify to the passage of this Ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

**Section 9. Severability.** In the event any part of this Ordinance is found to be unenforceable by a Court of competent jurisdiction, it shall not affect the enforceability of the other portions of the Ordinance.

**Section 10. Effective date.** The City Council hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public peace, health, and safety. This change shall be effective five (5) days after final publication of this ordinance.

INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED PUBLISHED on the 15th day of July, 2014.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

/s/ Terry McAlister  
By: Terry McAlister  
Mayor

Attest:  
/s/ John Brennan  
John Brennan  
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED  
PUBLISHED this 5th day of August, 2014.

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

[SEAL]

/s/ Terry McAlister  
By: Terry McAlister  
Mayor

Attest:  
/s/ John Brennan  
John Brennan  
City Clerk

STATE OF COLORADO            )  
COUNTY OF MORGAN         ) ss.       **CERTIFICATE**  
CITY OF FORT MORGAN        )

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1153** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 15<sup>th</sup> day of July, 2014. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 19th day of July, 2014, published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed ordinance was again taken up and read a second time, duly and legally, passed, approved and adopted at a regular meeting of the City Council held on the 5th day of August, 2014. Within five (5) days after its final passage, said **Ordinance No. 1153** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

/s/ John Brennan  
John Brennan  
City Clerk