

ORDINANCE NO. 1140

AN ORDINANCE REPEALING AND REPLACING CHAPTER 2 “ADMINISTRATION” OF THE CITY OF FORT MORGAN CODE

WHEREAS, the City of Fort Morgan, pursuant to Colorado Constitution Article XX and Title 31 of the Colorado State Statutes, has power and authority to enact ordinances; and

WHEREAS, portions of the City Code are in need of updating and clarification; and

WHEREAS, this Ordinance is intended to amend Chapter 2 “Administration” of the Code of the City of Fort Morgan, (2010); and

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

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF FORT MORGAN,

Section 1. Chapter 2, “Administration” is reorganized as follows:

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Administration

Article 1 Elections

Division 1 Election Procedures

- Sec. 2-1-10 Designation and description of wards
- Sec. 2-1-20 Applicability
- Sec. 2-1-30 Notice of elections
- Sec. 2-1-40 Cancellation of election
- Sec. 2-1-50 List of candidates to be published
- Sec. 2-1-60 Compensation of Election Judges

Division 2 Mail Ballot Elections

- Sec. 2-1-110 Procedures for conduct

Division 3 Coordinated Elections

- Sec. 2-1-210 Conduct as a coordinated election

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- Sec. 2-1-310 Penalty for violation

Article 2 Mayor and City Council

- Sec. 2-2-10 Compensation of Council Members
- Sec. 2-2-20 Compensation of Mayor
- Sec. 2-2-30 Regular and special meetings of City Council
- Sec. 2-2-40 Prohibited gifts to City officials
- Sec. 2-2-50 Requests for in-kind donations

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- Sec. 2-3-10 Compensation of Appointed Officials generally
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- Sec. 2-4-10 Municipal Court
- Sec. 2-4-20 Municipal Judge
- Sec. 2-4-30 Clerk of Municipal Court
- Sec. 2-4-40 Fines and penalties
- Sec. 2-4-50 Costs and surcharges
- Sec. 2-4-60 Reserved
- Sec. 2-4-70 Useful Public Service program

Division 2 General Procedures

- Sec. 2-4-110 Qualifications of jurors; exceptions
- Sec. 2-4-120 Jury trial
- Sec. 2-4-130 Issuance of summons to jurors form
- Sec. 2-4-140 Service of summons; appointment of special constable
- Sec. 2-4-150 Qualifications of special constable
- Sec. 2-4-160 Failure of juror to appear; penalty
- Sec. 2-4-170 Disqualification for cause; completion of panel
- Sec. 2-4-180 Disqualification for opinion
- Sec. 2-4-190 Verdict; sentencing and judgment
- Sec. 2-4-200 Juror's fee
- Sec. 2-4-210 Special constable's fee
- Sec. 2-4-220 Subpoena of witnesses
- Sec. 2-4-230 Witness fee
- Sec. 2-4-240 Failure of witness to appear
- Sec. 2-4-250 Fees and costs upon conviction; surcharges
- Sec. 2-4-260 Issuance of summons and complaint by peace officers
- Sec. 2-4-270 Fines, methods of payment and applicable administrative fees

Article 5 Police Department

- Sec. 2-5-10 Policemen's pensions; source of funds
- Sec. 2-5-20 Board of Trustees established
- Sec. 2-5-30 Pension Benefits: Money Purchase Plan
- Sec. 2-5-40 Pension benefits based on age or service

Article 6 Fire Department

Division 1 General Provisions

- Sec. 2-6-10 Department created; office of chief established
- Sec. 2-6-20 Members; powers and duties at fires
- Sec. 2-6-30 Compensation
- Sec. 2-6-40 Authority to adopt bylaws
- Sec. 2-6-50 Quarters and equipment

Division 2 Fire Chief

- Sec. 2-6-110 Annual report of Fire Chief; powers of assistant chief
- Sec. 2-6-120 Monthly report
- Sec. 2-6-130 Duty to receipt for equipment
- Sec. 2-6-140 Inspection of buildings; right of entry
- Sec. 2-6-150 Unlawful to hinder Chief or Fire Marshal

Article 7 Reserved

Article 8 Emergency Management

- Sec. 2-8-10 Definitions
- Sec. 2-8-20 Declaration
- Sec. 2-8-30 Reserved
- Sec. 2-8-40 Emergency Operations Plan
- Sec. 2-8-50 Reserved
- Sec. 2-8-60 Succession for City Emergency Manager
- Sec. 2-8-70 Authority of City Emergency Manager
- Sec. 2-8-80 Notification
- Sec. 2-8-90 Consultation
- Sec. 2-8-100 Powers in event of disaster
- Sec. 2-8-110 Roles, responsibilities of Mayor and City Council
- Sec. 2-8-120 Reversion to normal operations
- Sec. 2-8-130 Unlawful acts; penalty

Article 9 Boards and Commissions

- Division 1 Historic Preservation*
- Sec. 2-9-10 Historic Preservation Board Established
- Division 2 Planning Commission*
- Sec. 2-9-110 Membership; terms
- Division 3 Other Boards and Commissions*
- Sec. 2-9-210 Council to Create Boards and Commissions

Section 2: The Fort Morgan Municipal Code Chapter 2 is hereby repealed and replaced in its entirety as reflected in the following:

ARTICLE 1

Elections

*Division 1
Election Procedures*

Sec. 2-1-10.Designation and description of wards.

The City shall be and is divided into three (3) wards, numbered First, Second and Third, such wards being described and encompassing an area as follows:

(1) First Ward. The First Ward shall consist of that area being within the City, lying west of the center line of Main Street, north of the center line of the railroad right-of-way for the Burlington Northern and Santa Fe Railroad from Main Street to West Street, and west of the center line of West Street south of the Burlington Northern and Santa Fe Railroad right-of-way.

(2) Second Ward. The Second Ward shall consist of that area being within the City, lying east of the center line of West Street and south of the center line of the railroad right-of-way for the Burlington Northern and Santa Fe Railroad.

(3) Third Ward. The Third Ward shall consist of that area being within the City, lying east of the center line of Main Street and north of the center line of the railroad right-of-way for the Burlington Northern and Santa Fe Railroad.

Sec. 2-1-20.Applicability.

(a) The provisions of this Chapter shall apply to municipal elections in the City.

