

ORDINANCE NO. 1276

AN ORDINANCE AMENDING CHAPTER 20, LAND USE CODE, OF THE FORT MORGAN MUNICIPAL CODE ADDRESSING AND REGULATING THE LAND USES OF MORTUARY BUSINESSES AND CREMATORIES

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 enact laws to govern and regulate the use of land within its territory; and

WHEREAS, pursuant to that authority, the Council previously adopted local land use regulations, codified in Chapter 20 of the Fort Morgan Municipal Code (the "Code"); and

WHEREAS, pursuant to that authority, Council now desires to amend and clarify current oversights or gaps in Chapter 20 of the Code and address and regulate the land uses of Mortuary and Crematory businesses, which are currently not explicitly referenced or permitted within Chapter 20 of the Code; and

WHEREAS, according to section 20-4-80 of the Code, titled "Determination of land uses not listed," any use that does not fall within any of the use categories provided by the use table is neither permitted by right nor by approval as a special use; and

WHEREAS, the City of Fort Morgan City Council finds it in the best interest of the general health, safety and welfare of its citizens, customers and business owners to address and regulate the Mortuary and Crematory businesses.

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

SECTION 1. Findings. The above and foregoing findings are hereby incorporated by this reference as specific findings and determinations of the Council.

SECTION 2. Section 20-10-20, concerning words and terms, is hereby amended by the addition of the following definitions in the appropriate alphabetical order as follows:

Sec. 20-10-20. - Words and terms.

As used in this Chapter, the following words shall be interpreted and defined in accordance with the provisions of this Chapter.

....
A *Crematory business* is defined as any establishment that is in the business of reducing a deceased person's body to ashes through the use of intense heat and

flame. These businesses are owned or co-owned by any person, partnership or corporation that is licensed by the State of Colorado Department of Regulatory Agencies and provides any aspect of cremation services.

...
A *Mortuary business* is defined as any establishment engaged in preparing “a deceased person”, or “decedent” for burial or other disposition, including embalming, washing, dressing, cosmetology, casketing and arranging transportation of the deceased to their place of final rest. The Mortuary business also provides advice on funeral arrangements or memorials. These businesses are owned or co-owned by a qualified Mortuary Science Practitioner, Funeral Director, and/or Embalmer as those titles are described in the Colorado Revised Statutes Mortuary Science Code §12-135-111.

SECTION 3. The appropriate portions of section 20-4-90, District Use Table, is hereby amended as follows:

Sec. 20-4-90. - District Use Table (permitted and special uses).

Table 4-1 lists all permitted and special uses by zoning district. Temporary uses and accessory uses are listed in Section 20-4-50 and 20-4-60, respectively.

TABLE 4-1
Zoning District Uses

P = PERMITTED USE
S = SPECIAL USE

	UA	ER-1	R-1	R-2	R-3	R-4	T	B-1	B-2	BP	I
Services											
...											
Medical and Dental Clinics							P	P	P		P
Mortuaries and Crematories								P	P		
...											

SECTION 4. If any section, provision, paragraph, clause or phrase of this Ordinance is held, or decided to be unconstitutional, invalid or unenforceable for any reason, such decision shall not affect the constitutionality, validity or enforceability of the remaining portions of this Ordinance.

SECTION 5. 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 6. 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 20th day of December, 2022.



THE CITY COUNCIL OF THE CITY OF FORT
MORGAN, COLORADO

A handwritten signature in blue ink, appearing to read "Lyn Deal", written over a horizontal line.

By: Lyn Deal
Mayor

Attest:

A handwritten signature in blue ink, appearing to read "John Brennan", written over a horizontal line.

John Brennan
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED
PUBLISHED this 3rd day of January, 2023.



THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

A handwritten signature in blue ink, appearing to read "Lyn Deal", written over a horizontal line.

By: Lyn Deal
Mayor

Attest:

A handwritten signature in blue ink, appearing to read "John Brennan", written over a horizontal line.


John Brennan
City Clerk

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

CERTIFICATE

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan,

Colorado, do hereby certify that the foregoing **Ordinance No. 1276** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 20th day of December 2022, said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same 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, on the 21st day of December, 2022. 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. Within five (5) days after its final passage, said **Ordinance No. 1276** 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