

ORDINANCE NO. 1227

AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER 2 OF THE FORT MORGAN MUNICIPAL CODE CONCERNING MUNICIPAL ELECTIONS, SPECIFICALLY INITIATIVE AND REFERENDUM

WHEREAS, the City of Fort Morgan, Colorado (the "City"), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

WHEREAS, the City Council (the "Council") has authority pursuant to the Home Rule Charter and C.R.S. §31-16-101, et seq., to adopt and enforce all ordinances; and

WHEREAS, pursuant to that authority, the City has previously enacted Article 1 of Chapter 2 of Fort Morgan Municipal Code (the "Code") to govern elections within the City; and

WHEREAS, except as otherwise provided for in the Charter of the City of Fort Morgan, the Colorado Revised Statutes Title 31, Article 11, concerning Municipal Initiatives, Referenda, and Referred Measures, governs the conduct of municipal initiative and referendum within the City; and

WHEREAS, the Council now finds it efficient, desirable and accessible to amend its Code to make it clear that Article 11 of Title 31 of the Colorado Revised Statutes governs the initiative and referendum process, on matters not specifically addressed by the Charter of the City of Fort Morgan; and

WHEREAS, updating the Fort Morgan Municipal Code requires action by the Fort Morgan City Council.

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

SECTION 1. The Fort Morgan Municipal Code Chapter 2, Article 1 is hereby amended by the addition of Division 5 and Section 1-2-510, concerning Initiative and Referendum, Process, as provided below:

Division 5 – Initiative and Referendum.

Sec. 2-1-510. – Process.

Except as otherwise provided in the Charter of the City of Fort Morgan, all processes relating to initiative and referendum petitioning shall follow Title 31, Article 11 of the Colorado Revised Statutes, as amended from time to time.

SECTION 2. If any section, provision, paragraph, clause or phrase of this Ordinance is held, or decided to be unconstitutional, invalid or enforceable for any reason, such decision shall not affect the constitutionality, validity or enforceability of the remaining portions of this Ordinance.

SECTION 3. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

SECTION 4. The City Council finds that this Ordinance is necessary for the immediate preservation of the public peace, health and safety of the residents of the City.

**INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED
PUBLISHED** on the 21st day of May, 2019.

THE CITY COUNCIL OF THE CITY OF FORT
MORGAN, COLORADO

[SEAL]


By: Ronald Shaver
Mayor

Attest:


John Brennan
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED
PUBLISHED this 4th day of June 2019.



THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO


By: Ronald Shaver
Mayor

Attest:


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. 1227** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 21st day of May 2019. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 24th day of May, 2019, 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 4th day of June 2019. Within five (5) days after its final passage, said **Ordinance No. 1227** 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.


John Brennan
City Clerk