(b) The provisions of this Chapter shall apply to all municipal bond elections except where the bond election statute provides otherwise.

Sec. 2-1-30.Notice of elections.

(a) The Clerk shall give notice in writing of each regular or special election, in which shall be stated the time when it will be held, the polling place of each precinct and the officers then to be elected and the questions to be voted upon, by causing the same to be published or posted as is provided for in Sections 2-1-60 and 2-1-60 below, at least sixty (60) days before any general election day and at least forty-five (45) days before any special election day. A copy of such notice shall also be sent by mail to the judges of election in each precinct to be posted at the place of voting, at least twenty-five (25) days before election day.

(b) The Clerk shall include in the notice required in the preceding paragraph a statement containing the last date on which nomination petitions may be filed and the last date registration and changes of address can be made.

Sec. 2-1-40.Cancellation of election.

(a) If, at the close of business fifteen (15) days prior to the day of any municipal election, the only matter before the voters is the election of persons to office, and there are not more candidates than offices to be filled at such election, the Clerk shall certify that fact to the City Council, the City Council shall hold a special meeting and may cancel the election and by resolution declare the candidates elected and said candidates shall thereupon be deemed duly elected.

(b) Notice of such cancellation shall be published, if possible, in order to inform the electors of the City, and the notice of such cancellation shall be posted at each polling place.

Sec. 2-1-50.List of candidates to be published.

(a) The Clerk shall give notice by publishing in not less than one (1) nor more than two (2) newspapers published within the City a list of all nominations to offices filed with him or her. If there be no newspaper published within the limits of the City, the City Council may provide by resolution for publication in some newspaper or newspapers of general circulation in the City. Such publication shall be made one (1) time only and at least ten (10) days before election, except as otherwise provided in this Section. Such publication shall contain only the names of each candidate, and shall be as far as possible in the form in which such nominations shall appear upon the official ballot, except that reference to ward shall be made where applicable.

(b) The Clerk shall select the paper or papers for such publication which have the largest circulation within the City. For the purpose of ascertaining which paper has the largest circulation, the Clerk may require a sworn certificate showing the number of bona fide subscribers to each newspaper. In making additional publications, the Clerk shall keep in view the object of giving information as far as possible to the largest number of voters. Should the Clerk find it impossible to make the publication ten (10) days before the election day, he or she shall make the same at the earliest possible day thereafter, and the publications in any weekly newspaper shall be in the last issue thereof before the day of election except that in any event the publication shall be made at least four (4) days prior to election day.

Sec. 2-1-60. Compensation of Election Judges.

The judges at any regular or special election shall each receive compensation similar to what is paid to County Election Judges for their services as such judge, as shall be determined by the City Council.

*Division 2
Mail Ballot Elections*

Sec. 2-1-110.Procedures for conduct.

The City Council, by resolution adopted for such purpose, may determine that a special election shall be conducted as Mail Ballot Election. The City Clerk shall then conduct the municipal mail ballot election in accordance to the provision and procedures, as amended from time to time, contained in the Colorado Uniform Election Code of 1992 (Title 1, C.R.S.) pertaining to Mail Ballot Elections.

*Division 3
Coordinated Elections*

Sec. 2-1-210.Conduct as a coordinated election.

The City Council, by resolution adopted for such purpose, may determine that any municipal election shall be conducted as a part of a coordinated election in accordance with the requirements of and utilizing the procedures, from time to time, contained in the Colorado Uniform Election Code of 1992 (Title 1, C.R.S.), and in accordance with an agreement for that purpose between the City and the coordinated election official.

*Division 4
Penalty*

Sec. 2-1-310.Penalty for violation.

Whenever in this Chapter any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required and is not done, or the failure to do any act is declared to be unlawful or an offense, where no specific penalty is provided therefor, any person who shall be adjudged guilty of any such violation shall be punishable by a fine in accordance with the provisions of Section 1-4-10 of this Code.

ARTICLE 2

Mayor and City Council

Sec. 2-2-10.Compensation of Council Members.

Each Council Member of the City shall receive one hundred dollars (\$100.00) per month, payable each month in a like manner as the City employees are paid.

Sec. 2-2-20.Compensation of Mayor.

The Mayor of the City shall receive two hundred dollars (\$200.00) per month in like manner as the City employees are paid.

Sec. 2-2-30.Regular and special meetings of City Council.

(a) The Council shall hold its regular meetings on the first and third Tuesday of each month at the City Hall at an hour to be fixed from time to time by the rules of procedure of each Council. If the first Tuesday or the third Tuesday of any month shall fall upon a day fixed by law as a national holiday, the regular meeting of the Council shall not be held on the holiday but shall be held at the same hour and place on the next following day which is not a holiday.

(b) Any meeting of the City Council at a time other than as described in part (a) shall be considered to be a special meeting of the City Council and may be called or scheduled by the City Council or by the Mayor in accordance with the following Paragraphs (1) and (2) of this Section.

(1) The City Council by action at any regular or special meeting may call or schedule a special meeting of the City Council at such time and place in the City as the Council shall decide. Whenever a special meeting shall be thus called or scheduled, the Council is authorized to conduct any official business that may come before it.

(2) The Mayor may call and give notice of special meetings of the City Council as directed in the City Council procedures as adopted and revised from time to time.

Sec. 2-2-40.Prohibited gifts to City officials.

(a) Definitions. As used in this Chapter, the following words, terms and phrases shall have the following meanings, except where the context clearly indicates otherwise:

Board and commission member shall mean any person duly appointed by the Council to any board or commission of the City.

City official shall mean a council member, an employee or a board and/or commission member.

Council member shall mean a member of the Council.

Employee shall mean each compensated person in the service of the City who is designated as an employee under the provisions of the Charter, but shall not include any person providing

services to the City who, for federal income tax purposes, is considered an independent contractor.

Gift shall mean the transfer of a thing of value by one (1) person to another person without the person transferring the thing of value receiving in return lawful compensation or consideration of equal or greater value from the person receiving the thing of value. However, a gift shall not mean any thing of value given to a person by a local, state or the federal government as authorized by law.

Person shall mean any individual, corporation, business trust, estate, trust, Limited Liability Company, partnership, labor organization, association, political party, committee or other legal entity.

Thing of value shall mean any tangible or intangible thing having a market value, including, without limitation, money, real property, personal property, services, loans of money or property, favors, gratuities, rewards, awards, grants, scholarships, discounts, promises of future employment, honoraria, event tickets, travel, lodging, meals, and the forbearance and forgiveness of debt.

(b) Prohibited gifts. Unless permitted under Subsection (c) below, a City official shall not solicit or accept any gift from any person either directly or indirectly through the City official's spouse or dependent child, which gift the City official knows or which a reasonable person in the City official's position should know under the circumstances is either:

(1) A gift that would tend to improperly influence that City official to depart from the faithful and impartial discharge of his or her public duties; or

(2) Is a gift being solicited or given for the primary purpose of rewarding the City official for an official action he or she has taken.

(c) Permitted gifts. The gift prohibitions of Subsection (b) above shall not apply to City officials with respect to the following permitted gifts:

(1) Campaign contributions as authorized by law;

(2) A nonmonetary award, publicly presented, in recognition of public service;

(3) Gifts similarly available to the general public;

(4) Educational scholarships and grants available to members of the general public similarly situated;

(5) Grants and services provided for medical, respite or hospice care or other social welfare needs available to members of the general public similarly situated;

(6) An occasional, unsolicited gift having a fair market value of fifty dollars (\$50.00) or less;

(7) Unsolicited information material, publications or subscriptions related to the City official's performance of his or her official duties;

(8) An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item;

(9) Payment of or reimbursement for actual and necessary expenditures for registration, travel, lodging and meals for attendance at a convention, training seminar or other meeting at which the City official is scheduled to participate as a representative of the City or to attend as part of his or her official duties;

(10) An occasional, unsolicited opportunity to participate in a business meeting or social function where a meal is served and/or entertainment is provided if the City official's attendance would not be considered extraordinary when reviewed in light of the position held by the City official;

(11) Payment received by a Council member for a speech, appearance or publication required to be reported by the Council member pursuant to Section 24-6-203, C.R.S.;

(12) Gifts received by a Council member or a board and commission member arising from his or her employment and that are unrelated to his or her official City duties;

(13) Gifts received by an employee from the City as authorized in the City's Charter and any gifts received by an employee arising from his or her non-City employment and that are unrelated to his or her official City duties;

(14) Anything given by an individual who is a relative or personal friend of the recipient;

(15) Items of perishable or nonpermanent value, including but not limited to meals, lodging, travel expenses or tickets to sporting, recreational or cultural events;

(16) Payment for a speech, appearance or publication reported pursuant to Section 24-6-203, C.R.S.;

(17) Payment of salary from employment, including other government employment, in addition to that earned from being a member of the City Council or by reason of service in other public office; and

(18) Anything given as part of an interoffice gift exchange.

(d) Violations.

(1) It shall be unlawful for any City official to violate any provision of this Chapter. Proof of a violation shall be established by a preponderance of the evidence presented at trial.

(2) Any City official determined by the Municipal Court to have violated any provision of this Chapter shall be deemed to have committed a civil infraction and shall be punished by a civil fine in accordance with the provisions of Section 1-4-10 of this Code. In addition to any civil fine imposed, a judgment in the amount of twice the fair market value of the prohibited gift received shall also be entered by the Municipal Court against the City official. If the City official fails to pay the total judgment amount entered for the civil fine and for twice the fair market value of the prohibited gift within sixty (60) days of the entry of the final judgment, the City may pursue any legal means available to it for the collection of the judgment.

Sec. 2-2-50. Requests for in-kind donations.

All requests that are equal to or less than one thousand dollars (\$1,000.00) of in-kind services for events sponsored by a nonprofit may be submitted by application to the City Manager at any time for approval. Any request for an amount over \$1,000 requires Council approval.

ARTICLE 3

Appointed Officials

Sec. 2-3-10. Compensation of officers generally.

Except as otherwise provided in this Chapter, the appointed officials of the City shall receive such compensation as may be provided by the City Council.

Sec. 2-3-20. City Manager shall serve as Chief Administrative Officer.

The City Manager is hereby designated as the Chief Administrative Officer of the City and shall have the following powers, duties and responsibilities set forth in the Charter including but not limited to:

Supervising day-to-day operations of all City departments, except the Volunteer Fire Department (unless granted such authority by City Council as set forth in the Charter), Municipal Judge, and the City Attorney's Office.

ARTICLE 4

Municipal Court

*Division 1
Administration*

Sec. 2-4-10. Municipal Court.

A qualified Municipal Court of record is hereby created and established to hear, try and determine all causes arising under any of the provisions of the Charter or of the ordinances of the City for any violation thereof and to operate in conformity with the provisions of this Chapter.

Sec. 2-4-20. Municipal Judge.

(a) The Municipal Court shall be presided over by a Municipal Judge who shall be appointed by the City Council for a specified term of not less than two (2) years and who may be reappointed for a subsequent term.

(b) The Municipal Judge for the Municipal Court shall be admitted to, and currently licensed in, the practice of law in the State, and retain that licensing throughout the appointment.

(c) The Municipal Judge shall be paid a salary for his or her services, to be established by City Council.

Sec. 2-4-30.Clerk of Municipal Court.

(a) The position of Clerk of the Municipal Court is hereby established. The Clerk of the Municipal Court shall be the administrator of the Court and have such duties as are delegated to him or her by law or the City Manager.

(b) The Clerk of the Municipal Court shall be required to keep a verbatim record of the proceedings and evidence at trials by either electronic devices or stenographic means.

Sec. 2-4-40.Fines and penalties.

Any person convicted of violating a municipal ordinance in the Municipal Court of the City may be fined in accordance with the provisions of Section 1-4-10 of this Code. Any person entering a deferred judgment or other plea arrangement may be required to pay a fine as a term of probation in accordance with the provisions of Section 1-4-10 of this Code. From and after the effective date of the ordinance codified herein, the foregoing provision concerning fines and penalties shall apply to the existing ordinances of the City.

Sec. 2-4-50.Costs and surcharges.

The Municipal Judge has discretion over fines imposed, but shall assess costs against any defendant who pleads guilty; pleads nolo contendere ("no contest"); who enters into a plea agreement; who, after trial, is found guilty of an ordinance violation; is directed to appear for a "Show Cause" hearing; or when the Judge determines it is necessary to issue a bench warrant for the defendant. Such court costs will be posted in the City's fine schedule and adjusted from time to time by the Court Clerk with the approval of the City Manager. Such fees and costs shall also be subject to final approval of City Council during the budget process or during the midterm budget amendment process.

Sec. 2-4-60. Reserved**Sec. 2-4-70.Useful Public Service program.**

(a) Purpose. The purpose of this Section is to authorize the Municipal Court to implement a Useful Public Service (UPS) program for municipal defendants. The Useful Public Service program assigns and monitors sentenced offenders to complete public service work pursuant to this Code, court policies and state and national practices. The program must maintain self-sufficiency through client-paid fees and other program charges, while providing a wide range of services to the community. The program shall be administered by the Municipal Court through the Court Clerk.

(b) Philosophy. The philosophy of the program is that, through restorative justice principles and practices, court-ordered community service work can and should be beneficial for all involved parties: the community's charitable organizations, the Courts, the program, and the defendant.

(c) Procedure. Any defendant ordered by the Municipal Court to serve UPS as part of his or her sentence shall report to the Court Clerk. All UPS shall be monitored by the Court, as directed by the Court Clerk. UPS shall only be performed for an I.R.S. Code 501(c)(3) organization approved by the Court Clerk. The Court will prepare all forms necessary to effectively administer the program.

(d) Buy-Out. The Municipal Judge has discretion to allow for a "buy-out" of hours in the administration of this UPS program. Buy-out means allowing a defendant to pay a non-profit organization an established amount of money per hour of UPS imposed in lieu of serving his or her UPS sentence. The buy-out rate will be posted in the City's fines and fees schedule and adjusted from time to time by the Court Clerk with the approval of the City Manager and shall also be subject to final approval of City Council during the budget process or during the midterm budget amendment process. All buy-outs shall be monitored by the Court, as directed by the Court Clerk. Buy-outs shall only be remitted to an I.R.S. Code 501(c)(3) organization operating within the City of Fort Morgan. The Court will prepare all forms necessary to effectively administer the buy-out.

(e) Fees. The Court Clerk, with approval of the City Manager, shall have authority to assess or modify an appropriate fee to pay for the administration of the UPS program. Such fees shall also be subject to final approval of City Council during the budget process or during the midterm budget amendment process.

(f) Falsification of information. The falsification of UPS forms, including but not limited to forged signatures, claimed time and work information, or proof of buy-out payments, shall constitute a violation of this Section and shall be punishable by a fine in accordance with the provisions of Section 1-4-10 of this Code.

*Division 2
General Procedures*

Sec. 2-4-110. Qualifications of jurors; exceptions.

(a) All residents of the City of the age of twenty-one (21) years or more who have not been convicted of a felony shall be competent to serve as jurors in the Municipal Court.

(b) The Municipal Judge shall have the right, upon good cause being shown, to exempt or excuse any prospective juror from service.

Sec. 2-4-120. Jury trial.

(a) No person shall have the right to a trial by jury for the violation of a municipal ordinance which is neither criminal nor punishable by imprisonment under said ordinance or under any counterpart state statute.

(b) In all trials before or in the Municipal Court of the City in cases where a defendant shall have the right to a trial by jury, such defendant may make written demands for a jury trial and pay a jury fee within twenty-one (21) days after arraignment or entry of a plea. Failure to make such demand or to pay the jury fee shall constitute a waiver of trial by jury. If the action is dismissed or the defendant is acquitted of the charge, or if the defendant, having demanded a jury, files with the Court, at least ten (10) days before the scheduled trial, a written waiver of jury trial, the jury fee shall be refunded. The jury shall consist of three (3) jurors unless the defendant requests six (6) in the original jury demand.

Sec. 2-4-130. Issuance of summons to jurors form.

Upon demand for a jury, the Municipal Judge may summon a jury panel from the jury list provided for courts of record or the Municipal Judge may issue a venire for the jury, which venire shall be substantially the following form:

STATE OF COLORADO)
) ss.
CITY OF FORT MORGAN)

The People of the State of Colorado Ex Rel., the City of Fort Morgan to _____:

GREETINGS:

We command you to summon _____ persons of the City of Fort Morgan, State of Colorado, to appear before me at _____, on the _____ day of _____, 20____, who are not kin to _____ defendant, to make a jury between the City of Fort Morgan, State of Colorado, and the said defendant in a plea of not guilty to a charge of a violation of the Charter or the Code or one or more ordinances of the City of Fort Morgan; because the said defendant has demanded trial by jury; and have you then and there the names of the jury, and this writ.

WITNESS my hand and seal this _____ day of _____, 20_____.

Municipal Judge
(SEAL)

Sec. 2-4-140. Service of summons; appointment of special constable.

The venire for a jury shall be directed to any person authorized by law to serve writs or other process issued in cases in the Municipal Court or, upon timely request of the defendant, by a special constable appointed by a written endorsement under the signature and seal of the Court on the venire which the constable is to execute.

Sec. 2-4-150. Qualifications of special constable.

Any constable appointed pursuant to the terms of this Chapter shall be at least twenty-one (21) years of age, shall be a resident and citizen of the City and shall not be an official or employee of the City.

Sec. 2-4-160. Failure of juror to appear; penalty.

In all cases where a person shall be summoned as a juror to try any cause before the Municipal Court and shall fail to attend at the time and place appointed in such summons, the Municipal Judge shall have power to issue an attachment, directed to any police officer of the City, commanding him or her forthwith to bring before such court the body of such juror so failing to attend to show cause why he or she should not be fined for contempt; on the appearance of such juror on such attachment, it shall be lawful for the Municipal Judge to fine him or her or wholly discharge him or her if satisfactory excuse be made.

Sec. 2-4-170. Disqualification for cause; completion of panel.

If any jurors summoned shall be interested in the event of the case or kin to a defendant or shall, for any cause to be judged by the Municipal Judge, be considered as a partial or improper

juror, such juror shall be discharged; and when, by such discharge or by the failure of any juror to attend, the jury shall not be complete, the Municipal Judge shall direct any person authorized by law to serve writs or any process issued in cases in the Municipal Court or a special constable, as the case may be, to summon as many persons as shall be required to complete such jury instantly from among the bystanders or other persons in the City, which summons shall be verbal; and the person so summoned shall be bound to serve on such jury and on refusal or failure to do so may be attached and punished for contempt. In all cases under the Charter and provisions of this Code or other ordinances of the City wherein a jury trial is had, each party shall be entitled to three (3) peremptory challenges.

Sec. 2-4-180. Disqualification for opinion.

No person summoned as a juror shall be disqualified to serve as such by reason of a previously formed or expressed opinion with reference to the guilt or innocence of the accused; provided, however, that the Court shall be satisfied from the examination of the juror or from other evidence that he or she will render an impartial verdict, according to the law and evidence submitted to the jury in the trial of such cause.

Sec. 2-4-190. Verdict; sentencing and judgment.

Upon the jury returning a verdict of guilty, the Municipal Judge shall receive and record the same and shall, within the limits prescribed by law, proceed to fix or determine the punishment or sentence and to render judgment upon such verdict for the punishment or sentence so determined by him or her and for costs; but if the jury shall return a verdict of not guilty, the Municipal Judge shall receive and record the same and discharge the defendant without cost.

Sec. 2-4-200. Juror's fee.

Jurors attending before the Municipal Court as provided in this Chapter shall be paid for their service as reflected in the fee schedule approved by City Council

Sec. 2-4-210. Special constable's fee.

Special constables appointed pursuant to the provisions of this Chapter to summon jurors shall be entitled to a fee as set in the fee schedule approved by City Council

Sec. 2-4-220. Subpoena of witnesses.

Subpoenas may be issued at the instance of the City or of the defendant to compel the attendance of witnesses in any trial before or in the Municipal Court. A defendant may have subpoenas issued for and served upon witnesses upon deposit with the Court of witness fees and mileage as provided in Section 13-33-103, C.R.S. for each witness, but if a defendant shall make a satisfactory affidavit and prove that he or she is unable to pay such witness fees, then he or she may have subpoenas issued for and served upon such persons as he or she shall desire to have testify without advancing witness fees therefor. Service of the subpoenas issued pursuant to the provisions hereof may be made by any person authorized by law to serve writs or other process issued in cases of the Municipal Court or by a special constable appointed by the Municipal Judge. For service of each subpoena under the provisions hereof, the defendant will pay a fee therefor.

Sec. 2-4-230. Witness fee.

Every witness subpoenaed as provided herein who makes claim therefor in writing at the time of his or her appearance before the Municipal Court shall be entitled to receive a witness fee of three dollars (\$3.00) for each session of court attended under such subpoena; or pursuant to the order of court, such witness shall be paid out of the funds appropriated for the operation of the Municipal Court upon voucher approved by the Court Clerk. Officers and employees of the City shall not be entitled to a witness fee for attending under subpoena.

Sec. 2-4-240. Failure of witness to appear.

In all cases where a witness shall be duly served with a subpoena and shall fail to attend at the trial, the Municipal Court shall have power to issue an attachment directed to any police officer of the City, commanding him or her forthwith to bring before such court the body of the witness so failing to attend to show cause why he or she should not be fined for contempt; and on the appearance of such witness on such attachment, it shall be lawful for the Municipal Judge to fine him or her or wholly discharge him or her if satisfactory excuse be made.

Sec. 2-4-250. Fees and costs upon conviction; surcharges.

(a) Any and all fees and costs payable or chargeable under the provisions of this Chapter, including jury fees, witness fees and fees for the service of summons, writs and other process mentioned in this Chapter, as well as a docket, shall be imposed against the defendant found guilty in any action before or in the Municipal Court.

(b) In any action involving a charge of Domestic Violence, Section 10-4-30, or Assault and Battery, Section 10-4-10, the Court shall also impose a victim surcharge against the defendant found guilty in such action.

(c) In any action in which the Court determines that a natural person was the victim of the crime charged, and the action involves a charge of Breach of Peace, Section 10-4-20, Defacing Property, Section 10-8-10, False Reporting, Section 10-1-10, Theft, Section 10-3-20, or Trespass, Section 10-3-30, the Court shall also impose a victim surcharge against the defendant found guilty in such action.

Sec. 2-4-260. Issuance of summons and complaint by peace officers.

Fort Morgan police officers, code enforcement officers, the Fire Chief and Fire Marshal, and Chief Building Official shall be deemed to be peace officers of the City and authorized and empowered to issue a summons and complaint for an offense constituting a violation which was committed in his or her presence, or, if not committed in his or her presence, when he or she has reasonable grounds for believing that the offense was committed in fact and that the offense was committed by the person charged.

Sec. 2-4-270. Fines, methods of payment and applicable administrative fees.

(a) When the Court imposes a fine on an individual, the Court may direct as follows:

(1) That the defendant pay the entire amount of the fine at the time sentence is pronounced.

(2) That the defendant pay the entire amount of the fine at some later date.

(3) That the defendant pay a specified portion of the fine at designated periodic intervals, and in such case the Court may also direct that the fine be remitted to a designated official who shall report to the Court on any failure to comply with the order.

(4) When the Court directs either the payment of the entire amount of the fine at some later date, or directs that the fine be paid at designated periodic intervals, a thirty-day grace period may be granted to allow payment of the fine in full within that thirty-day period. Should payment in full not be received within the time allowed, a Stay of Execution fee shall be imposed if a payment plan is implemented. Once a payment plan has been implemented and the Stay of Execution fee imposed, this matter shall be subject to review by the Court in ninety (90) days, at which time, if the amount due has not been paid in full, additional fees and surcharges may be imposed in the Court's discretion.

(5) Where the defendant is sentenced to a period of probation as well as a fine, that payment of the fine shall be a condition of probation.

(b) Where the Court imposes a fine at the time the Court pronounces sentence, the sentence may provide that if the defendant fails to pay the fine in accordance with the direction of the Court, the defendant shall be imprisoned until the fine is satisfied or the defendant is released after serving the period of imprisonment specified by the Court in accordance with Subsection (c) of this Section. If the defendant fails to pay a fine as directed, the Court may issue a warrant for the defendant's arrest for failure to comply with a Court Order.

(c) When the Court pronounces sentence ordering that the defendant be imprisoned until the fine is satisfied, the Court shall specify a maximum period of imprisonment subject to the following limits:

(1) Where the fine was imposed for a municipal offense or misdemeanor, the period shall not exceed thirty (30) days;

(2) Where the fine was imposed for a traffic violation which is punishable by a jail sentence, the period shall not exceed fifteen (15) days;

(3) There shall be no imprisonment in those cases where no imprisonment is provided as a punishment alternative; and

(4) Where a sentence of imprisonment as well as a fine is imposed, the aggregate of the period and the term of the sentence shall not exceed the maximum term of imprisonment authorized for the offense.

(d) Where the defendant is unable to pay a fine imposed by the Court, the defendant may at any time apply to the Court for resentencing. If the Court is satisfied that the defendant is unable to pay the fine, the Court shall:

(1) Adjust the terms of payment;

(2) Lower the amount of the fine;

(3) Where the sentence consists of probation or imprisonment and a fine, revoke the portion of the sentence imposing the fine; or

(4) Revoke the entire sentence imposed and resentence the defendant. Upon a resentence, the Court may impose any sentence it originally could have imposed; except that the amount of any fine imposed shall not be in excess of the amount the defendant is able to pay.

(e) Notwithstanding that the defendant was imprisoned for failure to pay a fine or that he or she has served the period of imprisonment imposed, a fine may be collected in the same manner as a judgment in a civil action. The City Attorney may, in his or her discretion, and shall, upon order of the Court, institute proceedings to collect such fine.

(f) Nothing contained within this Section shall be construed to limit or curtail or in any manner affect the inherent powers of the Court to hold persons in contempt of the Court for nonpayment of a fine or by a failure to make restitution as ordered or by the failure to comply with any other order of court.

ARTICLE 5

Police Department

Sec. 2-5-10.Policemen's pensions; source of funds.

The City, in compliance with the provisions of state statutes, does hereby authorize and direct the monthly payment to the policemen's pension fund an amount equal to that required from time to time by the State Policemen's and Firemen's Pension Reform Law and the Fire and Police Pension Association in administering said Law; provided, however, that the members of such Police Department shall, from their respective monthly salaries, contribute into the City's policemen's pension fund identical percentages monthly of their respective monthly salaries so that the contribution of the Police Department as a whole shall match the contribution for the City's general fund.

Sec. 2-5-20.Board of Trustees established.

The Board of Trustees of the policemen's pension fund shall consist of a Council Member appointed by the Mayor, the City Manager, the Treasurer, and three (3) members of the Police Department who shall be elected by that department. Said Board shall elect from its members a president and a secretary. The City Treasurer shall be an ex-officio non-voting member of said Board and administer the funds under the jurisdiction of the Board. Said Board will serve without salary and shall have that authority and those duties and responsibilities specified by the police pension laws of the State and the City.

Sec. 2-5-30. Money Purchase Pension Plan

The Fort Morgan Police Department Money Purchase Plan shall be administered as reflected in the plan rules and by-laws which may be adjusted from time to time according to the procedures set forth therein.

Sec. 2-5-40. Pension benefits based on age or service.

(a) The pension benefits of those members of the Police Department hired after April 8, 1978, and those who, regardless of hiring date, have elected to be covered under the statewide plan, shall be determined and provided by the state laws governing policemen's pensions.

(b) Election.

(1) Any member of the Police Department hired prior to April 8, 1978, who has elected under Section. 31-30-1003(3)(b), C.R.S., not to be covered by the statewide plan and who shall have reached the age of fifty-five (55) years in such Department, or who, in the alternative, shall have completed twenty-five (25) years in any such Department, shall be entitled to a monthly pension equal to one-half ($\frac{1}{2}$) the amount of the average monthly salary he or she shall have received as a member of the Department for one (1) year prior to the day of the granting of the pension application. The monthly pension so determined is hereinafter referred to as the base pension.

(2) Further, any such member of the Police Department hired prior to April 8, 1978, who has elected not to be covered by the statewide plan who shall not retire but shall continue in employment in the Police Department after completing twenty-five (25) years of service in such Department shall be entitled to an enhanced base pension equal to the amount of the base pension specified in the preceding paragraph increased by four percent (4%) of said amount for each full year of employment in the Police Department after the first twenty-five (25) years of service; provided that any such enhanced base pension shall not exceed a maximum of seventy-four percent (74%) of the average salary he or she shall have received as a member of the Department for one (1) year prior to the day of the granting of the pension application.

(c) In addition to the base pension, a retiree shall be entitled to receive the full amount of any cost of living adjustment or increase in the amount of the monthly pension to which the retiree is entitled by the terms of a resolution adopted by the City Council for such purpose. The combined amount of the base pension and any applicable adjustment or increase thereto shall be referred to as the aggregate pension.

ARTICLE 6

Fire Department

Division 1 General Provisions

Sec. 2-6-10. Department created; office of chief established.

There is hereby created a department of the City to be known as the Volunteer Fire Department of the City. There is also created the office of Chief of such Volunteer Fire Department.

Sec. 2-6-20.Members; powers and duties at fires.

All officers and members of the Volunteer Fire Department shall have and they are hereby vested with the powers, authority and duties of special police officers, and their duties during every emergency created by fire, medical, or other public safety emergency within the City shall be as follows:

(1) To direct and divert traffic in the vicinity of the burning premises and upon the streets, avenues and alleys leading to and from the premises.

(2) To prevent the looting of all premises occupied by them or otherwise involved in any public safety emergency.

(3) To arrest and take into custody all persons who shall drive any vehicle over and across the fire hose or against or upon any fire equipment or otherwise interfere with the duties of the Department and all persons who shall refuse to obey orders properly given by any fireman on duty.

Sec. 2-6-30.Compensation.

No officer or member of the Department shall receive any compensation except such as may from time to time be fixed by resolution of the City Council.

Sec. 2-6-40.Authority to adopt bylaws.

The Volunteer Fire Department shall have authority to adopt bylaws and from time to time amendments thereto not inconsistent with the ordinances of the City and laws of the State. Such bylaws may pertain to membership and qualifications and control all matters relating to such Volunteer Fire Department; provided, however, that such bylaws and any amendments thereto before becoming effective shall require the written consent and approval of the City Council.

Sec. 2-6-50.Quarters and equipment.

The City Council shall designate and furnish suitable quarters for the Volunteer Fire Department and such apparatus and equipment as shall from time to time be deemed by the City Council necessary and advisable. All such quarters, apparatus and equipment shall remain the property of the City and shall at all times be subject to inspection, supervision and control of the City Council.

*Division 2
Fire Chief*

Sec. 2-6-110. Annual report of Fire Chief; powers of assistant chief.

The Fire Chief shall be the chief executive officer of the Volunteer Fire Department. He or she shall on the first Tuesday of each year report to the City Council the condition of his or her department and all equipment in his or her charge and make such recommendations relative thereto as he or she shall deem proper. The Fire Chief shall be in command of all men and equipment while on duty. If, for any reason the Fire Chief is unable to perform his or her duties, the assistant chief or next ranking officer present shall exercise all of the powers of the Chief.

Sec. 2-6-120. Monthly report.

It shall be the duty of the Chief of the Fire Department to report in writing every month during the term of his or her office to the City Council of the work done during the preceding month and to make such recommendations relative to changes, repairs, etc., as he or she shall deem proper.

Sec. 2-6-130. Duty to receipt for equipment.

The Fire Chief shall receipt for all articles of apparatus, equipment and supplies received by the Volunteer Fire Department and shall, at the time of making his or her annual report required by Section 11-6 as well as at the time of his or her retirement as Fire Chief, account to the City Council for each and every article so received.

Sec. 2-6-140. Inspection of buildings; right of entry.

It shall be the duty of the Fire Chief or Fire Marshal to cause annual inspection to be made of all businesses, buildings and structures within the City and upon request to inspect all such buildings and all fire hazards within the City at any time and to make such recommendations relative thereto as shall be deemed proper. The Fire Chief or Fire Marshal shall have authority to appoint such members of the Department as he or she shall deem necessary to assist in the inspections. While in performance of their duties, the Fire Chief or Fire Marshal and such firefighters as shall be assigned by him or her to this duty shall have authority to enter upon and into any premises within the City and the buildings which may be the subject of their investigation.

Sec. 2-6-150. Unlawful to hinder Chief or Fire Marshal.

Any person in charge or possession of any building within the City, whether as agent, owner or tenant, who shall refuse access to such building or in any other manner disobey the lawful orders of the Chief of the Fire Department or Fire Marshal while in the performance of his or her duties as described in this Division, shall be guilty of a misdemeanor.

ARTICLE 7

Reserved

ARTICLE 8

Emergency Management

Sec. 2-8-10. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

City or municipality means the City of Fort Morgan.

Council or City Council means the City Council of the City.

City Manager means the chief administrative officer appointed by City Council.

Catastrophic event is one that causes the temporary cessation of City operation and government due to the loss of personnel and facilities, overwhelmed City resources, and/or emergencies and disasters may result in a catastrophic event.

Disaster is any event that results in any of the following consequences (either singly or any combination): kills, injures or displaces more than twenty-five (25) citizens or families from their primary residences; presents an uninsured loss of or damage to public property in excess of one million dollars (\$1,000,000.00); presents an uninsured loss of or damage to private property in excess of one million dollars (\$1,000,000.00); represents over one million dollars (\$1,000,000.00) in lost business revenue; and/or creates environmental damages (loss of use or clean-up costs) in excess of one million dollars (\$1,000,000.00).

Emergency is any event that poses an immediate danger to life, property and well-being of our citizens, economy, environment and community.

Sec. 2-8-20. Declaration.

The Mayor shall have the authority to declare a City emergency, disaster or catastrophe in accordance with the City's Emergency Operations Plan. Upon such declaration, the City Emergency Manager will be authorized to act in accordance with the powers and authority delegated under this Article.

Sec. 2-8-30. Reserved.

Sec. 2-8-40. Emergency Operations Plan.

Guidance for emergency, disaster and catastrophe response and recovery will be maintained in the City's Emergency Operations Plan. This plan is intended to be updated, and all City staff and elected officials should receive training annually.

Sec. 2-8-50. Reserved

Sec. 2-8-60. Succession for City Emergency Manager.

(a) In the event of an emergency, disaster or catastrophic event, the order of succession for the roles and responsibilities of City Emergency Manager will be as directed in the Emergency Operations Plan.

Sec. 2-8-70. Authority of City Emergency Manager.

Upon declaration of a City emergency, disaster or catastrophe, the City Emergency Manager will have the following authorities:

- (1) Direct protective actions (shelter-in-place or City evacuation) for the citizens of Fort Morgan.
- (2) Establishment of curfews in support of public safety and the protection of property.

(3) Request mutual aid and assistance from established mutual aid agencies, county, state and federal agencies, and service organizations.

(4) Authorize/approve compensation to mutual aid and assistance providers.

(5) Authorize/approve emergency contracts, emergency procurement and spending in an amount not to exceed fifty thousand dollars (\$50,000.00) upon approval of the Mayor consistent with the City's procurement policy and the City Charter.

(6) Authorize/approve of overtime and compensatory time for City employees.

(7) Authorize/approve debris removal assistance from private property in support of public safety and community recovery.

(8) Approve staff and material assistance to community emergencies, disasters and catastrophes outside of the City.

(9) Authorize and negotiate staff and material assistance provided to community emergencies, disasters and catastrophes outside of the City.

(10) Request county, state and federal aid, assistance, compensation and grants in support of emergency, disaster and/or catastrophe preparedness, prevention, mitigation, response, continuity or recovery activities.

Sec. 2-8-80.Notification.

Upon declaration of a City emergency, disaster or catastrophe by an authorized state or federal representative, the City Emergency Manager shall notify the Mayor and City Council of such declaration by the most expedient means available.

Sec. 2-8-90.Consultation.

The authorities granted in this Article shall be exercised with the advice of the elected officials, City Attorney and Incident Command when such consultation does not delay response or otherwise compromise life or property.

Sec. 2-8-100. Roles, responsibilities of Mayor and City Council.

During City emergencies, disasters or catastrophes, the Mayor and City Council will assume the roles and responsibilities assigned them in the City's Emergency Operations Plan in support of community mitigation, response, continuity and recovery operations.

Sec. 2-8-110. Reversion to normal operations.

Reversion to normal operations will be by City Council in consultation with the City Emergency Manager.

Sec. 2-8-120. Unlawful acts; penalty.

It shall be a misdemeanor for any person during a City emergency, disaster or catastrophe to:

(1) Willfully obstruct, hinder or delay any member duly authorized to enforce any lawful rule or regulation issued pursuant to this Article or in the performance of any duty imposed upon him or her by virtue of this Article; or

(2) Do any act forbidden by any lawful rules or regulations issued pursuant to this Article, if such act is of such a nature as to imperil the lives or property of inhabitants of the City, or to prevent, hinder or delay the defense or protection thereof.

ARTICLE 9

Boards and Commissions

Division 1

Historic Preservation

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 shall serve as the technical consultant to the Board.

(2) Appointments and terms of office; vacancies; removals. Members of the Board shall be appointed by City Council and shall serve three-year staggered terms from the date of appointment. In order to stagger the initial terms of membership, the original members shall serve as follows:

- a. One (1) appointee shall serve a one-year term;
- b. Two (2) appointees shall serve two-year terms; and
- c. Two (2) appointees shall serve three-year terms.

A member shall serve until a successor is appointed. Members may be appointed to serve successive terms without limitations. Appointments to fill vacancies on the Board shall also be made by the City Council. All members of the Board shall serve without compensation except for such amounts determined appropriate by the City Council to offset expenses incurred in the performance of their duties. The City Council may remove a member of the Board for neglect of duty or malfeasance in office or for other good cause or without cause in its discretion.

(3) Quorum and voting. A quorum for the Board shall consist of three (3) members. A quorum is necessary for the Board to hold a public hearing or to take official action. A roll call vote shall be taken upon the request of any member. A tie vote shall be deemed denial of the motion or recommended action.

(4) Officers. The Board shall, by majority vote, elect one (1) of its members to serve as Chairperson to preside over the Board's meetings, one (1) member to serve as Vice Chair and one (1) member to serve as Secretary. The members so designated shall serve in those capacities for terms of one (1) year and may serve successive terms.

(5) Meetings. The Board shall meet at least annually to elect officers and at other times determined necessary. Minutes shall be kept of all proceedings and in general conformance with *Robert's Rules of Order*.

(6) Powers and duties. The Board shall:

- a. Recommend criteria for review of historic resources for approval by City Council.
- b. Review resources nominated for designation as either a historic structure or a historic district and recommend designation of those resources qualifying for such designation to the City Council.
- c. Review any application for alterations to the exterior of designated historic structures or historic districts.
- d. Review any application for moving or demolishing a historic structure.
- e. Advise and assist owners of historic properties for the purpose of physical and financial aspects of preservation, renovation, rehabilitation and reuse, including nomination to the National Register of Historic Places.
- f. Develop and assist in public education programs, including but not limited to walking tours, brochures, marker programs for historic properties, lectures and conferences.
- g. Conduct surveys of historic properties for the purpose of defining those of historic significance and to establish priorities of the importance of identified historic properties and areas.
- h. Advise the City Council on matters related to preserving the historic character of the City.
- i. Actively pursue and maintain information on financial assistance for preservation-related programs.
- j. Establish a City Register of Designated Properties.
- k. Recommend removal of properties from the Register for reasons the Board deems appropriate, including but not limited to acts of God, undue hardship and public health/safety concerns.
- l. Establish and collect an application fee for applications applying for historical designation or to alter or demolish a historically designated property or district.
- m. Adopt bylaws and guidelines for the functioning of the Board.

n. Recommend procedures for the designation of Historic Properties, such procedures being subject to City Council approval.

Division 2
Planning Commission

Sec. 2-9-110.Membership; terms.

There is hereby created a Planning Commission to make and adopt a master plan for the physical development of the municipality pursuant to C.R.S. § 3 1-23-206, et seq., and also to provide recommendations to the City Council on matters of zoning, annexation and subdivision of property within the municipal boundaries of the City or proposed to be annexed therein.

(a) The Planning Commission shall consist of not less than seven (7) regular members appointed by the Mayor and confirmed by the City Council, each for a term of six (6) years or until his or her successor takes office, except that for those persons appointed initially, one (1) shall be appointed to a six-year term, two (2) shall be appointed to four-year terms and two (2) shall be appointed to two-year terms. The City Council may appoint not more than two (2) persons as alternate members to serve in the absence of a regular member.

(b) All members of the Planning Commission shall be bona fide residents of the City and, if any member ceases to reside in the City, his or her membership on the Planning Commission shall automatically terminate. All members of the Planning Commission shall serve without compensation. Members may be removed, after public hearing by the City Council for inefficiency, neglect of duty or malfeasance in office. The Mayor or any member of the City Council shall file a written statement of reasons for such removal. Vacancies occurring otherwise than through the expiration of term shall be filled for the remainder of the unexpired term by the Mayor with confirmation by the City Council.

(c) The Planning Commission shall elect its Chairman from among the regular members and may create and fill such other of its offices as it may determine. The term of the Chairman shall be one (1) year, with eligibility for reelection. The Planning Commission should hold at least one (1) regular meeting in each month. The Planning Commission shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

Division 3
Other Boards and Commissions

Sec. 2-9-210. Council to Create Boards and Commissions

City Council, by resolution, may establish Boards and Commissions as the Council deems fit. Such Boards and Commissions shall recommend bylaws and amendments for approval by the City Council and City Attorney. The City Clerk shall retain a copy of each Board or Commission's bylaws and make them available for public inspection. Upon recommendation by the City Manager, the City Council may dissolve Boards and Commissions by resolution.

Section 3. 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 4. 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 5. 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 6. 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 7. 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 8. 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 Chapter 2 "Administration" shall be effective five (5) days after final publication of this ordinance.

INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED PUBLISHED on the 2nd day of July, 2013.

THE CITY COUNCIL OF THE CITY OF FORT
MORGAN, COLORADO

[SEAL]

/s/ Terry L. McAlister
By: Terry McAlister
Mayor

Attest:
/s/ John J. Brennan
John Brennan
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED this
16th day of July, 2013.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

[SEAL]

/s/ Terry L. McAlister
By: Terry McAlister
Mayor

Attest:

/s/ John J. 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. 1140** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 2nd day of July, 2013. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 6th day of July, 2013, 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 16th day of July, 2013. Within five (5) days after its final passage, said **Ordinance No. 1140** 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 J. Brennan
John Brennan
City Clerk